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SITTING DAYS—2015

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FORTY-FOURTH PARLIAMENT
FIRST SESSION—SEVENTH PERIOD

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

Senate Office holders
President—Senator Hon. Stephen Parry
Deputy President and Chair of Committees—Senator Gavin Mark Marshall
Leader of the Government in the Senate—Senator Hon. George Henry Brandis QC
Deputy Leader of the Government in the Senate—Senator Hon. Mathias Cormann
Leader of the Opposition in the Senate—Senator Hon. Penny Wong
Deputy Leader of the Opposition in the Senate—Senator Hon. Stephen Conroy
Manager of Government Business in the Senate—Senator Hon. Mitchell Peter Fifield
Manager of Opposition Business in the Senate—Senator Claire Moore

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

Printed by authority of the Senate
# Members of the Senate

<table>
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<tr>
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<th>State or Territory</th>
<th>Term expires</th>
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<td>Abetz, Hon. Eric</td>
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Pursuant to section 42 of the Commonwealth Electoral Act 1918, the terms of service of the following senators representing the Australian Capital Territory and the Northern Territory expire at the close of the day immediately before the polling day for the next general election of members of the House of Representatives:

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<td>CLP</td>
<td>Peris, N.M.</td>
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(1) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice R. Carr), pursuant to section 15 of the Constitution.
(2) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice J Faulkner), pursuant to section 15 of the Constitution.
(3) Chosen by the Australian Capital Territory Legislative Assembly to fill a casual vacancy (vice K. Lundy), pursuant to section 15 of the Constitution.
(4) Chosen by the Parliament of Queensland to fill a casual vacancy (vice B. Mason), pursuant to section 15 of the Constitution.
(5) Chosen by the Parliament of Tasmania to fill a casual vacancy (vice C. Milne), pursuant to section 15 of the Constitution.
(6) Chosen by the Parliament of South Australia to fill a casual vacancy (vice P Wright), pursuant to section 15 of the Constitution.
PARTY ABBREVIATIONS
AG—Australian Greens; ALP—Australian Labor Party;
AMEP—Australian Motoring Enthusiast Party; CLP—Country Liberal Party;
FFP—Family First Party; IND—Independent, LDP—Liberal Democratic Party;
LNP—Liberal National Party; LP—Liberal Party of Australia;
NATS—The Nationals; PUP—Palmer United Party

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

<table>
<thead>
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<th>Title</th>
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<tbody>
<tr>
<td>Prime Minister</td>
<td>Hon Malcolm Turnbull MP</td>
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<tr>
<td>Minister for Indigenous Affairs</td>
<td>Senator Hon Nigel Scullion</td>
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<tr>
<td>Minister for Women</td>
<td>Senator Hon Arthur Sinodinos AO</td>
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<tr>
<td>Cabinet Secretary</td>
<td>Senator Hon Michaelia Cash</td>
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<tr>
<td>Minister Assisting the Prime Minister for the Public Service</td>
<td>Senator Hon Michaelia Cash</td>
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<tr>
<td>Minister Assisting the Prime Minister for Digital Government</td>
<td>Senator Hon Mitch Fifield</td>
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<tr>
<td>Minister Assisting the Prime Minister for Counter Terrorism</td>
<td>Hon Michael Keenan MP</td>
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<tr>
<td>Assistant Minister to the Prime Minister</td>
<td>Hon Alan Tudge MP</td>
</tr>
<tr>
<td>Assistant Minister to the Prime Minister</td>
<td>Senator Hon James McGrath</td>
</tr>
<tr>
<td>Assistant Minister for Productivity</td>
<td>Hon Dr Peter Hendy MP</td>
</tr>
<tr>
<td>Assistant Cabinet Secretary</td>
<td>Senator Hon Scott Ryan</td>
</tr>
<tr>
<td>Minister for Infrastructure and Regional Development (Deputy Prime Minister)</td>
<td>Hon Warren Truss MP</td>
</tr>
<tr>
<td>Minister for Resources, Energy and Northern Australia</td>
<td>Hon Josh Frydenberg MP</td>
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<tr>
<td>Minister for Territories, Local Government and Major Projects</td>
<td>Hon Paul Fletcher MP</td>
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<tr>
<td>Assistant Minister to the Deputy Prime Minister</td>
<td>Hon Michael McCormack MP</td>
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<tr>
<td>Minister for Foreign Affairs</td>
<td>Hon Julie Bishop MP</td>
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<tr>
<td>Minister for Trade and Investment</td>
<td>Hon Andrew Robb AO MP</td>
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<tr>
<td>Minister for International Development and the Pacific</td>
<td>Hon Steven Ciobo MP</td>
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<tr>
<td>Minister for Tourism and International Education</td>
<td>Senator Hon Richard Colbeck</td>
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<td>Senator Hon Richard Colbeck</td>
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<tr>
<td>Attorney-General (Vice-President of the Executive Council)</td>
<td>Senator Hon George Brandis QC</td>
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<tr>
<td>(Leader of the Government in the Senate)</td>
<td>Hon Michael Keenan MP</td>
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<td>Minister for Justice</td>
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<tr>
<td>Assistant Minister for Multicultural Affairs</td>
<td>Senator Hon Concetta Fierravanti-Wells</td>
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<td>Treasurer</td>
<td>Hon Morrison MP</td>
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<tr>
<td>Minister for Small Business</td>
<td>Hon Kelly O'Dwyer MP</td>
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<td>Assistant Treasurer</td>
<td>Hon Kelly O'Dwyer MP</td>
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<td>Hon Alex Hawke MP</td>
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<td>Minister for Finance (Deputy Leader of Government in the Senate)</td>
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<tr>
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<td>Hon Mal Brough MP</td>
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<td>Minister for Agriculture and Water Resources</td>
<td>Hon Barnaby Joyce MP</td>
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<tr>
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<td>Minister for Immigration and Border Protection</td>
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<tr>
<td><strong>Minister for the Environment</strong></td>
<td>Hon Greg Hunt MP</td>
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<td>Minister for Cities and the Built Environment</td>
<td>Hon Jamie Briggs MP</td>
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<tr>
<td><strong>Minister for Health</strong></td>
<td>Hon Sussan Ley MP</td>
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<tr>
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<td>Hon. Ken Wyatt MP</td>
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<td><strong>Minister for Sport</strong></td>
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<td>Minister for Rural Health</td>
<td>Senator Hon Fiona Nash</td>
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<td><strong>Minister for Defence</strong></td>
<td>Senator Hon Marise Payne</td>
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<tr>
<td>Minister for Veterans’ Affairs</td>
<td>Hon Stuart Robert MP</td>
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<tr>
<td><em>Minister Assisting the Prime Minister for the Centenary of ANZAC</em></td>
<td>Hon Stuart Robert MP</td>
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<tr>
<td>Minister for Defence Materiel and Science</td>
<td>Hon Mal Brough MP</td>
</tr>
<tr>
<td>Assistant Minister for Defence</td>
<td>Hon Darren Chester MP</td>
</tr>
<tr>
<td><strong>Minister for Communications</strong></td>
<td>Senator Hon Mitch Fifield</td>
</tr>
<tr>
<td><strong>Minister for the Arts</strong></td>
<td>Senator Hon Mitch Fifield</td>
</tr>
<tr>
<td>(Manager of Government Business in the Senate)</td>
<td></td>
</tr>
<tr>
<td><strong>Minister for Employment</strong></td>
<td>Senator Hon Michaelia Cash</td>
</tr>
<tr>
<td><strong>Minister for Social Services</strong></td>
<td>Hon Christian Porter MP</td>
</tr>
<tr>
<td>Minister for Human Services</td>
<td>Hon Stuart Robert MP</td>
</tr>
<tr>
<td><strong>Assistant Minister for Multicultural Affairs</strong></td>
<td>Senator Hon Concetta Fierravanti-Wells</td>
</tr>
<tr>
<td><strong>Minister for Education and Training</strong></td>
<td>Senator Hon Simon Birmingham</td>
</tr>
<tr>
<td>(Deputy Leader of the House)</td>
<td>Hon Luke Hartsuyker MP</td>
</tr>
<tr>
<td>Minister for Vocational Education and Skills</td>
<td></td>
</tr>
<tr>
<td>Minister for Tourism and International Education</td>
<td>Senator Hon Richard Colbeck</td>
</tr>
</tbody>
</table>

Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. However, there is a Department of Human Services in the Social Services portfolio and a Department of Veterans’ Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases. Assistant Ministers in italics are designated as Parliamentary Secretaries under the *Ministers of State Act 1952*. 
<table>
<thead>
<tr>
<th>TITLE</th>
<th>SHADOW MINISTER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leader of the Opposition</td>
<td>Hon. Bill Shorten MP</td>
</tr>
<tr>
<td>Shadow Minister Assisting the Leader for Science</td>
<td>Senator Hon. Kim Carr</td>
</tr>
<tr>
<td>Shadow Minister Assisting the Leader for Small Business</td>
<td>Hon. Bernie Ripoll MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Small Business</td>
<td>Julie Owens MP</td>
</tr>
<tr>
<td>Shadow Cabinet Secretary</td>
<td>Senator Hon. Jacinta Collins</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary to the Leader of the Opposition</td>
<td>Hon. Michael Danby MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary to the Leader of the Opposition</td>
<td>Dr Jim Chalmers MP</td>
</tr>
<tr>
<td>Deputy Leader of the Opposition</td>
<td>Hon. Tanya Plibersek MP</td>
</tr>
<tr>
<td>Shadow Minister for Foreign Affairs and International Development</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Women</td>
<td>Senator Claire Moore</td>
</tr>
<tr>
<td>Manager of Opposition Business (Senate)</td>
<td>Hon. David Feeney MP</td>
</tr>
<tr>
<td>Shadow Minister for the Centenary of ANZAC</td>
<td>Hon. David Feeney MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Foreign Affairs</td>
<td>Hon. Matt Thistlethwaite MP</td>
</tr>
<tr>
<td>Leader of the Opposition in the Senate</td>
<td>Senator Hon. Penny Wong</td>
</tr>
<tr>
<td>Shadow Minister for Trade and Investment</td>
<td>Dr Jim Chalmers MP</td>
</tr>
<tr>
<td>Shadow Minister for Defence</td>
<td>Hon. David Feeney MP</td>
</tr>
<tr>
<td>Shadow Minister for Veterans' Affairs</td>
<td>Hon. David Feeney MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Defence</td>
<td>Gai Brodtmann MP</td>
</tr>
<tr>
<td>Shadow Minister for Infrastructure and Transport</td>
<td>Hon. Anthony Albanese MP</td>
</tr>
<tr>
<td>Shadow Minister for Cities</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Tourism</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Regional Development and Local Government</td>
<td>Hon. Julie Collins MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Regional Development and Infrastructure</td>
<td>Hon. Alannah MacTiernan MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Western Australia</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for External Territories</td>
<td>Hon. Warren Snowdon MP</td>
</tr>
<tr>
<td>Shadow Treasurer</td>
<td>Hon. Chris Bowen MP</td>
</tr>
<tr>
<td>Shadow Assistant Treasurer</td>
<td>Hon. Dr Andrew Leigh MP</td>
</tr>
<tr>
<td>Shadow Minister for Competition</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Financial Services and Superannuation</td>
<td>Hon. Bernie Ripoll MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary to the Shadow Treasurer</td>
<td>Hon. Ed Husic MP</td>
</tr>
<tr>
<td>Shadow Minister for Finance</td>
<td>Hon. Tony Burke MP</td>
</tr>
<tr>
<td>Manager of Opposition Business (House)</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Environment, Climate Change and Water</td>
<td>Senaor Hon. Lisa Singh</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for the Environment, Climate Change and Water</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Higher Education, Research, Innovation and Industry</td>
<td>Senator Hon. Kim Carr</td>
</tr>
<tr>
<td>Shadow Minister for Vocational Education</td>
<td>Hon. Sharon Bird MP</td>
</tr>
<tr>
<td>Shadow Assistant Minister for Higher Education</td>
<td>Hon. Amanda Rishworth MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Manufacturing</td>
<td>Tony Zappia MP</td>
</tr>
<tr>
<td>TITLE</td>
<td>SHADOW MINISTER</td>
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<tr>
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<tr>
<td>Shadow Minister for Communications</td>
<td>Hon. Jason Clare MP</td>
</tr>
<tr>
<td>Shadow Assistant Minister for Communications</td>
<td>Michelle Rowland MP</td>
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<tr>
<td>Shadow Attorney General</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for the Arts</td>
<td></td>
</tr>
<tr>
<td>Deputy Manager of Opposition Business (House)</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Justice</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary to the Shadow Attorney General</td>
<td></td>
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<tr>
<td>Shadow Parliamentary Secretary for the Arts</td>
<td></td>
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<tr>
<td>Shadow Minister for Education</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Early Childhood</td>
<td></td>
</tr>
<tr>
<td>Shadow Assistant Minister for Education</td>
<td></td>
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<tr>
<td>Shadow Parliamentary Secretary for Education</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Agriculture</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Rural Affairs</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Resources</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Northern Australia</td>
<td>Hon. Gary Gray AO MP</td>
</tr>
<tr>
<td>Shadow Special Minister of State</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Northern Australia</td>
<td>Hon. Warren Snowdon MP</td>
</tr>
<tr>
<td>Shadow Minister for Health</td>
<td></td>
</tr>
<tr>
<td>Shadow Assistant Minister for Health</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Mental Health</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Sport</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Health</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Families and Payments</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Families and Payments</td>
<td>Hon. Jenny Macklin MP</td>
</tr>
<tr>
<td>Shadow Minister for Disability Reform</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Human Services</td>
<td>Senator Hon. Doug Cameron</td>
</tr>
<tr>
<td>Shadow Minister for Housing and Homelessness</td>
<td>Senator Hon. Jan McLucas</td>
</tr>
<tr>
<td>Shadow Minister for Carers</td>
<td>Senator Claire Moore</td>
</tr>
<tr>
<td>Shadow Minister for Communities</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Families and Payments</td>
<td>Senator Carol Brown</td>
</tr>
<tr>
<td>Shadow Minister for Immigration and Border Protection</td>
<td>Hon. Richard Marles MP</td>
</tr>
<tr>
<td>Shadow Minister for Citizenship and Multiculturalism</td>
<td>Michelle Rowland MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Immigration</td>
<td>Hon. Matt Thistlethwaite MP</td>
</tr>
<tr>
<td>Shadow Minister for Indigenous Affairs</td>
<td>Hon. Shayne Neumann MP</td>
</tr>
<tr>
<td>Shadow Minister for Ageing</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Indigenous Affairs</td>
<td>Hon. Warren Snowdon MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Aged Care</td>
<td>Senator Helen Polley</td>
</tr>
<tr>
<td>Shadow Minister for Employment and Workplace Relations</td>
<td>Hon. Brendan O'Connor MP</td>
</tr>
<tr>
<td>Shadow Minister for Employment Services</td>
<td>Hon. Julie Collins MP</td>
</tr>
</tbody>
</table>
CONTENTS

THURSDAY, 12 NOVEMBER 2015

Chamber
DOCUMENTS—
  Tabling.................................................................................................................. 8387
BILLS—
  Marriage Equality Amendment Bill 2013—
    Second Reading.................................................................................................. 8387
NOTICES—
  Presentation........................................................................................................... 8416
  Withdrawal............................................................................................................ 8417
COMMITTEES—
  Selection of Bills Committee—
    Report.................................................................................................................. 8417
BUSINESS—
  Rearrangement .................................................................................................... 8422
  Rearrangement ....................................................................................................... 8423
NOTICES—
  Postponement....................................................................................................... 8423
COMMITTEES—
  Reporting Date ..................................................................................................... 8423
BILLS—
  Counter-Terrorism Legislation Amendment Bill (No. 1) 2015—
    First Reading ...................................................................................................... 8425
    Second Reading .................................................................................................... 8425
MOTIONS—
  Aboriginal and Torres Strait Islander People: Criminal Justice System.............. 8428
  National Adoption Awareness Week ..................................................................... 8428
COMMITTEES—
  Legal and Constitutional Affairs References Committee—
    Reference .............................................................................................................. 8429
MOTIONS—
  Aboriginal and Torres Strait Islander People: Criminal Justice System.............. 8429
  Marriage ................................................................................................................ 8429
COMMITTEES—
  Unconventional Gas Mining Committee—
    Appointment ....................................................................................................... 8430
  Community Affairs References Committee—
    Reference ............................................................................................................ 8433
MOTIONS—
  Indigenous Eye Health ......................................................................................... 8434
  Melbourne Port Rail Shuttle .................................................................................. 8435
DOCUMENTS—
  Perth Freight Link—
    Order for the Production of Documents ................................................................ 8436
MOTIONS—
## CONTENTS—continued

<table>
<thead>
<tr>
<th>Bill</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>OECD Coal Fired Power Plant Subsidies</td>
<td>8438</td>
</tr>
<tr>
<td>Medecins Sans Frontieres: Kunduz Hospital Bombing</td>
<td>8440</td>
</tr>
<tr>
<td><strong>BILLS</strong></td>
<td></td>
</tr>
<tr>
<td>Health Legislation Amendment (eHealth) Bill 2015—</td>
<td></td>
</tr>
<tr>
<td>Second Reading</td>
<td>8441</td>
</tr>
<tr>
<td>Third Reading</td>
<td>8444</td>
</tr>
<tr>
<td>Crimes Legislation Amendment (Harming Australians) Bill 2015—</td>
<td></td>
</tr>
<tr>
<td>Second Reading</td>
<td>8444</td>
</tr>
<tr>
<td>Third Reading</td>
<td>8447</td>
</tr>
<tr>
<td>Social Services Legislation Amendment (More Generous Means Testing for Youth Payments) Bill 2015—</td>
<td></td>
</tr>
<tr>
<td>Second Reading</td>
<td>8448</td>
</tr>
<tr>
<td>Third Reading</td>
<td>8456</td>
</tr>
<tr>
<td>Social Services Legislation Amendment (No Jab, No Pay) Bill 2015—</td>
<td></td>
</tr>
<tr>
<td>Second Reading</td>
<td>8456</td>
</tr>
<tr>
<td><strong>QUESTIONS WITHOUT NOTICE</strong></td>
<td></td>
</tr>
<tr>
<td>Goods and Services Tax</td>
<td>8458</td>
</tr>
<tr>
<td>Employment</td>
<td>8459</td>
</tr>
<tr>
<td><strong>DISTINGUISHED VISITORS</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>8461</td>
</tr>
<tr>
<td><strong>QUESTIONS WITHOUT NOTICE</strong></td>
<td></td>
</tr>
<tr>
<td>Broadband</td>
<td>8461</td>
</tr>
<tr>
<td>Superannuation</td>
<td>8462</td>
</tr>
<tr>
<td>Minister for Foreign Affairs</td>
<td>8464</td>
</tr>
<tr>
<td>Trade with China</td>
<td>8466</td>
</tr>
<tr>
<td><strong>MOTIONS</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>8466</td>
</tr>
<tr>
<td><strong>QUESTIONS WITHOUT NOTICE</strong></td>
<td></td>
</tr>
<tr>
<td>Trade with China</td>
<td>8466</td>
</tr>
<tr>
<td>Innovation and Science</td>
<td>8467</td>
</tr>
<tr>
<td>Citizenship</td>
<td>8467</td>
</tr>
<tr>
<td>Sex Discrimination Commissioner</td>
<td>8469</td>
</tr>
<tr>
<td>Research and Innovation</td>
<td>8471</td>
</tr>
<tr>
<td>Defence: Water Supplies</td>
<td>8471</td>
</tr>
<tr>
<td>Workplace Relations</td>
<td>8473</td>
</tr>
<tr>
<td><strong>QUESTIONS TO THE PRESIDENT</strong></td>
<td></td>
</tr>
<tr>
<td>Standing Orders 72(2) and 203</td>
<td>8476</td>
</tr>
<tr>
<td><strong>QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS</strong></td>
<td></td>
</tr>
<tr>
<td>Answers to Questions</td>
<td>8477</td>
</tr>
<tr>
<td>Citizenship</td>
<td>8484</td>
</tr>
<tr>
<td><strong>PETITIONS</strong></td>
<td></td>
</tr>
<tr>
<td>Seafood Labelling</td>
<td>8485</td>
</tr>
<tr>
<td><strong>BUDGET</strong></td>
<td></td>
</tr>
<tr>
<td>Consideration by Estimates Committees</td>
<td>8485</td>
</tr>
<tr>
<td><strong>COMMITTEES</strong></td>
<td></td>
</tr>
<tr>
<td>Publications Committee</td>
<td>8486</td>
</tr>
<tr>
<td>Community Affairs Legislation Committee</td>
<td>8486</td>
</tr>
<tr>
<td>Additional Information</td>
<td>8486</td>
</tr>
</tbody>
</table>
CONTENTS—continued

National Disability Insurance Scheme Committee—
  Report.................................................................................................................. 8486
Intelligence and Security Committee—
  Government Response to Report...................................................................... 8489
MINISTERIAL STATEMENTS—
  A New Regulatory Reform Agenda.................................................................... 8490
BILLS—
  Migration Amendment (Charging for a Migration Outcome) Bill 2015—
    Explanatory Memorandum.............................................................................. 8493
  Migration and Maritime Powers Amendment Bill (No. 1) 2015—
    Explanatory Memorandum.............................................................................. 8493
COMMITTEES—
  Membership...................................................................................................... 8494
BILLS—
  Tax Laws Amendment (Combating Multinational Tax Avoidance) Bill 2015—
    Consideration of House of Representatives Message.................................... 8495
  Higher Education Support Amendment (VET FEE-HELP Reform) Bill 2015—
    First Reading.................................................................................................. 8495
    Second Reading.............................................................................................. 8495
  Fair Work Amendment Bill 2014—
    Returned from the House of Representatives.................................................. 8498
COMMITTEES—
  Joint Standing Committee on Foreign Affairs, Defence and Trade—
  Joint Standing Committee on Treaties—
    Membership.................................................................................................. 8499
BILLS—
  Customs Amendment (China-Australia Free Trade Agreement Implementation) Bill
    2015—
  Customs Tariff Amendment (China-Australia Free Trade Agreement Implementation) Bill
    2015—
    Assent........................................................................................................... 8499
MOTIONS—
  Employment...................................................................................................... 8499
DOCUMENTS—
  Consideration.................................................................................................. 8526
COMMITTEES—
  Select Committee on Health—
  National Broadband Network Select Committee—
    Membership.................................................................................................. 8526
  Rural and Regional Affairs and Transport Legislation Committee—
    Report—
  Community Affairs References Committee—
    Report........................................................................................................... 8529
  Community Affairs References Committee—
  Foreign Affairs, Defence and Trade References Committee—

CHAMBER
CONTENTS—continued

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report</td>
<td>8533</td>
</tr>
<tr>
<td>COMMITTEES—</td>
<td></td>
</tr>
<tr>
<td>Consideration</td>
<td>8536</td>
</tr>
<tr>
<td>ADJOURNMENT—</td>
<td></td>
</tr>
<tr>
<td>Burma</td>
<td>8537</td>
</tr>
<tr>
<td>Domestic and Family Violence</td>
<td>8540</td>
</tr>
<tr>
<td>Workplace Relations</td>
<td>8542</td>
</tr>
<tr>
<td>DOCUMENTS—</td>
<td></td>
</tr>
<tr>
<td>Tabling</td>
<td>8545</td>
</tr>
</tbody>
</table>
Thursday, 12 November 2015

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

DOCUMENTS

Tabling

The Clerk: 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.

BILLS

Marriage Equality Amendment Bill 2013

Second Reading

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

Senator SIMMS (South Australia) (09:31): The Marriage Equality Amendment Bill 2013 aims to end discrimination under the Marriage Act by finally legislating for marriage equality in this country. It has been a long road to equality for same-sex couples, but the time has well and truly come for the parliament to resolve this matter and to recognise that love does not discriminate, and neither should our law.

When my colleague Sarah Hanson-Young first put this bill to the parliament back in 2008 on behalf of the Greens, momentum for marriage equality was building in this country. Since that time, momentum has continued to build. We had an opportunity then for Australia to be leaders, to support the growing international movement for equality. But now, unfortunately, we are on the wrong side of history, with countries like Ireland and the United States this year joining the mounting list of nations around the world in support of marriage equality. We are not just at risk of lagging behind; we are well and truly behind, and we need to catch up. Indeed, I note that, on Monday, Australia was subject to some criticism, and rightly so, on the international stage when members of the 23rd session of the Human Rights Council's Universal Periodic Review considered Australia's human rights record. Iceland, Ireland and the Netherlands all identified the need for Australia to take action on this issue, and they did so in their reports.

This parliament is severely lagging behind the international community. It is also lagging behind the community that we are elected to represent. Poll after poll shows that this reform enjoys not only majority support but support from a sizeable majority of the community here in Australia. Indeed, 72 per cent of Australians support marriage equality, according to the latest Crosby/Textor poll. Year after year, poll after poll shows that Australians support this. As thousands continue to march for equality in our nation, it is clear that this movement will not be silenced. The community is looking to the parliament to take action, it is looking to the parliament to legislate for this reform, and it is in our power to do so.

That is why this insistence that we need a plebiscite is so frustrating and, quite frankly, insulting to gay, lesbian, bisexual and transgender people in our country and their families and
friends. John Howard did not need a plebiscite back in 2004, when he legislated to make it expressly clear that marriage could only be between a man and a woman. At that time, I did not hear conservatives up in arms, taking to the airwaves, jumping up and down and saying that this issue was so fundamental to democracy in our country that we needed a plebiscite, that it was so complex we needed to have a hugely expensive opinion poll to deal with the matter. Yet, apparently, when we are looking at removing discrimination, when we are looking at getting rid of that kind of homophobia, the matter is so complex that it needs to go to some kind of plebiscite. Apparently, it is in the too-hard basket, and it is too complex for this parliament to deal with matters of discrimination and love in that way. We do not accept that. What a slap in the face that is to same-sex couples in this country, and what a slap in the face it is to all Australians who believe in fairness and equality.

We recently had a Senate inquiry looking into this matter of a plebiscite, and it found that it was going to be very costly and potentially damaging to members of the lesbian, gay, bisexual and transgender community. Indeed, it would cost almost $160 million to hold a plebiscite outside an election; that is the advice of the AEC. It would cost $160 million to ask a question we already know the answer to. At a time when there are huge demands on the national budget, can anyone seriously suggest that we should be spending more than $100 million of taxpayer funds on asking a question we already know the answer to? Do Australians support marriage equality? Mr Turnbull and Mr Morrison, the Greens can save you some money as you go to craft your next budget. The answer is yes. Yes, Australians do support this reform, and they want a vote in the parliament so that we can get it done.

The other thing that really concerns the Greens about this plebiscite approach is the implications for young same-sex-attracted people, and the these were canvassed in the recent Senate inquiry. We should make no mistake: homophobia is still a big issue in our country. It is still a very big issue, and growing up dealing with those kinds of issues can be a difficult thing for young people here in Australia. It is an isolating time, and it is a very frightening time. I know; I have been in that position myself. The last thing I want is for other young people to go through that. The last thing I want is to see taxpayer money being spent on a divisive campaign against marriage equality—what, in effect, would become a state sanctioned, state funded hate campaign that would be levelled against gay, lesbian and transgender people, their families and their friends. Make no mistake: this is a campaign that would come.

There is a very small but vocal hate lobby in this country. They have a lot of money, and they are very good at creating a lot of misery and fanning the flames of unhappiness and division in this country. They peddle lies, they peddle misinformation, and they promote hatred and division. As an Adelaide city councillor, I experienced their wrath firsthand when, earlier this year, I dared to propose painting a strip of rainbow in the CBD to celebrate the 40th anniversary of the decriminalisation of homosexuality in my home state of South Australia—one would think a positive initiative that we should be celebrating. But, as a result of this proposal, I received some truly revolting hateful emails levelled at myself and my council colleagues. There were some utterly bizarre suggestions that rainbows are somehow dangerous to children—that the very exposure to a rainbow would somehow expose children to some form of post-traumatic stress. These kinds of absurd claims give clutching at straws a
whole new meaning, but they are an example of the desperation of these groups and of the lengths that they will go to oppose marriage equality and to oppose progress in this country.

In the City of Marion, residents' letterboxes were bombarded with homophobic filth after the council voted to fly a rainbow flag over its chambers to promote the gay and lesbian festival that is coming up this week in Adelaide. This is the same kind of nonsense that for many years has tormented South Australians on the streets of Adelaide as they go about their daily business—the so-called street preachers who think that it is somehow okay to carry signs that equate homosexuality with murder and rape. They have even carried these signs at gay and lesbian festivals and events, standing with megaphones, shouting at people and berating them, and telling us that we are going to hell—ugly hate speech. Imagine what these kinds of bigots, these kinds of hate merchants, will do if they get their hands on taxpayer funds to run a campaign against marriage equality. Imagine what they will do. I am scared about the harm that this will cause. I do not want to subject young people to that.

Feast Festival, as I mentioned, starts this weekend in Adelaide, and it has been an ongoing part of the social calendar in my state. I remember attending my first ever Feast Festival, when I was in my early 20s, and I remember seeing those street preachers standing there carrying signs that said that gay men were akin to murderers and rapists. It is hard not to be wounded by that. Let us consider for a moment the kind of impact that that kind of thing would have on a young person who is scared or confused, dealing with their own sexuality. I do not want that kind of disgusting homophobia to go national. The human rights of the lesbian, gay and transgender community in this country should not be tied to a national opinion poll. It is wrong to do that. It is wrong to do that when we have the power to change the law without subjecting people to that kind of debate.

Of course, the truly sad thing about this debate is that we spend so much time talking about the process that we sometimes forget what this is all about. Ultimately, this should not be a discussion about complicated processes and procedures; it is a debate about love and equality. It is about real people, and it is about their stories. I am reminded here of my good friends Ben and Iain, who I have known for many years. In fact, I met my friend Ben when I was at university; we were at law school together. Their story is similar to that of many of straight friends that I know who are now married. Ben was working at JB Hi-Fi in Adelaide when he met Iain, who came into the store as a customer. I guess that it is fair to say that a romance blossomed and they developed a relationship. They have been through various stages in their lives together, and they are now living in Melbourne. More than 10 years on, they are, in all intents and purposes, like a married couple, but, of course, they cannot get married, and they are denied the opportunity to have their love and commitment celebrated before their friends and family. Certainly, over the last 10 years, I have been to many marriages of close friends, heterosexual friends, who have been able to get married. It is galling, when you see a couple like Ben and Iain, who are denied the same opportunity. There is no reason for this, other than brazen discrimination in this country. We need to do better than that. Why are we denying couples like Ben and Iain the opportunity to have their love and commitment celebrated in front of their family and friends? Why are we denying that in 21st century Australia?

This is not just an issue that impacts directly on those couples that want to get married; it is also a much bigger issue of fairness and equality in our country. I talked in my first speech about the experiences that I had growing up as a gay man. Since making that speech, I have
received a lot of positive messages from young people talking about their own journey with sexuality. They told me that my sharing my experience helped them. So that is a reminder to me that the work that we do does have a positive impact. We can choose here in this place to send a message of love and hope by supporting marriage equality. And I know that that will have a big impact.

I am proud to be a member of a political party that supports marriage equality in this parliament. The Greens support marriage equality every vote, every time. I commend this bill, and I encourage the chamber to join with the Greens in supporting it so that we can finally make marriage equality a reality in this country.

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (09:44): I also rise to contribute to debate on the Marriage Equality Amendment Bill 2013. I would like to start by affirming the position that I have put in this chamber before, that I do not support same-sex marriage and I will not be supporting this bill. That does not, however, make me a homophobe. Nor does it mean that I speak with hate when I state my position. I respect Senator Simms for his view and for his support for this bill. The fact that I choose to disagree with him does not make me hateful and it does not make me homophobic.

I would like to go to some of the issues that were contained in Senator Simms’s speech because I think it is important that we keep a broad perspective of what is happening around the world. We have been accused of lagging behind a number of countries. Ireland and the US in particular were quoted. But there are also other countries such as Austria, where the parliament recently voted overwhelmingly against motions on same-sex marriage. In other nations around the world, such as Italy and France, we are seeing large public protests around those laws.

Probably most specifically, though, in July last year the European Court of Human Rights, sitting as the Grand Chamber, dealing with a case that goes to the Convention on Human Rights, found that there was no consensus in Europe on allowing same-sex marriage. In the case which was being considered, they found that there was no violation of the European Convention on Human Rights. The court found it was 'not disproportionate' that a same-sex couple should be in a registered partnership, as opposed to a marriage. In fact, regarding article 8, the court reiterated its case law, which said the convention 'cannot be interpreted as imposing an obligation on contracting states to grant same-sex couples access to marriage'. They also said that article 12:

… secures the fundamental right of a man and woman to marry and to found a family. Article 12 expressly provides for the regulation of marriage by national law. It enshrines the traditional concept of marriage as being between a man and a woman …

According to the statements of Senator Simms and others in this debate, that anyone who opposes same-sex marriage is full of hate and homophobic, the European Court of Human Rights is homophobic and is issuing hate speech. But what it demonstrates is that you can have a debate around these issues. You can have a respectable difference of opinion. Any attempt to shut down opponents of a view is simply undemocratic. Australia is proud, as is much of the Western world, of the fact that we are a liberal, plural, secular democracy. 'Plural' means that you have a plurality of views. People are free to speak of different views. That does not mean that you hate those whose views you oppose or that you disrespect them personally. It means you have different views, and that is the basis of a plural society.
Senator Simms said in his speech that this movement 'will not be silenced'. That is fine. I am happy. That is their right, to not be silenced. But, likewise, it is the right of those who hold a different view to not be silenced. So I find it disturbing when I see attempts to silence those who hold a different view. That attempt occurs in different ways. Partly it is through labelling—calling people bigots—or making an assumption that, if you do not support same-sex marriage, you are homophobic or full of hate, right through to using legal proceedings.

I am not a Catholic, but I noticed the Catholic Church issuing a booklet which supported the traditional view of marriage and sending that to families who had enrolled their children in a Catholic school. Action from a discrimination perspective has been taken against the Church for putting forward their view of the traditional marriage, which is law. It is accepted, and yet legal proceedings are being taken against them. That is trying to silence people who hold a different view. In a plural society, where we value freedom of speech and in this case freedom of religion, we need to allow people to clearly articulate—respectfully, courteously but confidently—their views. To have labels put upon them that somehow they are bigots or homophobic or that their speech is hate speech just because they express a different point of view is trying to silence the debate.

From the coalition's perspective, we had a good example of how that debate can be conducted respectfully. We have people within the coalition who have differing views. We have very strong proponents of same-sex marriage. We have people who hold dearly to support for traditional marriage. And we had a long and respectful discussion in our party room where people from each side of the debate were able to stand and talk and put their points of view. I do not normally talk in public about things that occur in the party room, but in this case I will make an exception to say that there was no name-calling, there was no hate, there was no belittling and there was no disrespectful. People put forward their views, and that is the essence of a democratic society where we respect the fact that it is a plural society, which means there are groups with different views.

A plebiscite was where the party room came to. We decided at the end of the day that it would be best for the Australian people, given the deeply held views, to have that discussion. There is an assumption implicit in what Senator Simms said and what others have been saying in the last few days—in fact, since the plebiscite was announced—that the Australian community would descend into an orgy of hate and homophobic speech. I acknowledge that there are some people out there who hold what I would consider to be unhelpful and hateful views. I have seen some of those people with placards. Senator Simms, can I say I share your view. I do not think that is helpful or respectful. However, that does not represent the majority of Australians. Australia is a land of people who are decent and where there is common sense, and it is my experience that extremes tend to be suppressed and shouted down by the majority. You just have to look in recent days at sporting fans and name-calling and other things where we see the community moderate those extremes. There can be discussion and people can have their point of view put forward. At the end of the day, while Senator Simms says that we have had poll after poll, if we just accepted polls then we would never have elections. We would assume, based on today's poll, that the coalition should be in government, Labor should stay in opposition and the Greens should always stay a minor party. If we are going to take that logic, let us save some money and have no more elections. Let us just have Newspolls and not move forward.
But sometimes polling does not get it right, and that is why we have elections. The polls are an indication from a small group of people who have been rung by a pollster and who respond to particular questions that are put to them. Even on this issue of same-sex marriage, depending on the question you ask you can get different results. I do not accept the argument that just because polling indicates one thing we should therefore assume that is the will of the Australian people. A plebiscite gives an opportunity for the Australian people to have the discussion, to reach their own view. One of the things that we can decide as a parliament is how that plebiscite should be run, whether it is binding or not, whether everyone should participate or not. They are important things to get right. With the Irish referendum, because voting was not compulsory the number of people who turned out did not represent the whole population and so, whilst a majority of those who turned out voted for same-sex marriage, you cannot say that a majority of the Irish people supported it. Does that make that process invalid? It depends how you determine a referendum. But here in Australia we have the opportunity to say that the plebiscite should be compulsory and that it should be binding. I think that is what we should do.

The challenge, I would put to the Greens and to others who support the concept of same-sex marriage, is that if we have a plebiscite and it is binding and it says yes, then you would need to work with those who do not support same-sex marriage to put in appropriate protections for freedom of each speech, freedom of religion and the expression of those things. Equally, if the plebiscite said no, the challenge for the Greens and others would be to accept that and say that that is what the Australian people have said. You cannot have your cake and eat it too. If you want it binding in expectation that it will say yes, you also have to accept that if it says no then that is the will of the Australian people. I note that here in the Senate we have had motion after bill after motion put forward and time after time either it has not come to a vote or where it has it has been defeated, and yet they keep coming back. If there is a plebiscite and it says no, I would encourage those supporters to recognise that—just like the European Court of Human Rights has said that there is not an abuse of human rights, that there is an equality in terms of what people get through civil partnerships—that is a path we should explore and make sure people can be respected and valued within that framework.

Certainly from the coalition's perspective we have seen that we do not believe we are lagging behind. We believe that you can have a respectful discussion. Nobody in this debate should be silenced. A plebiscite is a way for us to allow the Australian people to answer the question about how they would like to proceed, how they would like to see marriage in this country. Currently the Marriage Act provides that ministers of religion, whether they belong to a recognised denomination or an independent religious body, are not obliged to solemnise any marriage. We need to make sure that those sorts of independent decisions can continue, not only for people in religious organisations but even for people of faith who run other businesses or services. Whilst it is true that a plebiscite, if conducted separately, would cost money, there are options for doing it in conjunction with other votes, with other elections. This is an issue that is clearly important to people in this place and to people in the community, and the concept of having a plebiscite involves giving to the people the opportunity to exercise that democratic right to have the discussion in a respectful way and to bring back to the Australian people, through a vote, which way they would like to see this nation go.
In conclusion, I will not be supporting this bill. This is one of a number of bills on this topic that I have not supported. I am a strong supporter of traditional marriage. That does not mean in any way that I am homophobic, or that I speak with hate. I know and deeply respect many people who I regard as friends who are same-sex attracted, but my world view is that marriage is between a man and a woman. On behalf of all those in Australia who hold that view, I state here again in this place that, just like the supporters of same-sex marriage do not want to be silenced, nor do those people who hold this view. This parliament should be rejecting any sense or emotion or discussion that those who hold a different view to the supporters of same-sex marriage are somehow full of hate or bigotry, because that is simply not true. I will not be supporting this bill.

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (09:58): It will come as no surprise to anyone in this place that I am an unshakeable supporter of marriage equality. This is an issue that is long overdue for legislation. The rest of the world is moving, and Australia is fast becoming an embarrassment and an international outlier. In June the Supreme Court of the United States ruled that same-sex couples could marry anywhere in the country. This progressive milestone comes on the back of another historic outcome in Ireland. Ireland is a deeply religious nation not known for its progressive values and actions, but last month it became the first country to put the issue of marriage equality to the people through a referendum. There was a great turnout for the vote. It even saw Irish ex-pats filing onto planes to head home and have their voices heard. The result of the vote was a decisive 62 per cent to 38 per cent in favour of marriage equality. If the vote in Ireland and the ruling in the United States have taught us anything, it is how far behind the rest of the world we are, and it has shown us how far Australia is now lagging behind, when the rest of the world has moved on. These milestones come on the back of the legalisation of same-sex marriage in many countries, including New Zealand, the United Kingdom, the Netherlands, Norway, Portugal, Brazil and Sweden.

This issue embeds all of the fundamental values that lie at the core of my belief system and at the heart of the labour movement—fairness, equality, respect and support for families in all their different forms, dignity, inclusiveness and compassion for all. These are some of the key principles that should frame how we see the world and drive how we respond to it. Marriage equality will be a crucial step towards full legal equality and social inclusion for same-sex couples and their families. It will allow more Australians to enjoy the benefits of marriage and to uphold its values of trust, love and commitment—values that make our society stronger. It is my belief that marriage is a commitment between two people who love each other and who wish to celebrate their commitment to one another in front of family and friends.

I support marriage equality because I am against discrimination and because I believe there is nothing to lose and everything to gain by allowing same-sex couples to choose the commitment and happiness that marriage represents. The great misnomer that I hear from people is that allowing two committed, loving individuals to marry somehow detracts from the institution of marriage. I would argue that it only strengthens marriage, as it allows all Australians to marry the person that they love. By not allowing two Australians to marry based on their gender diminishes the institution. This is the time to remove the last piece of legislated discrimination that fuels homophobia in this country.
The most frustrating thing is that we could deal with this next week. We could remove this discrimination once and for all. Do you know what would happen? More people who love each other would be able to get married. Full stop. The world would continue to turn and the sun would continue to rise. We know our Prime Minister supports marriage equality, but we also know that he has done a deal to stifle, stymie, stonewall and, as his far-Right colleagues hope, block the issue. We know that he has agreed to sell out his long-held personal beliefs in order to secure the top job, and, in doing so, he has sold out the millions of Australians that want this to happen.

I share the views of the vast majority of Australians that the time for marriage equality came long, long ago. While our previous Prime Minister was backward and, quite frankly, mean-minded in his belligerent blocking of marriage equality, at least he was true to his beliefs. While these beliefs unquestionably came from another century and unquestionably still belong there, Australia knew what they were getting. But in Mr Turnbull we have a man who has clearly put his personal career ambitions ahead of doing what he knows to be right. He is a man who has shunned the national good in favour of personal gain. He is a man who purports to be a progressive, modern policymaker but, when it comes down to it, he is willing to keep Australia in the Dark Ages when it comes to this important issue. But don't take my word for it. Here are Prime Minister Turnbull's own words.

In September last year he was asked:
Let's get on the record here; do you believe the party must have a vote of conscience, a free vote, on this actually very important social signal issue of gay marriage in Australia?
To which Mr Turnbull responded:
I certainly think we should have a free vote and I've been very public about that...
The journalist then asked:
And if the party goes against that will you still feel comfortable serving in the Abbott Government?
Mr Turnbull replied:
Well it's a team business Steven, I would be disappointed if we didn't have a free vote, I think we will by the way...
So, over a year ago, Mr Turnbull was expounding his heartfelt, personal support for a free vote. What is the point of having a more enlightened Prime Minister if we cannot take him at his word? Clearly, he has stumbled and fallen on his face when it comes to one of his first fundamental tests of integrity. Has there really been any change at all in this government if the policy remains the same and this entrenched inequality is to remain?

The Prime Minister continues to parrot the words of his predecessor that a plebiscite will be held in the next term of parliament—a plebiscite that has been estimated to force a $160 million hit to the budget bottom line. This is a hit Australia can ill afford, given that those opposite have already doubled the deficit and hiked the debt by more than that. Legislation is our job, and it is what we get paid for. There is absolutely no reason that we cannot legislate on this now. I notice those opposite have not talked about asking people for their feedback on massive cuts to family incomes. They certainly were not keen on asking the Australian people if they wanted to pay $100,000 for university degrees. Nor did they take a poll before cutting the pension. So why marriage equality? What makes it so different?
I will tell you what I think is happening. I think they want a plebiscite so that they can create a divisive national campaign that will divide the nation and, they hope, put paid to marriage equality in this country. This is not about going to the people to get their opinion. This is about manipulating the conversation and demonising a group in our society to create a predetermined outcome. Those opposite know that referendums have virtually no chance of passing without the full support of the government, and they know that this is the best way to manipulate the outcome. Our Prime Minister and his party are happy to spend $160 million of scarce taxpayer dollars to deny people their fundamental right to equality. It is an absolute outrage.

We know Australians want this to happen and we know that there is a very high chance the numbers exist in this place to make it happen. In fact, it could happen in the next sitting week. We have a crazy situation where the rest of the world is moving to make this happen in their countries, the Australian people want this to happen, the Prime Minister wants this to happen and there are the numbers in this place to make this happen. Yet Mr Turnbull still persists with the plan to stage a divisive and expensive national debate that stands in contradiction to his own beliefs and will only serve to inflame tensions in order to give the far Right their best shot at manipulating the outcome and blocking marriage equality for years to come—and for what? In order to secure his own naked career ambitions.

We should not let the Australian people forget that the Greens party were early supporters of Tony Abbott's plan for a plebiscite. Senator Rice sponsored the Marriage Equality Plebiscite Bill 2015, which would have established the plebiscite in law. This was a foolish decision by the Greens, which only served to legitimise Mr Abbott's cynical proposal at a critical stage of public debate. I am glad the Greens have finally come to their senses and accepted the wisdom of the Labor Party's position on the plebiscite.

Labor believe that it is our responsibility to create legislation, and there is absolutely no excuse for squibbing it. Leader of the Opposition Bill Shorten has promised that, under a Shorten Labor government, a marriage equality bill will be introduced within 100 days of the next parliament.

This is the time to remove the last piece of legislated discrimination that fuels homophobia in this country. But instead Mr Turnbull has caved in to the hard Right of his own party to all but guarantee marriage equality cannot happen. Just like his strongly held convictions on climate change evaporated in an instant when the prime ministership was in his grasp, so his longstanding support for marriage equality was sacrificed in the pursuit of power. It is just not good enough. We should just get on with it and legislate.

Senator LEYONHJELM (New South Wales) (10:08): I rise to support the Greens Marriage Equality Amendment Bill 2013. I welcome the continuing efforts of various parliamentarians from the Greens, Labor, the coalition and the crossbench to push along freedom to marry. I support amending the Marriage Act to allow two people the freedom to marry regardless of sex, sexual orientation and gender identity. My support applies regardless of how this is achieved and who seeks to champion the cause.

People have a right to disapprove of same-sex marriage. They do not have a right to use the power of the state to impose that view on others. In the past, various states have denied Aborigines the freedom to marry who they like, for much of Australia's history. Sometimes there was disapproval of Aborigines marrying Aborigines, as this was thought to help sustain
the purely Aboriginal population. And sometimes there was disapproval of Aborigines marrying non-Aborigines. Thankfully, such disapproval is no longer reflected in the law. When the disapproval of Aboriginal marriages was jettisoned from marriage law in our Federation, the concept of marriage was unharmed and, indeed, was bolstered. When we finally jettison disapproval of same-sex marriages from our marriage law, the concept of marriage will be bolstered further.

In a perfect world we would achieve same-sex marriage simply through this parliament amending the Marriage Act. Making decisions about such legislation is our job. However, for practical reasons I am not opposed to the issue of same-sex marriage being put to a plebiscite. I am confident it will be a thumping result in favour of same-sex marriage. And it could be that this approach delivers same-sex marriage sooner than relying on the two houses of parliament to reflect the views of the Australian community.

There are concerns about having the straight population voting on other people's rights, and the plebiscite will bring out a lot of vile campaigning. A file in my electorate office bulges with correspondence from individuals who opposed the Freedom to Marry Bill I introduced in the Senate last year. Some—but not much—provides polite arguments about the definition of marriage. Much more is vile abuse. Some has had to be referred to the authorities. Annabel Crabb planned to feature some of the fruitier correspondence I have received on this issue in one of the 'Letters from Constituents' episodes she did as part of the latest series of Kitchen Cabinet. This was not to be. I think I can guess why. Kitchen Cabinet is G-rated. My letters from constituents are not.

However, it is also true that, now Malcolm Turnbull is Prime Minister, my original fear—Tony Abbott sabotaging the plebiscite process—will not come to pass. I had visions of a question so convoluted it made no sense, or something absurd enough for a Monty Python sketch—perhaps from the hallowed halls of the Philosophy Department at the University of Wolloomooloo! Despite my reservations about voting on other people's rights, I do think that, if we are stuck with a plebiscite, we should hold it at the same time as the next federal election. Holding the plebiscite at the same time as the next election has two advantages. The first is that we save $160 million of taxpayers' money—what the AEC advises a stand-alone plebiscite would cost. The second is there will be less of a spotlight on the issue, and we can moderate the worst excesses of the people who have taken the time to write me so many lovely, lovely letters so far! Elections are always about a range of issues—same-sex marriage would be just one among many. I commend the bill to the Senate.

Senator DASTYARI (New South Wales) (10:13): I want to begin by acknowledging that a lot of other senators have done a lot of work in this space over the past few years, especially in terms of different pieces of legislation and different approaches. I want to acknowledge that, as he pointed out, Senator Leyonhjelm had introduced a bill into this chamber. Others, including Senator Wong and cross-party people like Senator Hanson-Young, have done a lot of work in this space, and I think it should be acknowledged.

I commend Senator Simms for bringing this debate to us; it is an important debate for us to have. I want to reject this idea that says that we cannot have a sophisticated debate or that we should not have this debate simply because it is too divisive or it has already been said. I think this is an important part of social policy, and it is an important role of the Senate to talk about it.
I do want to put my views on record. I do not believe I have ever spoken publicly about my views on marriage equality. I have been reported and recorded in different kinds of lists that get emailed around as being a supporter of marriage equality. I certainly am, but I am also a very big supporter of an acknowledgement of the fact that there are a range of very different views. There are certainly a range of different views within my political party, the Australian Labor Party. For me, the notion that we would not support marriage equality is something that I find difficult to understand. I find the arguments against it difficult to understand. I think the case for marriage equality is there. I acknowledge there are others, however, who do not necessarily share those views. When we are talking about a debate like this, a debate that needs to be focused on understanding and tolerance, it is very important that we recognise that there are going to be so many different views out there.

I will be honest: I think a lot of this is a generational challenge and issue. It is a generational issue as well. The data and the research overwhelmingly demonstrate that younger Australians tend to have a much stronger view towards supporting marriage equality than older Australians. The challenge and opportunity will be, as this happens, for us to be able to build on that.

I support marriage equality. I support this bill. In doing so, I also support the Labor Party position, which is that we have to recognise and understand that not everyone share the same view and that there are people who—even though I disagree with their arguments and I disagree with their judgement—have, through good faith, come to a different view. It is a fact that there is a changing debate out there in the community. The views of the community are starting to shift and have shifted dramatically on this issue. That is a positive thing and I believe and hope that, during my time in this chamber, there will be an opportunity to vote for a bill providing for marriage equality that will eventually be supported.

Senator CANAVAN (Queensland—Nationals Whip in the Senate) (10:17): I would like to start off where Senator Dastyari left off: I think all views should be respected in this debate, and I certainly respect colleagues, friends and family who have a different view to my own—which is in support of traditional marriage. I also want to say, up-front, that I support the removal of any practical discrimination against homosexuals and same-sex couples. We should ensure that happens. I believe we have largely achieved that, over a period of time. However, if there are instances of discrimination against same-sex couples, they should be removed. Whether or not the definition of marriage in our existing legislation is discrimination itself is a matter for debate, in my view. It is a matter that we need to consider very clearly. We should consider it very clearly because the definition in our Marriage Act today has been the same for centuries—for millennia. Not just in our culture and not just in the religions that have been common in this country but in almost every culture in the world, over the span of millennia, marriage has been an institution that enshrines the union of a man and a woman, often with the intention of creating children.

I fully admit that, in modern times in this country and in developed countries generally, marriage has had a tough time of it in the last few decades. The experience and stability of many marriages has been more difficult, or less consistent, in the past few decades than previously in other generations and in other cultures. I believe that is unfortunate. It is a great tragedy when marriages break down, particularly where children are involved. I believe that firmly from my own personal experience, and I also believe that firmly from the evidence that
exists about the importance of a child having a biological mother and father to raise them. Of course, that does not always happen and it cannot always happen. Tragedies occur and unfortunate things happen in our society, but just because we cannot make things perfect it does not mean that we should not strive for perfection. Just because something is good and not perfect it does not mean that we should make it the enemy of the perfect. I still believe that we should, regardless of what may happen to our marriage legislation in this country in the next few years, passionately defend and support the institution of family and passionately defend and support the importance of mothers and fathers staying together to look after the kids, because every time that that cannot happen it is a very difficult situation for the children involved.

As I said, I have come to this position not from a religious perspective but, in the first instance, from a personal perspective. My own father’s father took off when my father was a little kid. I do not want to go into all the details, but my dad is a great bloke. I am very lucky to have been raised by my father. He is a courageous man and he has taught me a lot in my life, but he would still say it is a tragedy that he did not have a father himself for most of his life and did not have that support of his own father to guide him through life. While he is a great man, he has made mistakes in his life and it is unfortunate that he did not have the stability that he and Mum were able to provide for me and my brother and sister through our growing and formative years.

I myself have four sons. They are still in those formative years, and every day I try to maintain my relationship not just with my wife but with my sons. It is hard, in this job, to do that sometimes. It is hard to communicate with 10-year-old boys over the telephone or through Skype. You ask them what they did during the day and they usually say, ‘Nothing.’ You ask them what they learnt at school and they say, ‘Stuff.’ They are not particularly communicative. But I feel it is extremely important—my job as a dad is much more important than my job as a senator. I do my best to perform that role as a father because I think having a father and being a dad is extremely important. The combination of a mother and a father makes for a very nurturing and supportive environment for children. I want to say that it is not just my personal experience. The evidence on this is abundantly clear on the best outcome for children, on average. There are loving families of many different types but, on average, the best outcome for a child is for their biological mother and father to remain together, married, and support their development.

There is a very considered and meritorious sociologist in the United States, Dr Charles Murray, who wrote a book recently called *Coming Apart*. It is largely about the US and not about Australia. It is not just about marriage, but is about, more generally, the progress and development of white America. He has not included ethnic communities because they have other issues. He shows, very clearly, across a range of different measures, including delinquency in adolescent, sexual choices, teenagers and crime rates, that the outcome, on average, is best for children when they are raised by their biological mother and father who remain married.

Another very famous person in the United States, President Barack Obama, wrote a very moving book called *Dreams from my Father* where he very eloquently stated how much of a tragedy it was that his father did not remain with him for very long during his upbringing, and the great vacuum and hole that that put in his life. While President Obama obviously has a
different view to me about the institution of marriage, regardless of what happens in this debate, we should not in any way downplay or diminish the importance of a mother and a father for children.

When we look at the institution of marriage and what it means, it has in fact almost always been about the creation of children. It is not actually an institution that is primarily a religious or Judeo-Christian one. In our Western European culture the word 'marriage' does not come from a Jewish route or a religious route; the word is actually a Latin word. It comes from the word 'matrimonium'. In Latin 'matrimonium' is a combination of two concepts, 'matri' meaning mother and 'monium' meaning the state of being or condition. The very word that we use today, 'marriage', actually has roots in our culture about the creation of children or of being a mother. That is what it was in Roman society, which was not a Christian society, not a Jewish Society and not a monotheist society. It was a society, of course, where homosexuality was accepted and was common practice, but it was also a society that had a very defined view, institution and word for marriage.

Marriage is important in many religions in the world as well. In many religions the sacrament of marriage is associated with the union of a man and a woman and is associated with becoming one flesh in terms that are often using Christianity. While we often, in modern times, take becoming one flesh as a metaphorical concept for the union of two people, its roots have a more direct and practical grounding in the creation of children. The creation of a child is literally the becoming of one flesh, the union of two people into one flesh, through the genetic diffusion of two people into one human being. I think that there is nothing much more miraculous in our world than the creation of children. This particular institution that we have, called 'marriage', has been established to nurture and support that phenomenon.

Like many of our institutions, which have been handed down to us over time, marriage is perhaps something that we do not conceive the importance of. In the world of science we have a wonderful, open, free, prosperous society because we stand on the shoulders of giants that went before us. Like Isaac Newton said, we are very lucky and fortunate because of what has happened before us and because of what has been created before us. Marriage is one of those things that has been created and protected over centuries before us. I worry that, if we were to tinker with what marriage means, we would lose something from our society. We would lose a cultural institution from our society that we would struggle to recapture.

In some respects I recognise that this particular debate is a semantic one. It is a debate about the definition of a word. What should the word 'marriage' mean? Should it mean, simply, the union of two people who love each other, or should it mean the union of two people who not only love each other but can create a child? While it is often said that semantic debates are important and it does not matter, I disagree. I think words are important. I think that language is important. Ludwig Wittgenstein said that, if I do not have a word to describe something, I cannot conceive of it. The limit of my world is the limit of my language.

I worry that, if we redefine the scope of what marriage means and is defined as, we will lose our ability as human beings to conceive of a very important, albeit, narrow human relationship which is the union of a man and a woman to create a child. That word is important to describe that particular relationship. That word is not to denigrate or say that other types of human relationships are in any way inferior or superior, but that this particular
relationship of a man and a woman coming together to create children is different. It is unique, it is diverse. Those other relationships—mother-father relationships, brother-sister relationships, homosexual relationships—are clearly very different from a relationship which comes together to create a child. I believe that we should have a separate institution that allows us to conceive of that particular relationship. We should have a word that describes that particular relationship, and if we change the definition of marriage to not describe that particular relationship, we will lose our ability to conceive of and protect that particular idea and institution. That is not to say that we could not find other ways in our society to do this. I am just concerned that we would rush to change an institution so quickly without any real plan or conception of how we are going to celebrate the diversity of heterosexual relationships—which are obviously, by definition, the only relationships that can create children.

Sometimes the proponents of a change to the Marriage Act in this debate say that marriage is all about love, and they say, 'How can you be against two people coming together and being in love?' I absolutely accept that love is a necessary condition for a successful marriage, but it is not a sufficient condition for a marriage as we define it now. Marriage is not only about love. It is also about sacrifice, because when you get married you cannot do certain things that you used to be able to do. It is also, as I have said comprehensively in this speech, about the creation of children. It is something different. It is something diverse. The proponents who want to change this particular act often say at the same time that they want to celebrate diversity. They say they want to celebrate different points of view, different cultures and different ideas; but, in fact, a change to the Marriage Act in the way that this bill seeks to do would not be a celebration of diversity but a celebration of uniformity, because it would make all relationships that simply involve love between two human beings the same. There would not be a celebration of diversity; there would not be an acceptance of different types of humanity and different types of human relationships, and I think that would reduce and remove some of the colour and imagination that goes with being a human being, and I hope that change is not made.

Regardless of how this debate evolves, I do hope that respect is given to different points of view in this debate. This week I have been attacked by some fellow senators and have been called a bigot for my views on this issue—by my fellow senators. What I do not quite understand is that some of those senators who throw around these attributes would also say that they respect different religions and cultures and that they welcome migration to our country. They also say that they would protect the poorer in our society. I accept that at the moment there is popular support for a change, albeit the evidence is rather superficial, but there are also clearly many groups in our society who do not support a change. For example, if you look at the Australian National University survey on political views that is done after every election, only 15 per cent of people of the Muslim faith support a change to the Marriage Act. Are the 85 per cent of Muslims who do not support a change bigots? Are the 60-odd per cent of Catholics who do not support a change bigots? Are the majority of people on low incomes who do not support a change bigots as well?

The other striking thing about the evidence about who does and who does not support marriage in our community is that it is, in fact, a luxury good. The higher your income the more likely you are to support marriage. I do not know why that is the case; I can only
surmise. But I would say that I grew up in a relatively low-socioeconomic area where divorce rates were quite high during my time as a child, and I had many friends whose parents' marriages did not last. Whereas, if you look at the evidence, if you were lucky enough to live in a leafy, well-to-do suburb in our society, it is most likely that your parents stayed married. In my view it is the working class areas of our communities that know and understand the importance of this institution, that know and understand the effects and consequences of a diminution in the importance of marriage and its effects on the wider family environment. I hope not only that views are respected in this debate but also that any change we may make to the law respects the different views. Looking at this particular bill, I do not believe that it duly respects those different views.

This bill does exempt ministers of religion from solemnising same-sex marriages but it does not extend that exemption to individual civil celebrants or to ministers of religion whose religion does not have a view on same-sex marriage or supports same-sex marriage. I do not think that is a sufficient protection of individual rights—and they are individual rights. These rights that we have, particularly the freedoms of religion and belief, are fundamental in our society. Those rights are not something that is held by the Catholic Church or an Islamic mosque or a Buddhist temple. Those rights reside in each individual. Each Australian has the right to hold a view about a particular issue and we should respect those views. For me, any change to the Marriage Act which does not duly respect those views would be a contravention of the fundamental rights of every Australian and would be in contravention of the international agreements on human rights that we have signed—one of which is the International Covenant on Civil and Political Rights. Article 23 of that covenant obliges signatories to protect and support the creation of families through marriage between a man and a woman. The interpretation of that provision by the UN Human Rights Committee has been that there is no obligation on states to change their marriage acts to include same-sex couples. In my view, because there is no obligation according to the United Nations, there is certainly no rationale for forcing Australians with a different view to solemnise same-sex marriages.

I look forward to a wider debate on this issue over the coming years. I will return to where I started. I hope that there can be a respectful debate, an informed debate, and that any change we make to an institution that has lasted centuries is made after such a debate.

Senator MOORE (Queensland) (10:37): When I began speaking on marriage equality—the last time I spoke on this topic—I started by saying that it was an honour to be able to speak again on something about which I feel so strongly, and I feel that way again. It gave me the impetus to go back and look at the speeches I have made on four separate occasions in this place. Apart from the fact that it was interesting to see the environment in which those speeches were made and in which the debate we were having was taking place, it was reinforcing to see what I had previously put on record about this important issue. One of the things about working in this place is that you know that every time you make a contribution in this chamber it is on the record; it is part of history. So, you have to be sure and you have to be convinced about what you are saying.

I am relieved to say that my position is unchanged from the first time I spoke on this issue, which was under particularly difficult circumstances. It was during the debate when Prime Minister Howard as well as Labor’s leader, Mr Latham, had made an agreement to insert the
issue into the Marriage Act to ensure that the act would cover marriage between a man and a woman. At that time there was no conscience vote on this side of the chamber on the issue. I know there is now, but at that time there was not. For someone like me, who has always believed that two people who love each other—and I take the point that Senator Canavan made in his contribution, that love is but one attribute of forming a relationship—and make a strong commitment to each other that engages love as well as all the other aspects of any decision of this kind, such as respect and the sense of sacrifice that has to happen, and the true belief that they wish to form a partnership that is public in the community, would be blessed by their church if necessary but, most importantly, be protected by the legislation of their nation. If two people want to make that decision, they must have the right to do so.

I remember the deep trauma I had at the time I came into this debate, because I was not sure whether I was going to be able to get up and make a speech, because of the fact that there had been an agreement that the legislation that was then before the chamber would be passed and that our party would be part of a decision to entrench the restriction on any kind of same-sex marriage. I was wondering whether, given the way I felt, I could make a contribution to the debate. But I did, because I thought it was important to the people I cared about that I put on record how I felt, even though, in the final vote, our party would be voting in support of the Prime Minister’s proposition. What I talked about that day was my deep concern about the level of vilification and hatred my office was receiving about the issue by email and mail. I was deeply troubled about that, and that trouble continues.

I am concerned that on this issue it seems that the discussion, the debate, the environment in which we operate is not an area in which people can exchange views reasonably and openly. When an issue is as sensitive as this one is, there is a great temptation for the arguments to degenerate into personal attack. Sometimes that happens in this place on other issues, but I have found, in the time I have been here, that this is one area that has caused great hurt, great pain and great difference of opinion which has gone not only to the expression of one’s own opinion but has extended to attacking the people who do not share that opinion.

In my speech I talked about the fact that I was deeply worried about this view that people who have different views are not worthy of respect. I know it is a very dangerous thing to quote yourself, but I said:

The zeal of people and groups in promoting the belief in what they call traditional marriage has in some cases crossed into real vilification and personal attack. I have been deeply sickened by comments and public forums allegedly based on the reasonable effort to raise awareness or promote certain beliefs, often using the word ‘family’. As a community we genuinely value the concept of family, and when arguments are made or literature is distributed which focuses on love, trust and special relationships with children many people are attracted, feel an automatic warmth and are drawn to accepting the credentials and goodwill of those promoting the ideas and values.

Sadly, during the debate on the legislation there has been some confusion and even some deliberate attempts to demonise gay and lesbian people and to create an atmosphere and an environment where somehow it is acceptable to judge, exclude and hurt people whose relationships do not fit the definition of ‘marriage’ that these people believe in.

That continues to be my concern, and the reason I am stressing that in this contribution is that quite recently, when we had a Senate inquiry into the plebiscite bill, those same fears and those same worries came into the discussion. Whether we need a plebiscite or not is another
issue entirely, and I am sure that will be addressed in this process. But one of the arguments that came up during that very interesting inquiry was the fear, both from people who strongly support the need to change legislation to have a vote on same-sex marriage and from those who actually take a diametrically opposite position and say that there should be no change to the definition of marriage, that they would be harmed, that there would be attacks made on them, that there would be language used that was hurtful and that could damage them and the people who care for them. That same fear was expressed by both sides of this argument at that Senate inquiry.

That is a really worrying situation to be in when an issue is to be debated before this place—and that vote will happen, hopefully while I am still in the Senate. But for the proponents of each side of the argument to both express that they are fearful that, through the debate, there will be unacceptable levels of hate and attack and that they will be damaged—if that is the expression of fear created for both sides of the argument—we have to look strongly at our processes and ourselves to see why this view is so real. I do not understand it. It would be much easier if I did. I do not understand why this issue has generated such concern and fear.

Many nations across the world are looking at the definition of marriage and confronting the reality that many people who are gay want to form permanent—or as permanent as any marriage can be—relationships and to have those relationships accepted by the state. It is not just a debate in Australia. We know that. We have seen these situations in numerous other countries across the world. In some places legislation has passed to permit a change and in some it has not. Nonetheless, the debate continues.

In the plebiscite argument that we have had, there was a great deal of quite worrying evidence placed on record about the Irish situation. The Irish situation has been used extensively as an example. Ireland had a referendum, because their constitution demanded that there should be one, and the referendum resulted in a positive outcome for people who wanted to change the definition of marriage to allow gay people to marry. That has been used in a very positive way by those of us who support that change. What I was unaware of is that exactly the same kind of fear and concern existed in the Irish community during the campaign around their vote as exists in Australia. That did not come out in the euphoria of people who accepted that result or in the joy that was expressed so clearly in the public. No-one can debate the media coverage showing the sheer joy expressed by numerous people in Ireland at the time of that decision. Even more importantly, the leaders of that nation, including church leaders, then made public comment accepting the result of the referendum. That is the really important point—you have a difficult debate; you get a result; and then the people involved in that debate and campaign publicly say that they acknowledge the result, they are prepared to live with it and the world will go on.

However, what I was not aware of was that—as shown in evidence that we received during our Senate inquiry—the same attacks, the same vilification and the same lack of reasonable debate occurred in the Irish community leading up to the referendum as has occurred here. Again, because of the sensitivity of this issue, people's ability to debate, as opposed to fight, was weakened by how strongly they felt about the issue. As I have said a number of times, I would hope that we could be able to conduct this debate in the parliament and in the community in a way that would minimise that situation—but I am genuinely not convinced
that we can. If the emails I have received are any indication of community spirit, we will not be able to. The arguments in emails that I receive inevitably end up talking about some people having a greater right than others. That really is not the intent of the legislation.

In this place, we have been talking about the issues of genuine rights and same-sex marriage for over 10 years. The debate continues to have much of the same content. I do not believe that in this morning's discussion we will hear any new evidence or any new argument. What will be reinforced is that there are genuine differences of opinion. All I can do is express how I feel. I believe quite strongly that in Australia people must be able to make the choice to marry and have a same-sex marriage.

I know that people will say—I have seen the arguments—that the various civil union arrangements in a number of states, as was the case in Queensland for a short time before the state government changed, should be, to quote directly from some of the emails, 'enough for those people'. I think that phrase in itself indicates a lack of understanding and true respect, because we are not talking about a group of people who can be dismissed. We are not talking about a group of people in our community who are defined, according to some of the correspondence I receive, as a small minority who want to take over the Australian community. We are talking about people—people who are gay and who want to form a family relationship. But I am not just talking about their immediate families; I am also talking about the wider families and the friends, of whom I am one, of gay people in our community who celebrate the joy of people who make this decision. As I said before, I come from a large Irish Catholic family who genuinely enjoy a good celebration. I have been fortunate enough to be part of a number of celebrations of same-sex relationships where, before we have any legal entitlement to call their situation a marriage, we have definitely called their situation a marriage and we have celebrated with the same joy as we have done in any gathering that celebrates the decision of two people to form a permanent relationship.

I could go through all the stats—they exist—about the results of various surveys that are on record across the country. My view of surveys is that, for every survey that one side of an argument puts up, the other side of the argument will find another that says a completely different thing. We know that the parliamentary process to this point has encouraged parliamentarians to go out and talk with their constituents about how they feel. I believe that has truly occurred. I know that many of us in this place and in the other place have made real efforts to go into the community to listen to the various issues and to listen to people about how they feel.

In that case, what will come back to this place is that people will have different views on the issue—and that is what happens so often on things that come before the parliament. But I truly believe that, on this issue, there has been a distinct societal change in the last 10 to 15 years. There has always been an acceptance that there are people in our community who are gay. I think no-one could ignore that reality and, over the years, that has become much more accepted and openly discussed. I also believe that over recent years, as this debate about the issues around same-sex marriage has come more into the popular view, there has been a growing acceptance that this is a reality. Certainly in the community in which I work, there is almost a situation where people just say: 'Why hasn't this happened? Why hasn't the parliament reflected the views of the community that say this is just another part of our life?'
Senator Caravan talked about the acceptance of diversity and somehow made the argument that wanting to have a same-sex marriage bill in this place is against diversity. I do not agree with that comment. I believe that acknowledging that there is a place for same-sex marriage and families that have a different makeup from what has been considered traditional is exactly an acceptance of celebration of diversity in our community. One of the things about this particular bill is that it forces no-one to take action against their own will. There is nothing in this bill that says we are forcing people to take any action.

I know there is an ongoing concern—and it came up during the plebiscite debate—about the issue of civil servants, civil celebrants and also people who work in business. My view there is that, for people who are being paid by the government, they are actually doing the work that the government has enshrined. And should there be an approval of same-sex marriage, as I hope there will be, marriage celebrants, who are actually entrusted by the government to have that work, will have that opportunity to perform marriages and will be required to perform same-sex marriages if they are asked to. Often in this place we talk about the market, and in this case, the market rules: you advertise the services you are going to provide and people can choose to go to you for services or not.

Overall, I think that is a smaller area of the argument as opposed to the core issue brought again into this place to say how we feel about the need for a parliamentary vote on saying that we want to have same-sex marriage in Australia. I think there needs to be a free vote in our parliament on this issue. I think people should have the ability to represent their community in taking their vote. I do not think that the plebiscite process, which we have discussed in this place, is the right way to go. I think it takes away from the activities of parliament. It also means that this issue is different from every other issue that comes before the parliament—and I do not believe it is. But I do believe it is an incredibly important issue and it does divide people in this place.

Again, if we could only take some of the judgement and the hate out of the discussion and get down to thinking about exactly what it would mean to have same-sex marriage in our community we would then be able to move forward. The speeches I made in 2004, 2010 and 2012 all talked about the degree of hate that comes into our community and bemoaned the fact that this issue seems to continue to focus on how we are different rather than how we can work together. I know that, in the future, there will be more opportunities to speak on this issue and I just hope that, at some time, I will be able to say yes, we have been able to speak together and have a debate without attacking each other and making judgements on people in our community.

**Senator McKIM** (Tasmania) (10:57): I rise proudly to support the Marriage Equality Amendment Bill 2013. In doing so, I congratulate Senator Hanson-Young for sponsoring this bill and continuing the Greens’ extremely proud tradition of being the only political party in this country that can legitimately say every single one of our MPs in every single parliament where marriage equality has come up for debate has supported marriage equality. It is a proud tradition and we will continue to work incredibly hard with the gay and lesbian community, the broader Australian community and those people from other political parties who support marriage equality to see this reform pass into law.

This bill will strengthen the institution of marriage. It is an institution that has evolved over time to reflect the expectations of communities and there is no doubt that the Australian.
community is ready for marriage equality. Poll after poll after poll shows that a majority of Australians want this reform. This bill will also strengthen families. In strengthening families, it will also be beneficial for children who are part of those families. While our legislation in this country contains discriminatory provisions such as those in the Commonwealth Marriage Act it makes it very difficult or impossible for us to eliminate discrimination in our communities. It makes it difficult or impossible for us to address discrimination in schools, in sporting organisations, on the streets, in the pubs and in our families.

You need only look at the appallingly high suicide rate, particularly of young gay men, to understand the urgency of this debate. I want to speak today about the suicide of one young gay man called Nathan. I want to acknowledge his partner Ben Jago, who has bravely written about Nathan's death and Ben's subsequent experiences. In the article, published in *The Examiner* newspaper earlier this month, Ben writes that in January this year his partner Nathan took his own life in Hobart. He talks about how distraught and overwhelmed he was when he discovered Nathan's body. He talks about how, several hours after Nathan's death, Ben was interviewed by the police. The police told Ben that Nathan's mother would be recognised as next of kin and not Ben, and that Nathan's mother would be given custody of Ben's body.

Ben then contacted the coroner's office in Tasmania and was told that he, Ben, could only be considered next of kin if he went to the office of Births, Deaths and Marriages and registered their relationship. Of course, when he contacted the office of Births, Deaths and Marriages in Tasmania, he was told, quite rightly, that both parties had to agree to register a relationship. And, of course, that was not possible, given that Nathan was dead. It is absolutely extraordinary—the advice that he received from the coroner's office. As Ben points out in the article that he so bravely wrote for *The Examiner*, at every point in those terrible, traumatic hours following Nathan's death, what he was told was incorrect or misleading. Ben did not know at the time that, under Tasmanian law, he is deemed, and would have been deemed, to be Nathan's significant partner and next of kin, even without registering a relationship.

Then, as Ben says, events cascaded out of his control. He learned that Nathan would be buried in his home town of Ulverstone on Tasmania's north-west coast, against his express wish to be cremated in Hobart. He asked to see Nathan's body in hospital but was denied access to see the body of his long-term partner. By the time he found a lawyer to help him with that, the body had been released to Nathan's family. He found out when Nathan's funeral would be only through word of mouth and had to negotiate with Nathan's family. He was told that he could attend Nathan's funeral but only if he sat down the back and said nothing. Ben writes that the ceremony did not reflect Nathan's life and made no mention at all of their relationship. This was the man whom he regarded as his soul mate. They had planned to marry in New Zealand, having, unfortunately, of course, not had the opportunity to marry in this country. They had been engaged for more than a year.

Ben writes that he felt like he was treated like he meant nothing to Nathan and was not even a part of his life. He says that it left him feeling like part of this soul had been crushed into dust. He writes that he felt worthless as a person and had to question why he engaged with a society that does not protect his rights. He also writes that he believes that, if Nathan and he had been able to marry under Australian law, none of what he described in his article
would have happened. He quite rightly points out that a marriage certificate would have put his legal rights beyond doubt, with no room left for prejudice or ignorance. Then he makes a crucial argument in favour of marriage equality. He says—and I will quote from his article:

Even if we hadn't planned to marry, the fact of being allowed to marry would have made a major difference to how we were seen.

Marriage equality will send a message to every estranged parent and indifferent official across Australia that they can no longer disregard and disrespect the equal rights of same-sex partners.

He also says:

I hope my story wakes up all those politicians who say 'gays have all the rights they need already' because clearly we don't really have these rights while they can be so easily ignored.

It is worth pointing out that some of the circumstances that Ben outlines are subject of an anti-discrimination case in Tasmania. As that is a live case, I will respect the process and not make any further comment on it.

That is a terrible story. It is an awful story of a traumatised man who was treated appallingly by officials in Tasmania. It should be cause for us all in this place to reflect on this very basic truth: while our country's laws discriminate against same-sex couples, it will be very difficult or impossible for us to eliminate that discrimination in our communities. Even if there were no other arguments in favour of marriage equality—and there are many—that one, of itself, is enough of an argument that this bill should be passed.

I want to go through a little bit of the history of the marriage equality debate in this country, particularly the parliamentary history of the marriage equality debate. It is really interesting that when the Greens in the Tasmanian parliament tabled this country's first ever suite of marriage equality legislation in 2005 we could not even get the support of the House of Assembly to refer those laws to a parliamentary committee for an inquiry. That was 10 years ago. The Tasmanian parliament would not even hold an inquiry into same-sex marriage legislation. How proud a day it was for Tasmania when in 2010 we became the first state to recognise overseas same-sex marriages through the provisions of our nation-leading Relationships Act. In 2011 the House of Assembly became the first house of any parliament in Australia to vote for in-principle support for marriage equality. Then, one of the proudest days in my political career was in 2012 when the House of Assembly in the Tasmanian parliament became the first chamber in any Australian parliament to pass marriage equality legislation.

I want to say here that it has always been the view of the Greens and it is also my view that this reform should happen through the Commonwealth parliament so that it applies to all states and territories in our country. But back in those days it was blindingly obvious that the Commonwealth parliament was not going to be prepared to step up and pass marriage equality through both of its houses. I want to acknowledge Professor George Williams, who provided me with an extremely robust piece of constitutional advice that we released publicly in support of our first marriage equality legislation in 2005. That advice made it very clear that, in the opinion of Professor Williams, the discriminatory amendments to the Commonwealth Marriage Act—supported, I have to point out, by both the Labor and Liberal parties at the time—which limited the scope of the Commonwealth Marriage Act to marriage between a man and woman provided the constitutional space in Australia for states to legislate for same-sex marriage, because section 51 powers in the Australian Constitution are
concurrent powers. In fact, until halfway through the last century it was actually states that dealt with marriage in Australia, not the Commonwealth.

I thank Professor Williams for that advice. I know there are many members of state and territory parliaments around the country who are watching very carefully the way this debate is evolving at a national level. It is worth pointing out that if the Commonwealth parliament does not fulfil its responsibilities in this area I have no doubt that these debates will arise again in state and territory parliaments in the not too distant future, because this is an issue that needs to be resolved as quickly as possible, in part so that people like Ben Jago are less likely to go through the traumatic experiences that he did.

We do not need a plebiscite in Australia; we just need MPs to step up and do their job. We were elected to this parliament to legislate, to make the laws of this country. It is one of our most fundamental duties as members of the Commonwealth parliament, and we ought to be prepared to step up and fulfil those responsibilities that are entrusted to us by the Australian people and to address the issue through the parliamentary forum, as we are today.

I share the fears articulated by Senator Simms in his speech that there is a very real risk that the debate will be divisive in our community and that a small but well-resourced lobby will take the opportunity to use debate to demonise gay and lesbian people in this country. We have examples of how some powerful people in the Catholic Church have used their power and the authority and the reach that they have to distribute material that, in my opinion, clearly discriminates against same-sex couples—and I am talking about the Don’t Mess With Marriage pamphlet that has been distributed to a number of Catholic schools around Australia and has been made available online. It is worth pointing out that that pamphlet itself is also the subject of anti-discrimination action in Tasmania, and I declare that that has been brought by Martine Delaney, a Greens candidate. It is so important that, firstly, that sort of what I believe is offensive material is not allowed to be distributed and, secondly, when it is distributed, those who distribute it, and particularly those who author it, are subject to the legal protections that I believe exist in Tasmania, at least, to ensure a respectful debate on this issue. It is our fear that a plebiscite will allow those who vocally oppose marriage equality to divide our country on the basis of this issue by smearing gay and lesbian people.

So, as I have said a couple of times, we in this parliament are leaders and we have a responsibility to show leadership. The time has actually long passed for marriage equality. But, while we still sit in a parliament and allow discriminatory laws to go unchallenged and to continue to exist on our nation’s statute books, how can we go into our schools, pubs and sporting organisations and say: ‘Don’t discriminate against gay and lesbian people,’ because we lose the moral authority to do so because we allow discriminatory statutes to continue to exist in this country. As I said, even if you ignore the many, many other legitimate and meaningful arguments in support of marriage equality, that alone ought to be enough of an argument to sway this parliament—this Senate and the House of Representatives—into supporting marriage equality legislation.

Senator LINDGREN (Queensland) (11:16): I rise to contribute to the debate on the Marriage Equality Amendment Bill 2013. Those in this place who know me are very aware of my views on this topic. To those honourable senators who do not know me very well: I look forward to your understanding of my long-held beliefs and reasoning.
I hold the firm belief that marriage is the union of a man and a woman to the exclusion of all others, voluntarily entered into for life. The sanctity of this union between a man and a woman is a cherished institution and recognised in our Constitution. It is the core component of the family.

My beliefs are not drawn from discriminatory influences, from political innuendo or from a misunderstanding of the world in which we live today. Who we choose as a partner, the way we cohabit and the personal lives we lead are choices for every individual to make for themselves. Personal choice and responsibility are championed in this country, and I will continue to be an ardent supporter of them. Therefore, the beliefs that I hold and will continue to embrace dearly should, in return, be respected and championed by those who have differing views.

During the course of this debate, I have no doubt that I and others of the same view as me will be labelled as intolerant and narrow-minded, and the list may go on. I must question the strength of the argument of the same-sex marriage supporters when they have to resort to name-calling. Are we to be denied the right to voice an opinion—an opinion we can clearly articulate without resorting to personal denigration?

One of the interesting arguments of the same-sex marriage supporters is that two people should be allowed to love who they choose. I do not know of any argument or legislation that states that an adult cannot love another adult of their choice. Marriage does not suddenly allow someone to love; I know I loved my husband before he even proposed to me.

This is the tragedy of the debate. Yes, my views may differ from those who believe in same-sex marriage, but my belief remains as strong as the belief of those in this chamber who oppose my view. There is always a small number of bad apples in the crate driving extremism and pushing the boundary of offensive behaviour, and they should fall into the category of 'bigot', but that is not the case with the vast majority of people who support the definition of marriage as it stands and oppose same-sex marriage. Here is where their argument falls down. As I have already stated, I am an ardent supporter of personal choice and I respect and will continue to respect those who have views that are different from mine. This debate is not about the differing views of people. This is not a debate about the terms of equality and discrimination. It is about the definition of 'marriage' and why it should remain unchanged, and that the Marriage Act must be kept in place as a union of a man and a woman.

As I have already stated, I am an ardent supporter of personal choice and I respect and will continue to respect those who have views that are different from mine. This debate is not about the differing views of people. This is not a debate about the terms of equality and discrimination. It is about the definition of 'marriage' and why it should remain unchanged, and that the Marriage Act must be kept in place as a union of a man and a woman.

I grew up in a family with Catholic values and beliefs. Does my destiny relate directly to that religious influence in my life? No, but it does define a lot of what I stand for and believe in. What I term 'Christian values' are also held by the vast majority, including those that choose not to worship Christ or any other god. Those values are about caring, being kind, holding to strong moral compasses and being community-minded. Those same values are also defined by not participating in discrimination or practicing antisocial behaviour. One way that we can achieve this is by having a mature debate based on the principles of that in which we believe, and also that which is for the interests of those we represent.

Marriage blesses the union of man and a woman, and possible children to that marriage. It has done so throughout human history, and across all cultures and religions. As the Hon. Eric Abetz said, it predates parliaments. It is arguably our oldest institution.
Ask why this cause has suddenly gained some traction, while other have felt no need to bring it forward, yet now they are championing the cause. Why did others, when they had the chance to vote for same-sex marriage, vote no against same-sex marriage? Was it for political gain? I am going to repeat some of the words of Senator Wong. She said: ‘On the issue of marriage, I think, in reality, there is a cultural, religious and historical view around it which we have to respect. I do respect the fact that that's how people view the institution.’ Have others who once held this view had a change of heart also? So where is their sincerity?

I hope that those who champion same-sex marriage do this for the right reasons. I hope those who champion this cause champion it with good conscience and have regard for those who are hopeful of change. To those who are disappointed with my views: at least you know where I stand and know that I am not going to use your hopes for my political gain. I have taken the view that the public of Australia needs to be included in this decision. I ask those who support same-sex marriage: have you considered the full consequences of this idea? What will occur if this is successful? What will happen to the adoption laws? Will they too become equal?

With adoption waiting times being about five years, a traditional couple will not consider placing their names on the list unless they have a medical reason preventing them from having children naturally. This could be five years or more after marriage, depending on your age. They then generally wait and establish their marriage, home and, maybe, careers. After trying for a while they may seek medical assistance, then IVF, and then, after a time of trying to conceive, the body clock is ticking and due to the age of the woman her body starts working against her. They will then try adoption, only to find those who have not had to endure this pain are ahead of them on the adoption waiting list. This would easily be 10 to 15 years later.

A same sex couple, knowing they cannot bear children naturally, place themselves on this list at the time of marriage, or earlier. Do we then move traditional couples who have spent years and great expense to have a child, and failed, to the top of the list? If we did, I have no doubt that the howls of indignation and discrimination would be loud from some parts of this chamber.

Some have failed to consider what is next. What are the future consequences? Do we now expect women in traditional relationship to have children early to ensure they can have children, to put aside career aspirations, to race into relationships in case their body and the system works against them and adoption becomes harder? If you think I am wrong then go to the staff rooms of schools or the meal rooms of police stations and see how many are struggling to have children after establishing a career. As an educator, I have seen the results of fathers and mothers not being present in the upbringing of a child, and, to be frank, it is not good.

As a daughter, I know of the special relationship a daughter has with her father; no more than a male has with their mother. And, yes, I have also seen bad traditional families, but I do not wish to create further social issues that will need addressing in 10 to 20 years' time.

Some will ask why I, as an Indigenous woman who has firsthand knowledge and experience of discrimination, am supporting a form of discrimination? I am not supporting discrimination. I am supporting families. Families have throughout nature and history consisted of a male and a female, securing the future of their race and culture. In Indigenous
cultures, children were seen as the clan's future and security, therefore traditional marriage was not just supported, it was needed. It was a matter of survival.

Please do not point to Ireland. It had 60 per cent of voters turning out, producing an actual support of just 37 per cent. But that is something they will have to accept and deal with, due to voter apathy. America's decision just does not cut it—a court decision, not one made by either the legislature or the people. Nine people to make a decision for a nation, with four dissenting. This does not represent a popular choice but rather the narrow choice of social elites.

Despite being a Senator for only a short period of time, the last count of emails I have received on this issue is in the thousands. They show that the vast majority of those who have contacted me oppose same sex marriage—it is approximately 22,000.

Why do some fear participative democracy? If those who want same-sex marriage are truly serious, then let them campaign for it. But first, let those within their own ranks who oppose it openly campaign against, as well.

Senator SINGH (Tasmania) (11:25): I rise to contribute my remarks to the Marriage Equality Amendment Bill 2013. I do thank Senator Simms for bringing this debate on today. I will indicate at the outset my support for this bill.

One of the most important and enduring values of Australian society is its respect for difference. It is respect for difference that is based on that inalienable dignity of every single person. When we talk about that dignity, it is about dignity that is equal amongst people, which means that it persists regardless of race, colour, creed, gender or sexuality or any other arbitrary distinction that we might make. We recognise this dignity by allowing all people to have an equal opportunity to realise their dreams, and equal access to community life—in cultural expression, in work and in the kind of ambitions people can pursue. However, when we look at the legal definition of marriage, as it stands, it denies same-sex couples, gays and lesbians, the dignity that Australian values would rightly accord them.

I want to go to where the Australian community currently stands on this issue, because there is an overwhelming amount of support for marriage equality in this country. The majority of Australian communities right across the country are calling for an end to this discrimination. I think something like 72 per cent, if not more, of Australians are supporting marriage equality. This may be something that we debate here in the parliament, and we express our own views according to conscience—that is as it currently stands at least for the Labor Party and, I think, for the coalition. I acknowledge that the Greens have a united position on this issue.

But regardless of our views in this place, the majority of Australia, the people we represent, the people we legislate for, are calling for marriage equality. That in itself means that we need to reflect on our own views and also reflect on the views of the people we represent, and listen to them.

One of the most important components of this bill, and of the outcome it seeks to achieve, is really about ending discrimination for gays and lesbians in Australia. That really goes to the heart of what this bill is about. I acknowledge the very heartfelt contributions that have been made by some senators in this place on that very issue—the ending of discrimination. When we talk about discrimination, a number of us share our own personal stories of people we
know who may have suffered discrimination, or even ourselves. For me, it is the story of a
dear friend of mine and his partner. Because of their sexuality, they have suffered
discrimination from their neighbour for some seven years now. Their neighbour has left them
frightened and intimidated. He has victimised them. He has discriminated against them on the
basis of their sexual orientation. These friends of mine have been fighting this through the
Anti-Discrimination Tribunal. It has been going on this year, but that is really the end point. It
has actually been the last seven years that have been so horrific for them and in which they
have suffered so dearly.

When we talk about marriage equality, yes, we are talking about the rights and freedoms
for same-sex couples to marry—that is true—but we are also talking about something much
more fundamental than that; we are talking about trying to end the discrimination that
continues to take place in this country for gay and lesbian Australians, which has resulted in
some devastating and terrible outcomes for them. So I stand to contribute in support of
marriage equality to do just that—to end discrimination for gay and lesbian Australians. I
understand that there are differing views and that some people may not support my view or
the view of some of my colleagues—of Senator Simms, Senator McKim and others—but I
ask them to recognise that times have changed, as recognised by the majority support for
marriage equality in Australia. The institution of marriage has evolved. Marriage is a deeply
personal and social institution. It is a commitment offered by a couple to each other through
which the value and dignity of a couple’s love is formally recognised by their community. In
both cases it is a symbol of a loving union between two people, and this is the case regardless
of sexual orientation.

In Australia and around the world, marriage equality has come a long way. The campaign
in Australia for marriage equality has certainly come a long way. If we look around the world,
the referendum in Ireland was an incredibly momentous outcome. The decision by the United
States Supreme Court, again, has added vital morale and momentum, I think, to Australia’s
cause. The words of Justice Anthony Kennedy rang true here in Australia when he delivered
the opinion of the United States Supreme Court upholding the constitutional right of same-sex
couples to marry. He said that ‘We continue to deny the dignity of gays and lesbian couples,
and the dignity of their love, and I believe it is discriminatory and incompatible with the
expectations of an equal society.’ That really says it all for me. I remember the day that
decision was handed down and those words of Justice Kennedy were shared and beamed all
around the world. He very much touched on what I was remarking on earlier when I talked
about discrimination, dignity and the need to be equal regardless of our sexuality, regardless
of our race, regardless of our colour and regardless of our gender.

The successful referendum in Ireland, in what some would say is a staunchly Catholic
nation, demonstrates the dramatic change in attitudes and the need in Australia for equality
too. And, of course, our dear neighbours in New Zealand, and other countries, such as the
UK, the Netherlands, South Africa, Denmark, Belgium, Brazil, France and many more, have
also recognised the importance of marriage equality. Unfortunately, I did not get to go to a
dear friend’s wedding recently because he and his partner, his now husband, had to go to New
Zealand for their marriage, and time did not permit me to be able to get on a plane to go to
New Zealand to celebrate their wedding with them. It was another reminder that they should
not have had to leave Australia to be married. They should have been able to be married here with their friends and their family.

I joined over 1,200 Tasmanians in Hobart in August to call on the government to allow our parliamentarians to bring marriage equality into Australia. That rally at the city hall in Hobart may have seemed small by mainland standards, but on a gusty Hobart day the city hall was packed and the sentiment rang through that very packed city hall with supporters spilling out onto the streets. Rodney Croome, from Australian Marriage Equality, spoke passionately that day on the need for change. He has been such a staunch advocate for so long to end discrimination for gay and lesbians in this country, and that also goes to his incredible support for marriage equality. He said:

It is time for us to stand in defence of values we hold dear: love, commitment, family, equality, fairness, belonging. Guided by those values, and standing together as we do here today, we will succeed.

I think everyone's heart was absolutely touched by Rodney's contribution that day. Senator McKim was there and contributed that day as well, as did the acclaimed singer and songwriter, Monique Brumby, who I am sure is familiar to a number of senators in this place. She spoke of her experience. She said:

Growing up in Tasmania as a gay woman, I felt very ashamed a lot of the time ... I was made to feel like I was not equal to other people and I felt depressed. And I see a lot of young people, people of all ages who feel like this today.

She went on to say:

Support for marriage equality rings so strongly throughout the Australian community. The only thing blocking this from becoming a reality is certain people in this place not supporting it. I ask those people to reflect on their position and to listen to some of the contributions that have been made, not just by those in this place but by those like Monique Brumby, like Rodney Croome and like so many people in the broader Australian community—people who have even changed their views. There are people like the President of the United States, Barack Obama, who changed his view. They recognise that, yes, times have changed and this is about something else. It is about what Justice Kennedy described as 'the end of discrimination' and 'something incompatible with the expectations of an equal society'.

We have had activists, business leaders, unionists, sporting heroes, parents of gay and lesbian children, and so many more, voicing their support for equality. Seven hundred and sixty-five organisations have pledged their support for marriage equality. The negative message that is sent out by discrimination in marriage fosters prejudice. The unequal treatment against same-sex relationships in the wider community is something that I cannot stand by and continue to see happen in this country. This is a debate about real people, real families and real love. We must send a message of acceptance and of belonging to all Australians—to every kid who struggles with their sexuality, to every parent who is concerned that their child will bear the brunt of homophobia and to the children of same-sex couples themselves; to all of those who suffer from discrimination based on their sexuality.

I would like to acknowledge some of the blockers to this coming reality that were raised by Senator Simms in his contribution. One of those is what the government has put forward:
having a plebiscite. I understand there was a Senate inquiry and that Senate inquiry show very clearly, among other things, that it would cost some $160 million of taxpayers' money to have a plebiscite when 70 per cent of the Australian community have already said that they want marriage equality. It is not a practicality; it is simply impractical to go down that pathway. We can get on and do this now. In fact, a lot of people—people who are perhaps not particularly interested in the institution of marriage—say to me, 'I just wish Australia would get on and do it. I just wish Australia would pass this legislation and get on with it.' That is really the attitude of a lot of people. They want us to move with the times and end this discrimination.

I conclude my remarks there. I would also like to acknowledge that, yes, it was the Tasmanian parliament that passed marriage equality laws. I congratulate Lara Giddings and Nick McKim for the work they did in that. But, yes, it is a federal piece of legislation, so it is up to us here to make it happen and I think now is the time that we should do that and support marriage equality in Australia.

Senator RICE (Victoria) (11:42): Like so many Australians, I find the ongoing refusal of this government to allow an immediate parliamentary vote on marriage equality utterly intolerable. I have listened to the arguments from those on the government benches who say that they do not discriminate against lesbian, gay or transgender people; they just do not believe that marriage should be changed to allow same-sex attracted people to be married. I am sorry: that is just not the case. If you do not support lesbian, gay or transgender people being able to marry, you are discriminating against them. You are not giving them the rights that are afforded to the rest of Australians. It is state sanctioned discrimination at its most basic. The arguments that marriage is sacred, immutable and unchangeable is clearly not true. It is codswallop because marriage has changed over the years; marriage has changed over the centuries. In previous times, the same arguments that are being used against same-sex marriage were used against interracial marriage—that, no, it is just not right for black people to marry white people. The same arguments were used against marriages of people of different religion—that, no, marriage should not occur between somebody who is Christian and somebody who is Muslim. In fact, the same arguments have been used for marriage between Catholics and Protestants. We got through all of that. We know that if people love each other they should be allowed to marry. Marriage is such an important part of our social structure, and to allow all Australians to be able to participate gives equality to all Australians.

It is intolerable that right now, in almost all jurisdictions across Australia, if you are a trans or gender-diverse person who is currently in a married, opposite-sex relationship and if you as a trans or gender-diverse person want to change your birth certificate to correctly identify your new gender, you must divorce your husband or wife to do so. Trans forced divorce is such a strong example of how outdated and discriminatory our current marriage laws are. I am married to my wife, Penny. We married almost 30 years ago when she was Peter. She transitioned to her lived gender—her real gender as a woman—some 12 years ago, I think. Penny has chosen to not change her gender on her birth certificate. Her birth certificate still says she is male—when she knows, we know and the world now knows she is absolutely female. But she cannot change her birth certificate because, to change her birth certificate, under our current legislation we would have to divorce. So her birth certificate sits in a bottom drawer. Fortunately, she is able to get a passport in her real gender. Her passport says
that she is female, so her birth certificate is totally irrelevant to her as an identity document. That is not how it should be. It is such an absurdity and it shows the discriminatory nature of our current laws. It shows the discrimination against transgendered people as well as against lesbian and gay people.

It is intolerable that today, in 2015, gender diverse, trans and intersex people who are in a same-sex relationship are not able to marry the person they love, the person they cherish and the person they want to create a solemn and binding relationship with. It is particularly intolerable that young trans and gender diverse people in same-sex relationships are constantly given the message, loud and clear, that their government refuses to allow them the respect and dignity of allowing them to marry and wants to take the issue of their personal love for another person to a national vote of some 16 million people. It is absolutely intolerable that every day around Australia people’s lives, their families and their relationships are being torn apart by this brutal, heartless refusal of the Turnbull government to allow a parliamentary vote on marriage equality.

Sally Goldner, the Executive Director of Transgender Victoria, who was recently crowned the Victorian LGBTIQ Person of the Year in recognition of her advocacy, writes:

Article 16(2) of the UN Declaration of Human Rights states that "Marriage shall be entered into only with the free and full (my emphasis) consent of the intending spouses." Would it be fair to imply from that article, marriage should equally be ended with the full consent too?

Sally, that is a very good question. The Resilient individuals: sexual orientation gender identity & intersex rights national consultation report 2015 of the Australia Human Rights Commission was released this year. The report states:

To ensure all Australians are treated equally and fairly by the law and government, the following law reform should occur promptly at a state and territory level …

Notably:
In the interests of preserving resilient families and marriages, all states and territories should remove the requirement that married couples get divorced in order for one partner that is transitioning their gender to have it acknowledged on official documentation.

The Australian Human Rights Commission report goes on to state that the impact of the definition of marriage in the Marriage Act 1961, as it presently stands, means:

3. An established married couple, one of whom is a trans person, is legally required to divorce in order for the trans person to amend their birth certificate.

4. A couple cannot access civil marriage if one party is legally recognised as a sex other than male or female.

5. Queensland case law suggests that irrespective of the sex marker on a birth certificate, some intersex people may not come within the definition of a man or a woman for the purposes of the Marriage Act 1961 (Cth), and therefore are denied access to civil marriage.

This is discrimination at its most basic. What more evidence does this government need? In New South Wales, in Tasmania, in Victoria and in South Australia the issue of trans forced divorce has been raised in state parliamentary reference groups, in state based reviews and by members of parliament. Hardworking volunteer advocacy groups, such as Transgender Victoria and other trans and gender diverse rights lobbies, are educating and raising awareness of these ridiculous and damaging legislative and regulatory inconsistencies.
The Australian Greens and I support the right of all trans, gender diverse, gender queer and intersex people to marry the person they love. We are in a position in this parliament to be able to legislate—to use our powers here as legislators to remove this discrimination and allow all Australians to marry the person they love. The Greens have proudly stood up for the rights of the lesbian, gay, bisexual, transgender, intersex and queer communities for many, many years—well before marriage equality was even a thing. In parliaments all over the country, it has been Greens who have been advocating and working hard for the rights of LGBTIQ Australians for years and years. We are so close now. At the moment in Australia, the opinion polls show that 70 per cent of Australians want to see same-sex marriage. They want all Australians to be able to marry the person they love, and they cannot understand why we do not just get on with it. Why don't we just do it and allow these marriages to occur? They are such happy occasions. We will continue to fight to remove all forms of discrimination faced by our communities. And we will continue to call for a parliamentary vote as soon as possible—by the end of the year would be terrific—to bring on marriage equality. We can vote now to introduce marriage equality in Australia. Love does not discriminate, and neither should the law.

Debate adjourned.

NOTICES

Presentation

**Senator Canavan** to move:

That the Senate notes that:

(a) it is not the role of government to tell people what to eat and that individuals have a responsibility for their own health and wellbeing;

(b) a key to improving the health of Australians is by helping them make healthier choices about their food;

(c) actions such as the new Healthy Food Partnership, the voluntary Health Star Rating system and the Sporting Schools Initiative will tackle obesity and encourage healthy eating through educating consumers about fresh produce and appropriate portion sizes; and

(d) heavy-handed government intervention through taxes and bans will only limit a person's choice and not improve long-term results through increased individual responsibility.

**Senators Lazarus, Day, Leyonhjelm and Wang** to move:

That the Senate—

(a) recognises the untapped potential of Australians over the age of 65;

(b) notes that Australia ranks 13th in the Organisation for Economic Co-operation and Development [OECD] for workforce participation of people aged over 65;

(c) acknowledges that raising mature age workforce participation will add tens of billions of dollars to Australia's gross domestic product; and

(d) in the national interest, calls on the Government to remove the barriers and obstacles to the workforce participation of older Australians.
Senator McA
Allister to move:

That the Senate—

(a) notes that;

(i) in December 2015, leaders from across the globe will meet in Paris to determine the way forward to address climate change, and

(ii) People’s Climate Marches are:

(A) being organised in hundreds of cities around the world on the last weekend of November 2015 to send a message to world leaders that strong action on climate change is necessary and possible, and

(B) scheduled to take place that weekend in Melbourne, Sydney, Brisbane, Adelaide, Perth, Canberra, Hobart and Cairns;

(b) applauds the organisers and participants of the marches both overseas and in Australia for their commitment and efforts; and

(c) endorses the message that Australia can, and should, do more to address climate change.

Senator Whish-Wil
son to move:

That the following matter be referred to the Economics References Committee for inquiry and report by 27 July 2016:

The penalties for white collar crime, with particular reference to:

(a) the adequacy of the current suite of criminal, civil and administrative penalties to act as a deterrent;

(b) the value of monetary penalties, particularly in proportion to the amount of wrongful gains;

(c) the length of imprisonment sentences;

(d) the availability of mechanisms to recover wrongful gains;

(e) the consistency of penalties for comparable offences;

(f) the responsibility of managers and directors for wrongdoing;

(g) barriers to the discovery of wrongdoing, including for whistle-blowers;

(h) Australia in comparison to other Organisation for Economic Co-operation and Development [OECD] nations; and

(i) any other relevant matters.

Withdrawal


COMMITTEES

Selection of Bills Committee

Report

Senator BUSHB
y (Tasmania—Chief Government Whip in the Senate) (11:52): I present the 14th report of 2015 of the Selection of Bills Committee. I seek leave to have the report incorporated in Hansard.

Leave granted.
The report read as follows—

SELECTION OF BILLS COMMITTEE
REPORT NO. 14 OF 2015

1. The committee met in private session on Wednesday, 11 November 2015 at 7.19 pm.
2. The committee resolved to recommend—that—
   (a) the Australian Crime Commission Amendment (Criminology Research) Bill 2015 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 26 November 2015 (see appendix 1 for a statement of reasons for referral);
   (b) the Commonwealth Grants Commission Amendment (GST Distribution) Bill 2015 be referred immediately to the Finance and Public Administration Legislation Committee for inquiry and report by 16 March 2016 (see appendix 2 for a statement of reasons for referral);
   (c) the provisions of the Health Insurance Amendment (Safety Net) Bill 2015 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 23 November 2015 (see appendix 3 for a statement of reasons for referral);
   (d) the provisions of the Higher Education Support Amendment (VET FEE-HELP Reform) Bill 2015 be referred immediately to the Education and Employment Legislation Committee for inquiry and report by 30 November 2015 (see appendices 4 and 5 for a statement of reasons for referral); and
   (e) the provisions of the Migration Legislation Amendment (Cessation of Visa Labels) Bill 2015 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 25 February 2016 (see appendix 6 for a statement of reasons for referral).
3. The committee resolved to recommend—that the following bills not be referred to committees:
   • Counter-Terrorism Legislation Amendment Bill (No. 1) 2015
   • Crimes Legislation Amendment (Harming Australians) Bill 2015
   • Defence Legislation Amendment (First Principles) Bill 2015
   • Higher Education Legislation Amendment (Miscellaneous Measures) Bill 2015
   • Tax and Superannuation Laws Amendment (2015 Measures No. 5) Bill 2015.
   The committee recommends accordingly.
4. The committee considered the following bill but was unable to reach agreement:
   • Social Services Legislation Amendment (Family Payments Structural Reform and Participation Measures) Bill 2015.
5. The committee deferred consideration of the following bills to its next meeting:
   • Amending Acts 1990 to 1999 Repeal Bill 2015
   • Australian Institute of Aboriginal and Torres Strait Islander Studies Amendment Bill 2015
   • Automotive Transformation Scheme Amendment (Securing the Automotive Component Industry) Bill 2015
   • Competition and Consumer Amendment (Australian Country of Origin Food Labelling) Bill 2015
   • Corporations Amendment (Publish What You Pay) Bill 2014
   • Export Control Amendment (Quotas) Bill 2015
   • Migration Amendment (Free the Children) Bill 2015
   • Omnibus Repeal Day (Spring 2015) Bill 2015
   • Social Security and Other Legislation Amendment (Caring for Single Parents) Bill 2014
• Statute Law Revision Bill (No. 3) 2015
• Tax Laws Amendment (Gifts) Bill 2015
• Treasury Legislation Amendment (Repeal Day 2015) Bill 2015
• Veterans’ Entitlements Amendment (Expanded Gold Card Access) Bill 2015.

David Bushby
Chair
12 November 2015

APPENDIX 1
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:
Name of bill:
   Australian Crime Commission Amendment (Criminology Research) Bill 2015
Reasons for referral/principal issues for consideration:
   To ensure proper scrutiny of the Bill and to ensure that the new Criminology and Justice Research Centre continues to operate an open access library, provide strong and independent research with continued access to datasets currently available to the Australian Institute of Criminology and operate without funding restrictions.
Possible submissions or evidence from:
   Australian Institute of Criminology
   Australian Crime Commission
   Attorney Generals Department
   Rick Sarre, President of the Australian and New Zealand Society of Criminology
   John Myrtle, Associate Investigator, ARC Centre of Excellence in Policing and Security, Griffith University, OLD
Committee to which bill is to be referred:
   Senate Legal and Constitutional Affairs Legislation Committee
Possible hearing date(s):
   To be determined by the committee
Possible reporting date:
   26 November 2015
(signed)
Senator Anne Urquhart

APPENDIX 2
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:
Name of bill:
   Commonwealth Grants Commission Amendment (GST Distribution) Bill 2015
Reasons for referral/principal issues for consideration:

The measure contained in the Commonwealth Grants Commission Amendment (GST Distribution) Bill 2015, is poorly understood given the complexity of this area of public policy. The Bill does not create new revenue for Western Australia it simply tightens up the accounting period and brings revenue forward and will reduce the same revenue earlier than is currently the case. The understanding of this is poor and I believe through proper presentation and discussion during the committee process the Senate will be better informed.

Possible submissions or evidence from:

State and Territory Governments, government agencies including Commonwealth Grants Commission, Economists

Committee to which bill is to be referred:

Finance and Public Administration Legislation Committee

Possible reporting date:

16 March 2016

(signed)

Senator Zhenya Wang

APPENDIX 3

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee:

Name of bill:

Health Insurance Amendment (Safety Net) Bill 2015

Reasons for referral/principal issues for consideration:

To examine the impact of changes to the Medicare safety nets on all patients but especially those requiring access to psychiatrists, radiation oncology patients and those accessing assisted reproductive technology services

Possible submissions or evidence from:

Australian Medical Association, Royal Australia New Zealand College of Psychiatrists, Royal Australian College of General Practitioners, National Association of Practising Psychiatrists, The Royal Australian and New Zealand College of Radiologists, Department of Health, Consumers Health Forum

Committee to which bill is to be referred:

Senate Community Affairs Legislation Committee

Possible reporting date:

23 November

(signed)

Senator Anne Urquhart
APPENDIX 4
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:
Name of bill:
   Higher Education Support Amendment (VET FEE-HELP Reform) Bill 2015
Reasons for referral/principal issues for consideration:
   Scrutinise effect of government proposals for VET FEE-HELP reform and proposed opposition amendments
Possible submissions or evidence from:
   Stakeholders - TAFE Directors, Private providers (ACPET), TAFE Chairs
   Students & Consumer advocates
   Staff - AEU, NTEU
   Education Experts
Committee to which bill is to be referred:
   Education and Employment Legislation Committee
Possible hearing date(s):
   To be determined by the committee
Possible reporting date:
   18 February 2016
(signed)
Senator Anne Urquhart

APPENDIX 5
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:
Name of bill:
   Higher Education Support Amendment (VET FEE-HELP Reform) Bill 2015
Reasons for referral/principal issues for consideration:
   To review the impact and potential outcomes of the reforms within this Bill, and whether they are sufficient to fix the problems currently occurring the for-profit VET sector
Possible submissions or evidence from:
   ASQA
   AEU
   NTEU
   TAFE Directors Australia
   Council of Private Higher Education
   Department of Education and Training
   Grattan Institute
Committee to which bill is to be referred:
   Education and Employment
Possible hearing date(s):
   Late November—Late February

Possible reporting date:
   March 2-5 2016

(signed)
Senator Siewert

APPENDIX 6
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:
Name of bill;
   Migration Legislation Amendment (Cessation of Visa Labels) Bill 2015
Reasons for referral/principal issues for consideration:
   To further investigate potential impacts and unintended consequences of the Bill
Possible submissions or evidence from:
   Department of Immigration and Border Protection Department of Foreign Affairs
Committee to which bill is to be referred:
   Senate Legal and Constitutional Affairs Legislation Committee
Possible reporting date:
   February 2016

(signed)
Senator Anne Urquhart

   Senator MOORE (Queensland) (11:52): I have a motion to amend the report. I move:
   At the end of the motion, add, "and in respect of the Social Services Legislation Amendment (Family Payments Structural Reform and Participation Measures) Bill 2015, the provisions of the bill be referred immediately to the Community Affairs Legislation Committee for inquiry and report on 30 November 2015".

   The DEPUTY PRESIDENT: The question is that the amendment be agreed to.
   Question agreed to.
   Ordered that the report, as amended, be adopted.

BUSINESS

Rearrangement

   Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (11:53): I move:
   That—
   (a) government business order of the day no. 6 (Health Legislation Amendment (eHealth) Bill 2015) be considered from 12.45 pm today; and
   (b) government business be called on after consideration of the bill listed in paragraph (a) and considered till not later than 2 pm today.
Question agreed to.

Rearrangement

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (11:54): I move:

That the order of general business for consideration today be as follows:
(a) general business order of the day no. 3 relating to employment; and
(b) orders of the day relating to documents.
Question agreed to.

NOTICES

Postponement

The following item of business was postponed:
General business notice of motion no. 933 standing in the name of Senator Xenophon for today, proposing the introduction of the Interactive Gambling Amendment (Sports Betting Reform) Bill 2015, postponed till 23 November 2015.

COMMITTEES

Reporting Date

The Clerk: Notifications of extensions of time for committees to report have been lodged in respect of the following:
Rural and Regional Affairs and Transport References Committee—
Future Role and Contribution of Regional Capitals—extended from 1 December 2015 to 12 May 2016.
Airport and Aviation Security at Australian Airports—extended from 2 December 2015 to 19 May 2016.

The DEPUTY PRESIDENT (11:55): Does any senator seek to have any of these questions debated separately? There being none, we will move on.

Education and Employment Legislation Committee

Reporting Date

Senator KIM CARR (Victoria) (11:55): I move:
That the time for the presentation of the report of the Education and Employment Legislation Committee on the provisions of the Education Services for Overseas Students Amendment (Streamlining Regulation) Bill 2015 and a related bill be extended to 2 February 2016.

Senator COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (11:55): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator COLBECK: The government oppose moves by the opposition to delay reporting on this piece of legislation. It is an important piece of legislation that we would like to see passed, if possible, before Christmas. It has category T status for priority consideration by
parliament because it delivers much needed streamlining and, in particular, significant cost savings and red-tape reduction for the international education sector. It does not, as claimed by the opposition, weaken any student protections. These reforms have been developed by extensive consultation with the sector over a period of nearly two years. The government see this delay as absolutely unnecessary. We would like to see the legislation passed as quickly as possible so that the reforms can come into place and the savings that will come to industry can come into force.

**The DEPUTY PRESIDENT:** The question is that general business notice of motion No. 931 be agreed to.

The Senate divided. [12:01]

(The Deputy President—Senator Marshall)

<table>
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<tr>
<th>Ayes</th>
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<td>Noes</td>
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**AYES**

- Bilyk, CL
- Bullock, JW
- Carr, KJ
- Dastyari, S
- Gallacher, AM
- Hanson-Young, SC
- Lazarus, GP
- Ludlam, S
- McAllister, J
- Moore, CM
- Polley, H
- Rice, J
- Simms, RA
- Sterle, G
- Waters, LJ
- Xenophon, N

- Brown, CL
- Cameron, DN
- Collins, JMA
- Di Natale, R
- Gallagher, KR
- Ketter, CR
- Lines, S
- Ludwig, JW
- McKim, NJ
- Peris, N
- Rhiannon, L
- Siewert, R
- Singh, LM
- Urquhart, AE (teller)
- Whish-Wilson, PS

**NOES**

- Abetz, E
- Bernardi, C
- Brandis, GH
- Canavan, MJ
- Day, RJ
- Fawcett, DJ
- Heffernan, W
- Lambie, J
- Lindgren, JM
- Madigan, JJ
- McKenzie, B
- Payne, MA
- Ronaldson, M
- Ryan, SM
- Seselja, Z
- Smith, D

- Back, CJ
- Birmingham, SJ
- Bushby, DC (teller)
- Colbeck, R
- Edwards, S
- Fifield, MP
- Johnston, D
- Leyonhjelm, DE
- Macdonald, ID
- McGrath, J
- Muir, R
- Reynolds, L
- Ruston, A
- Scullion, NG
- Sinodinos, A
- Wang, Z
Question negatived.

**BILLS**

_Counter-Terrorism Legislation Amendment Bill (No. 1) 2015_

First Reading

_Counter-Terrorism Legislation Amendment Bill (No. 1) 2015_

I move:

That the following bill be introduced:

A Bill for an Act to amend the law relating to counter-terrorism, and for related purposes.

Question agreed to.

Senator BRANDIS: I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (12:04): I table the explanatory memorandum relating to the bill and 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—_

COUNTER TERRORISM LEGISLATION AMENDMENT BILL (NO. 1) 2015

This Bill will further strengthen Australia’s robust national security laws and counter-terrorism framework.

Australia faces the most significant threat to our national security from terrorism in our nation’s history. Sadly, by any measure, the threat we face has only increased and continued to evolve in recent times.

The Australian Government is committed to combatting this threat and to keeping Australians safe.

Around 110 Australians are currently fighting in Syria and Iraq. At least 41 Australians are believed to have been killed and approximately 30 Australians have returned from the conflict.
There are about 190 people in Australia actively supporting extremist groups through financing and recruitment or seeking to travel to the conflict in Syria and Iraq.

ASIO is currently investigating several thousand leads and persons of concern. More than 400 of these are high-priority cases. That's more than double the number since early 2014.

Since 12 September 2014, when the National Terrorism Public Alert level was raised to High, 26 people have been charged as a result of 10 counter-terrorism operations around Australia. That's more than one third of all terrorism related arrests since 2001.

And who can forget the recent terror related attacks; at the Lindt Café, in Melbourne and in Parramatta?

These numbers and events highlight the how serious is the threat we face.

The measures introduced in this Bill reflect lessons learned from recent counter-terrorism investigations and operational activity. The Bill also gives effect to a number of recommendations from the Council of Australian Governments Review of Counter-Terrorism Legislation.

The Bill seeks to maintain a careful balance between enhancing our law enforcement capabilities and protecting individual rights. The provisions set out in this Bill include a range of safeguards that also complement the suite of counter-terrorism measures introduced by this government in 2014.

Schedule 2—Control orders for young persons

One of a number of key measures included in the Bill is amending the existing control order scheme to provide that a control order may be issued against a young person from the age of 14 years.

A control order would only be issued against a person aged under 18 in the rare circumstances that it was required to:

- protect the public from a terrorist act;
- prevent a young person from supporting or facilitating a terrorist act; or
- prevent a young person from supporting or facilitating engagement in a hostile activity in a foreign country.

The Bill retains the existing safeguards in relation to young persons and introduces important new protections for 14 to 17 year olds. These include:

- a maximum 3 month duration for the control order;
- a requirement for the issuing court to take into account the young person's 'best interest'; and
- a requirement for the issuing court to appoint an advocate to present the young person’s interests.

Recent counter-terrorism operations have unfortunately shown that people as young as 14 years of age can pose a significant risk to national security through their involvement in planning and supporting terrorist acts.

In this context, it is important that our law enforcement and national security agencies are well equipped to respond to, and prevent, terrorist acts. This is the case even where the threats are posed by people under the age of 18 years.

Schedules 8, 9 and 10—New monitoring powers

The Bill will ensure that law enforcement agencies can effectively monitor compliance with the obligations, restrictions and prohibitions imposed by control orders.

Warrants will be available for the purposes of:

- protecting the public from a terrorist act
- preventing support for, or the facilitation of, a terrorist act or a hostile activity in a foreign country, and
• determining whether a control order has been or is being complied with.

Schedule 15—National security information

The Bill also provides for a broader range of options for protecting national security information that is used in control order proceedings.

With the increased tempo of counter-terrorism operations, it is often necessary for our law enforcement and security agencies to take action early, before a full brief of evidence can be developed, to protect community safety.

Consequently, greater reliance on information from intelligence partners and sensitive sources may be required.

This Bill will provide greater protection to national security information considered in control order proceedings. This is vital to maintain critical intelligence partnerships and to protect sensitive capabilities.

These provisions amend existing arrangements for the protection of sensitive information whilst balancing the rights of individuals involved.

Schedule 11—Offence of advocating genocide

The Australian Government is doing everything it can to tackle the threat posed by those who preach violence justify terrorism, and who radicalise and recruit people to take part in terrorism.

This includes pursuing hate preachers under existing laws, including the existing offence prohibiting 'advocating terrorism', introduced in 2014.

To further respond to the negative impact on our community of people who preach hate, the Bill introduces a new offence of advocating genocide.

The Australian Government has a long and deep commitment to free speech. Moreover, the government recognises that one of Australia's greatest strengths is the diversity of voices within our harmonious, multicultural, multi-faith community. This must be preserved and protected. However, to incite violence is not to exercise free speech; it is to threaten physical harm and suffering.

In the current threat environment, the use of social media by hate preachers means the speed at which vulnerable young people can become radicalised and potentially carry out terrorist acts, has accelerated.

Concluding remarks

This government is working closely with the states and territories to ensure that Australia's national security laws and counter-terrorism framework are as effective and robust as possible.

Countering terrorism and violent extremism is a priority for all Australian governments. We greatly appreciate the ongoing cooperation of the states and territories in this endeavour.

Consistent with the legislative reforms of 2014 and early 2015, the government will continue to monitor the adequacy of our national security legislation. Taking the advice of law enforcement and security agencies, we ensure that Australia's counter-terrorism framework adapts to the evolving threat environment.

The Australian Government is committed to fulfilling its most important responsibility—to protect Australia, its people and its interests.

This Bill demonstrates the Australian Government's determination to proactively and effectively address the constantly evolving threats to our national security.

Ordered that further consideration of the second reading of this bill be adjourned until 2 February 2016, in accordance with standing order 111.
MOTIONS

Aboriginal and Torres Strait Islander People: Criminal Justice System

Senator LINES (Western Australia) (12:05): I move:

That the Senate—

(a) notes, with grave concern, the Western Australian Corruption and Crime Commission report entitled *Report on Operation Aviemore: Major Crime Squad investigation into the unlawful killing of Mr Joshua Warneke*;

(b) urges the relevant agencies to implement, as a matter of urgency, the recommendations made in the report by the Honourable John McKechnie QC; and

(c) calls on the Government to address the high rates of engagement of Aboriginal and Torres Strait Islander people with the criminal justice system by supporting justice reinvestment and the development of a justice target under the 'Closing the Gap' framework to ensure coordinated action, accountability and progress to reduce the disproportionate incarceration rates of Aboriginal and Torres Strait Islander people.

Question agreed to.

National Adoption Awareness Week


That the Senate—

(a) notes that:

(i) the week, 8 November to 14 November 2015, is National Adoption Awareness Week,

(ii) the number of children adopted in Australia is at an all time low, declining 76 per cent over 25 years,

(iii) the number of children in the out of home care system continues to increase,

(iv) in 2013-14 there were over 50 000 children in out of home care arrangements, including kinship care, foster care and guardianship,

(v) there are 15 000 children in Australia who have been in out of home care for over 2 years and are not living with relatives or kin,

(vi) only 203 Australian children were adopted in this country in 2014, and

(vii) long-term out of home care arrangements lack stability with an average child experiencing 6 different placements during their time in out of home care; and

(b) calls on the Federal Government to use its leadership of the Council of Australian Governments to work with the states and territories on a national strategy to significantly increase the number of local adoptions in Australia.

Question agreed to.
COMMITTEES

Legal and Constitutional Affairs References Committee

Reference

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (12:07): At the request of Senator Bilyk, I move:

That the following matters be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 25 February 2016:

(a) the phenomenon colloquially referred to as 'revenge porn', which involves sharing private sexual images and recordings of a person without their consent, with the intention to cause that person harm;
(b) the impact this has on the targets of revenge porn, and in the Australian community more broadly;
(c) potential policy responses to this emerging problem, including civil and criminal remedies;
(d) the response to revenge porn taken by Parliaments in other Australian jurisdictions and comparable overseas jurisdictions; and
(e) any other related matters.

Question agreed to.

MOTIONS

Aboriginal and Torres Strait Islander People: Criminal Justice System

Senator LINES (Western Australia) (12:07): I seek leave to make a short statement in relation to motion 938.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator LINES: The motion I just moved in the Senate reports to a Corruption and Crime Commission report that came out in Western Australia just last week. It truly is a shocking story. It is an indictment of the way the police have conducted potentially many interviews, and it needs national attention, because it really does go to justice matters. It has not yet received much attention from the WA government. It talks about a potential miscarriage of justice. It talks about criminal investigations being undertaken in a most unfair way and against the criminal act. It also goes to issues such as the sorts of moneys available for criminal justice investigations that sit at the heart of the Commonwealth government.

Marriage

Senator ABETZ (Tasmania) (12:09): I ask that general business notice of motion No. 930, relating to the Don't Mess with Marriage booklet, standing in my name and in the names of Senators Day, Leyonhjelm, Madigan and Wang be taken as formal.

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

An honourable senator: Yes.

The DEPUTY PRESIDENT: There is an objection.

Senator MOORE (Queensland) (12:09): I seek leave to make a short statement on the motion.

The DEPUTY PRESIDENT: Leave is granted for one minute.
Senator MOORE: The motion proposed to be moved by Senator Abetz deals with a matter before the Tasmanian Office of the Anti-Discrimination Commissioner. It is simply not appropriate for the Senate to determine a position on this matter at this time.

Senator ABETZ (Tasmania) (12:10): I seek leave to make a one-minute statement.

The DEPUTY PRESIDENT: Leave is granted.

Senator ABETZ: This is a very simple motion, and the fact that the Greens and the Labor Party have sought to deny formality on this matter speaks volumes—that those who always hector us about tolerance show the most extreme intolerance. And I say this as a non-Catholic; I am not a Catholic. When the Catholic Church develops a booklet to teach its flock about its beliefs and teaching on marriage and they are then shut down by organisations within the Australian community, it is vital that there be an expression from this Senate about the right of freedom of speech and the right to express certain views. The fact that the Labor Party and the Greens have combined today to deny formality on this fundamental principle of free speech, expressing no view on the document, shows where they really stand.


Senator SIMMS (South Australia) (12:11): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator SIMMS: The Australian Greens support free speech in this country, but we recognise that freedom of speech is a limited concept in any democracy and does not extend to the right to be a bigot, as Senator Abetz would have us believe—and I know he is a champion of the right to be a bigot. We believe that the rights to express a view should be balanced against the rights of members of our community to feel safe and secure from persecution and discrimination. That is why we will not support the motion being put forward today. As the Labor Party has identified, it is subject to antidiscrimination action as well and therefore not appropriate for this place to consider.

COMMITTEES

Unconventional Gas Mining Committee

Appointment

Senator LAZARUS (Queensland) (12:12): I seek leave to amend general business notice of motion No. 937 standing in my name. Leave granted.

Senator LAZARUS: I move the motion as amended:

(1) That a select committee, to be known as the Select Committee on Unconventional Gas Mining, be established to inquire into and report on or before 30 June 2016, on the following matter:

The adequacy of Australia's legislative, regulatory and policy framework for unconventional gas mining including coal seam gas (CSG) and shale gas mining, with reference to:

(a) a national approach to the conduct of unconventional gas mining in Australia;

(b) the health, social, business, agricultural, environmental, landholder and economic impacts of unconventional gas mining;

(c) government and non-Government services and assistance for those affected;
(d) compensation and insurance arrangements;
(e) compliance and penalty arrangements;
(f) harmonisation of federal and state/territory government legislation, regulations and policies;
(g) legislative and regulatory frameworks for unconventional gas mining in comparable overseas jurisdictions;
(h) the unconventional gas industry in Australia as an energy provider;
(i) The current royalty and taxation arrangements associated with unconventional gas mining; and
(j) any related matter.

(2) That the committee consist of 5 senators, 1 nominated by the Leader of the Government in the Senate, 2 nominated by the Leader of the Opposition in the Senate, 1 nominated by the Leader of the Australian Greens, and Senator Lazarus.

(3) That:
(a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority groups or independent senators;
(b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee; and
(c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.

(4) That every nomination of a member of the committee be notified in writing to the President of the Senate.

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

(6) That Senator Lazarus is appointed chair.

(7) That the committee elect a member as its deputy chair, who shall act as chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

(8) That the chair, or the deputy chair when acting as chair, may appoint another member of the committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting of the committee.

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

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

(11) That the committee have power to appoint subcommittees consisting of 2 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to examine.

(12) That 2 members of a subcommittee constitute a quorum of that subcommittee.

(13) That members of the committee who are not members of a subcommittee may participate in the proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum.

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

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

I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator LAZARUS: I have been fighting for over 12 months for farmers and landholders to have the right to say no to CSG and other forms of unconventional mining taking place on their land. Sadly, some four weeks ago George Bender, a brave and courageous Queensland cotton farmer, took his own life because he could not cope with the stress and devastation of CSG mining happening on his cotton farm. Today I am taking a stand for all families, farmers and landholders across rural and regional Australia who are having to suffer the impact of CSG and other forms of unconventional gas mining. I am determined to ensure that George Bender did not die in vain. My motion establishes a committee to inquire into the human impact of CSG and other forms of unconventional gas mining. We must listen to the people of Australia. We must investigate the impact of CSG. We must acknowledge, face and respond to the suffering and devastation that is being endured by farmers and landholders at the hands of this industry.


The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator CANAVAN: I recognise Senator Lazarus's keen interest in this issue, but the government cannot support this motion because of flaws in its construction. The coalition has supported previous inquiries into coal seam gas, including one chaired by Senator Bill Heffernan in 2011. That inquiry provided a fair opportunity for all senators to have their say. Because of that, it made recommendations that actually ended up in law. However, the proposed inquiry before us today would be established in a way that prevents the fair reflection of all views in this chamber. The motion provides for just one coalition senator out of five members, despite the coalition representing more than two in every five members of this chamber. It also establishes another select committee, when there is no reason why this inquiry could not usefully be sent to a standing references committee. Finally, I note that the issues outlined in this motion are largely ones for state governments. That is why the Commonwealth energy minister has committed to raising these issues with his state colleagues at the next COAG energy council meeting.

Senator XENOPHON (South Australia) (12:15): I seek leave to amend paragraph (2) of the motion, which refers to 'one nominated by the Leader of the Government in the Senate', to 'two nominated by the Leader of the Government in the Senate'.

The DEPUTY PRESIDENT: Senator Xenophon, if you are going to amend motions, you really should have them in writing and before me at the time, but it is a simple amendment, so we will probably manage. Is leave granted for Senator Xenophon to seek to amend the motion?
Senator CANAVAN (Queensland—Nationals Whip in the Senate) (12:16): I seek some clarification of Senator Xenophon's amendment. My understanding is that this committee would have five members. If you were to add one member to the government's side, that paragraph of the motion would then be internally inconsistent.

The DEPUTY PRESIDENT: Exactly. This is the problem which I pointed out. I am taking it that Senator Xenophon's amendment actually increases the total number on the committee.

Senator XENOPHON (South Australia) (12:17): I apologise. The amendment ought to be in these terms: that the committee should consist of six, not five, senators, and that there be two, rather than one, nominated by the Leader of the Government in the Senate.

The DEPUTY PRESIDENT: Is leave granted for Senator Xenophon to seek to amend the motion?

Leave granted.

Senator XENOPHON: I move that the motion be amended as follows:

Paragraph 2, omit "5 senators, 1 nominated by the Leader of the Government in the Senate", substitute "6 senators, 2 nominated by the Leader of the Government in the Senate".

The DEPUTY PRESIDENT: The question is that the amendment moved by Senator Xenophon to the motion be agreed to.

A division having been called and the bells being rung—

Senator Lazarus: Mr Deputy President, I seek leave to have the division cancelled.

Leave granted.

Senator Ian Macdonald: I raise two points of order. In relation to the motion as a whole, is there a rule in the Senate that senators can only chair one committee? I note that this is a second committee that Senator Lazarus would chair. The second point of order is: I understood there was a convention, if not a rule, that all of the crossbenchers would share in any committee chairs that were going to the crossbenchers. I am not aware of any other crossbencher having the chairmanship of a committee, whereas, if the motion to establish a select committee passes, this one senator will have two chairs.

The DEPUTY PRESIDENT: I am certainly not aware of any such rule. I am aware that other senators have chaired two committees in the past. To my knowledge, there is no rule that limits chairs going to crossbenchers. The question is that the amendment moved by Senator Xenophon be agreed to.

Question agreed to.

The DEPUTY PRESIDENT: The question now is that general business notice of motion No. 937, as amended, be agreed to.

Question agreed to.

Community Affairs References Committee

Reference

Senator MADIGAN (Victoria) (12:23): I, and also on behalf of Senators Wang, Leyonhjelm, Day, McKenzie, Lazarus, Muir, Lambie and Xenophon, move:
That the following matter be referred to the Community Affairs References Committee for inquiry and report by 20 June 2016:

The growing evidence of an emerging tick-borne disease that causes a Lyme, like illness for many Australian patients, with particular reference to:
(a) the prevalence and geographic distribution of Lyme-like illness in Australia;
(b) methods to reduce the stigma associated with Lyme-like illness for patients, doctors and researchers;
(c) the process for diagnosis of patients with a Lyme-like illness, with a specific focus on the laboratory testing procedures and associated quality assurance processes, including recognition of accredited international laboratory testing;
(d) evidence of investments in contemporary research into Australian pathogens specifically acquired through the bite of a tick and including other potential vectors;
(e) potential investment into research to discover unique local causative agents causing a growing number of Australians debilitating illness;
(f) the signs and symptoms Australians with Lyme-like illness are enduring, and the treatment they receive from medical professionals; and
(g) any other related matters.

Question agreed to.

**MOTIONS**

**Indigenous Eye Health**

**Senator SIEWERT** (Western Australia—Australian Greens Whip) (12:24): I move:

That the Senate—

(a) notes:
   (i) 85 per cent of all eye and vision conditions are preventable with regular eye checks, and
   (ii) the Medicare rebate for optometry consultations was reduced by 5 per cent from 1 January 2015;

(b) acknowledges:
   (i) Aboriginal and Torres Strait Islander peoples are disproportionately affected by the cuts due to the combination of geographical and social disadvantages, and
   (ii) small investments in preventative, first line eye health will reduce the cost of vision loss to the Australian economy and improve the quality of life of Australia's most vulnerable; and

(c) urges the Government to:
   (i) review the impacts of cuts on services to eye health in Aboriginal communities, and
   (ii) take measures to address the effect of the cuts on Aboriginal and Torres Strait Islander peoples.

**Senator FIFIELD** (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (12:24): I seek leave to make a short statement.

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

**Senator FIFIELD**: We recognise Senator Siewert's passion and commitment to Aboriginal and Torres Strait Islander peoples and their health and well being—in particular, her participation in and support of the National Aboriginal and Torres Strait Islander Health Implementation Plan. However, we will not be supporting this motion on the basis that the Australian government is investing more than $42 million in Indigenous eye health over the...
forward estimates, increasing year on year through the Indigenous Australians Health Program. This includes increasing the locations providing optometry services. The government has also committed $16.5 million over four years to prevent, screen for and treat trachoma in Indigenous communities and an increasing number of other eye health outreach programs. This is a demonstration of the government's commitment to improving Indigenous health, including eye health.


The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator SIEWERT: The Greens have publicly acknowledged the announcement by Minister Nash in terms of additional funding for Indigenous eye health. I made the point at the time that it was not the full commitment that the eye health community in particular was calling for but it was a good start. That money was invested on the basis of ongoing work in the community. The decrease in the rebate for optometry is directly affecting the ability of optometrists in particular to go into remote communities. So what has been happening is that groups of medicos have been going into remote communities with optometrists to deliver services. What is happening is that the rebate is making it economically unviable, so it undermines the effective of the investment the government has already made.

Question agreed to.

Melbourne Port Rail Shuttle

Senator RICE (Victoria) (12:26): I move:

That the Senate—

(a) notes that:

(i) the Federal Government committed $38 million of Commonwealth funds to the Port Rail Shuttle project in Victoria,

(ii) the Port Rail Shuttle project would create a rail connection between the Port of Melbourne and three inland ports, reducing diesel use and pollution from Victorian containerised freight movements and removing up to 3 500 trucks from residential streets in Melbourne's west every day,

(iii) the Victorian Government has put this project on indefinite hold citing delays due to potential privatisation of the port, and

(iv) That the Port of Melbourne Authority, together with the Victorian Government, are well placed, and have the relevant expertise and independent advice, to progress the Port Rail Shuttle project without delay; and

(b) calls on the Government to urgently seek action from the Victorian Government to proceed with implementing the Port Rail Shuttle project, regardless of the status of the Port of Melbourne ownership or lease arrangements.

Senator MOORE (Queensland) (12:27): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator MOORE: Labor was not consulted on the wording of this motion. The Port Rail Shuttle project is one of several options to address rail freight to and from the Port of Melbourne. Labor believes that expert bodies such as Infrastructure Australia, not the Senate, should recommend the best project from the available options. We understand that this is also the Greens' position. However, this is not reflected in the motion.
Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (12:27): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator FIFIELD: The Australian government remains committed to a funding contribution of $38 million to this project. The Department of Infrastructure and Regional Development continues to engage on the project. The only hold-up to the project is the Victorian government.


The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator RICE: The Port Rail Shuttle project is long overdue. The government's commitment of $38 million is a critical part of making the Port Rail Shuttle project in Victoria happen. It is being held up because of delays by the Victorian government, which is saying it cannot make a decision to go ahead with the Port Rail Shuttle project because of the potential privatisation of the Port of Melbourne. The potential privatisation, regardless of whether it happens, is an irrelevant issue; we should be moving ahead urgently with the Port Rail Shuttle project regardless. Every year that we delay is another year we have more trucks on Melbourne's roads. The Port Rail Shuttle project would remove 3½ thousand trucks from Melbourne's roads and free up the roads by shifting freight onto rail.

Question agreed to.

DOCUMENTS

Perth Freight Link

Order for the Production of Documents

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (12:29): I, and also on behalf of Senator Sterle, move:

That there be laid on the table by the Minister representing the Minister for Infrastructure and Regional Development, no later than 5 pm on Monday, 23 November 2015, the following documents that underpin the Perth Freight Link project but are not publicly available:

(a) any figures, modelling and forecasts on freight movements to and from the Fremantle Port, including current and projected figures, provided by the Western Australian Government for the Perth Freight Link project;

(b) any evaluation of freight figures or modelling to underpin the Perth Freight Link by the Minister's department or Infrastructure Australia;

(c) any peer review undertaken of freight figures provided for the Perth Freight Link;

(d) any modelling of air quality, diesel particulates and truck congestion on roads and communities in the vicinity of the Perth Freight Link; and

(e) the modelling for future traffic congestion on Perth metropolitan roads for 2011, 2016 and 2021 that was completed as part of the Western Australian Auditor General's report of March 2015 using the new version of the Regional Operations Model [ROM].

The DEPUTY PRESIDENT: The question is that general business notice of motion No. 934 be agreed to.
Thursday, 12 November 2015

SENATE

8437

The Senate divided. [12:34]
(Deputy President—Senator Marshall)

Ayes ...................... 34
Noes ...................... 26
Majority ............... 8

AYES
Brown, CL
Cameron, DN
Collins, JMA
Di Natale, R
Gallagher, KR
Ketter, CR
Lazarus, GP
Ludlam, S
Madigan, JJ
McKim, NJ
Muir, R
Polley, H
Rice, J
Simms, RA
Sterle, G
Wang, Z
Whish-Wilson, PS

Bullock, JW
Carr, KJ
Conroy, SM
Gallacher, AM
Hanson-Young, SC
Lambie, J
Leyonhjelm, DE
Ludwig, JW
McAllister, J
Moore, CM
Peris, N
Rhiannon, L
Siewert, R
Singh, LM
Urqhart, AE (teller)
Waters, LJ
Xenophon, N

NOES
Abetz, E
Bernardi, C
Bushby, DC (teller)
Colbeck, R
Edwards, S
Fifield, MP
Johnston, D
Macdonald, ID
McKenzie, B
Reynolds, L
Ruston, A
Scullion, NG
Smith, D

Back, CJ
Birmingham, SJ
Canavan, MJ
Day, RJ
Fawcett, DJ
Heffernan, W
Lindgren, JM
McGrath, J
Payne, MA
Ronaldson, M
Ryan, SM
Seselja, Z
Williams, JR

PAIRS
Bilyk, CL
Dastyari, S
Lines, S
McEwen, A
McLucas, J
O’Neill, DM
Wong, P

Sinodinos, A
Ferravanti-Wells, C
Cash, MC
Nash, F
O’Sullivan, B
Brands, GH
Cormann, M

Question agreed to.

CHAMBER
MOTIONS
OECD Coal Fired Power Plant Subsidies

Senator WATERS (Queensland—Co-Deputy Leader of the Australian Greens) (12:36): I seek leave to amend general business notice of motion No. 935 in the terms circulated in the chamber, at the request of the opposition.

Leave granted.

Senator WATERS: I move the motion as amended:

That the Senate—

(a) notes:
(i) the importance of transitioning to lower polluting forms of energy generation,
(ii) that the United States of America (US) and Japan have agreed to limit Organisation for Economic Co-operation and Development (OECD) subsidies to the most efficient types of coal power plants,
(iii) the fact that subsidies from the OECD export credit agencies to coal-fired power stations in developing nations constitute an obstacle to the transition to clean energy in those nations, and
(iv) reports that the Turnbull Government is set to block a proposal from the US and Japan to remove OECD export credit subsidies for the dirtiest coal-fired power stations in developing nations; and
(b) calls on the Turnbull Government to support the proposal from the US and Japan to exclude the dirtiest coal-fired power stations from receiving OECD export credit subsidies.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (12:36): Mr Deputy President, I seek leave to make a short statement.

Leave granted.

Senator FIFIELD: The government does not support this motion. It is erroneous on several fronts and totally misrepresents Australia's position. The first point to note is that export credit agencies do not provide subsidies but loans on commercial terms. The second point is that Australia is in ongoing negotiations with OECD parties on this issue, and these are continuing in a constructive fashion. The third point is that Australia's objective is to ensure that developing countries have access to the best high-efficiency, low-emissions technology at the cheapest possible price to support development and alleviate poverty. The International Energy Agency predicts energy demand in South-East Asia will grow by 80 per cent by 2040, with their share of coal in power generation rising from 32 per cent to 50 per cent. Around 1.2 billion people globally are without electricity. The reality is that in countries like India, where something like 300 million people are without reliable and efficient power, coal will be part of the energy mix for many years to come.

The DEPUTY PRESIDENT: The question is that general business notice of motion No. 935 be agreed to.
The Senate divided. [12:42]
(The Deputy President—Senator Marshall)

Ayes ...................... 30
Noes ...................... 30
Majority .............. 0

AYES

Brown, CL
Cameron, DN
Collins, JMA
Di Natale, R
Gallagher, KR
Ketter, CR
Lazarus, GP
Ludwig, JW
McKim, NJ
Peris, N
Rhiannon, L
Siewert, R
Singh, LM
Urquhart, AE (teller)
Whish-Wilson, PS

Bullock, JW
Carr, KJ
Conroy, SM
Gallacher, AM
Hanson-Young, SC
Lambie, J
Ludlam, S
McAllister, J
Moore, CM
Polley, H
Rice, J
Simms, RA
Sterle, G
Waters, LJ
Xenophon, N

NOES

Abetz, E
Bernardi, C
Bushby, DC (teller)
Colbeck, R
Edwards, S
Fifield, MP
Johnston, D
Lindgren, JM
Madigan, JJ
McKenzie, B
Payne, MA
Ronaldson, M
Ryan, SM
Seselja, Z
Wang, Z

Back, CJ
Birmingham, SJ
Canavan, MJ
Day, RJ
Fawcett, DJ
Heffernan, W
Leyonhjelm, DE
Macdonald, ID
McGrath, J
Muir, R
Reynolds, L
Ruston, A
Scullion, NG
Smith, D
Williams, JR

PAIRS

Bilyk, CL
Dastyari, S
Lines, S
McEwen, A
McLucas, J
O’Neill, DM
Wong, P

Sinodinos, A
Brandis, GH
Fierravanti-Wells, C
Cash, MC
Cormann, M
O’Sullivan, B
Nash, F

Question negatived.
Medecins Sans Frontieres: Kunduz Hospital Bombing

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (12:44): I ask that general business notice of motion No. 898, standing in my name and in the name of Senator Singh for today, which relates to Medecins Sans Frontieres and the bombing of the hospital in Kunduz, be taken as a formal motion.

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

Senator Fifield: Yes.

The DEPUTY PRESIDENT: Formality has not been granted, Senator Ludlam.

Senator LUDLAM: Mr Deputy President, I seek leave to make a brief statement.

The DEPUTY PRESIDENT: Leave has been granted for one minute.

Senator LUDLAM: It is hard to know where to start. This is a motion which should have been given the ability to have been voted on formally. The minister may want to make an explanation as to why on earth he would oppose a motion offering, on behalf of the Senate, condolences to MSF for the deadly bombing of its hospital by United States forces in Kunduz, Afghanistan, which killed 22 people, including 12 MSF staff and 10 patients. This is the only trauma facility of its kind in north-eastern Afghanistan. The motion proposes nothing more than does NATO Supreme Commander General Philip Breedlove—and NATO has the lead in Afghanistan and we have been working with ISAF forces there since 2001—who has publicly supported the call for an investigation by the International Humanitarian Fact-Finding Commission, not by the US military itself.

This is, prima facie, a war crime. It should be treated in a much less cavalier fashion than simply the denying of leave on a motion in this place. It needs proper and independent investigation.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (12:46): Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave has been granted for one minute.

Senator FIFIELD: The accidental bombing of the Kunduz hospital was a tragic and distressing incident. Medecins Sans Frontieres provides critical life-saving care in some of the world's most difficult and dangerous conflict zones, and all Australians have a great respect for the important work that MSF does. It is essential that health facilities remain neutral and protected spaces—particularly in conflict zones, where they are most needed.

The US government has made a number of statements of sympathy to the victims and their families and has offered compensation. The US has announced it will undertake a full investigation into this incident. Separate NATO and Afghan military investigations have also been announced.

The government supports a thorough, effective and transparent investigation into this incident. The International Humanitarian Fact-Finding Commission does not have jurisdiction to undertake an investigation into the incident. On that basis, the government does not support calls for it to play a role in investigating this incident. We have every confidence in the investigations already underway and hope that they will produce information to assist those who have lost loved ones and ensure that future such incidents are prevented.
Senator MOORE (Queensland) (12:47): I seek leave to make a very short statement.

The DEPUTY PRESIDENT: Leave has been granted for one minute.

Senator MOORE: I would just like to put on record the Labor Party wishing to put its deepest condolences to Medecins Sans Frontieres for the deadly bombing of their hospital and for the people who were lost in that tragedy.

BILLS
Health Legislation Amendment (eHealth) Bill 2015
Second Reading

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

Senator GALLAGHER (Australian Capital Territory) (12:48): I rise to speak on the Health Legislation Amendment (eHealth) Bill 2015. The Labor Party strongly supports e-health and, in this instance, electronic health records. We recognise the many benefits that can flow from a well-implemented e-health agenda, including delivering efficiencies, empowering consumers, reducing the opportunity for errors, modernising and streamlining processes and reducing duplication. The opportunity for e-health to help drive an improved patient experience and better health outcomes are well known.

Australia's health system has been built largely around paper based systems. This is changing across the country as system administrators identify safer, cheaper and quicker ways to deliver health care, reduce the opportunity for mistakes and allow for improved information sharing across the health system.

There have been too many examples, which we would all be aware of, where mistakes were made in the health system which could have been avoided. Incorrect medication write-ups or incorrect or inadequate patient information can be devastating for both patients and health professionals. E-health systems will not eliminate all of these errors but they can significantly reduce the opportunity for them to occur, improving the quality of care for patients, protecting health professionals and saving an already resource-strapped system from the significant cost of these mistakes.

One of the challenges with the implementation of e-health initiatives has been the slow progress of reform, particularly in the last couple of years. Labor in government saw the many benefits that could flow from a well-thought-through e-health agenda and pursued this during our administration. But, unfortunately, we have not seen the same approach from this government, who initially—unconvinced of the push to innovate and reform in health—chose to review and slow down progress of the electronic health record. The bill we are debating today is late acknowledgement from the government that Labor was right to pursue the program, that it will bring many benefits to Australians accessing health care and that it does provide the opportunity for savings and efficiencies across the health system.

This bill changes the name of Labor's Personally Controlled Electronic Health Record to the My Health Record, following a recommendation from the Royle review. According to the explanatory memorandum, the bill also includes a number of changes to improve the useability of the system and the clinical content available in the system for individuals and
healthcare providers. These appear to be sensible changes that Labor does not oppose, so long as these measures ensure the protection of patients' personal information.

In addition to these changes, the bill makes a number of changes to the governance arrangements and the system's useability. The bill also increases the range of enforcement and penalty provisions available for intentional or deliberate misuse, and introduces criminal penalties.

A significant change in this bill is the move to increase the number of eHealth records by moving to an opt-out system where all Australians will be given an eHealth record unless they specifically choose not to have one. The opposition welcomes the fact that the government has accepted the recommendation to begin this process through trials. The minister has confirmed that there will be extensive consultation in areas where opt-out trials are to be run. We support this approach, as it will support informed decision making by people about how they wish to control their personal health information. It is critical to the success of electronic health records over the long term that the community trusts this program, and education, information and informed decision making are all essential if this is to occur. The bill does allow for the government to extend opt-out arrangements nationally, in consultation with the states and territories, if the trials show that this is the preferred approach for improving participation in the My Health Record system. Whilst Labor will support the approach by the government taken in this bill, we do believe that adequately resourcing the eHealth record system and providing the proper incentives will be more important to the overall success of MyHealth records than whether the system is opt-in or opt-out. Labor looks forward to the government publically releasing the evaluation and other relevant information, following the trials, to ensure that trust in the transparency of the program implementation is encouraged.

An important element of eHealth implementation is to adequately deal with the appropriate use of, access to and protection of people's personal health information. The bill also makes changes to the Copyright Act. Specifically, the government is making changes to the Copyright Act that will specify that work will not be infringed where it is done for the following purposes: where the collection, use or disclosure of information is required or authorised under the My Health Records Act; where it is unreasonable or impracticable to obtain the individual's consent to the collection, use or disclosure; and, the entity reasonably believes that the collection, use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety; where a permitted health situation exists in relation to the collection of health information about an individual; and, where prescribed by the regulations, provided the purpose relates to health care, or the communication or management of health information.

The bill also make a number of technical changes to the Healthcare Identifiers Act. Other changes cover access to information, including allowing healthcare providers that are not currently registered under the national law—that is, the 14 professions covered by the Australian Health Practitioner Regulation Agency—to access personally controlled electronic health records.

The new division 2 clarifies when the recipient of a health service's healthcare identifier, or other information, can be collected, used or disclosed to another party. Division 2 provides that it can be collected, used or disclosed to another party for: assigning a healthcare identifier to a healthcare recipient; keeping a record of healthcare identifiers and related information;
providing healthcare to a healthcare recipient, for the purposes of the MyHealth record system; aged care purposes; adopting a healthcare recipient's healthcare identifier; disclosing a healthcare recipient's healthcare identifier; disclosing information about a healthcare recipient's healthcare identifier; and, additional purposes that will be specified in the regulations.

Further changes to the Healthcare Identifiers Act allow the Healthcare Identifiers Service operator to disclose to a healthcare provider information about a healthcare recipient for the purpose of determining the recipient's healthcare identifier. This new section, section 20, broadens the power to allow for future regulations to be made allowing prescribed entities to collect, use, disclose and adopt identifying information and healthcare identifiers. According to the explanatory memorandum, this is only for very limited purposes that relate to the provision of health care or to assist people who, because of health issues, require support. This would mean entities like the National Disability Insurance Agency and cancer registers, and these changes are ones that make sense to the opposition. It is clear that entities and individuals may benefit from the entity being able to associate disability or health-related records with an individual's healthcare identifier.

The bill also allows for the viewing of certain disability or cancer registry records as part of an individual's MyHealth record. This differs from the current situation where entities such as the National Disability Insurance Agency and cancer registers are not authorised to handle healthcare identifiers or identifying information as they are not healthcare providers within the meaning of the Healthcare Identifiers Act. This will allow for the collection of information by entities like the NDIA, as stated in the explanatory memorandum, 'within tight limits related to providing healthcare and assisting individuals who require support because of health issues, without having to amend the Act each time a new entity needs to be authorised'.

I will conclude my remarks by reinforcing Labor's strong support of e-health being pursued as an increasingly important part of a modern, efficient and effective health care system. The opposition is pleased to see that the government has shown some movement to follow in the Labor Party's footsteps in this area of policy. Labor believes that if we are to improve the quality of healthcare provision, improve transparency and control by consumers, protect and support the work of health professionals, and at the same time drive efficiencies across the health system, e-health initiatives are an essential driver to achieving those ends.

There is much more to be done in this area, to learn, and there will be significant changes year after year as advancements in technologies are rolled out. But this bill is a positive step to build on the reforms that Labor introduced while in government just a few years ago.

Senator Ryan (Victoria—Assistant Cabinet Secretary) (12:57): As a trivia buff I appreciate the irony of a leader of a party in one jurisdiction presiding over the contribution in this chamber of the leader of the opposing party in another jurisdiction! It is probably the first time it has happened.

I thank all senators for their contribution. I would also particularly like to thank the Community Affairs Committee for their work. I ask the Senate to note that the Minister for Health has agreed to look at the Office of the Australian Information Commissioner's recommendations and to use them to inform our public awareness campaign about the opt-out trial. I commend the bill to the Senate.
Question agreed to.
Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Seselja) (12:58): As no amendments to the bill have been circulated, I shall call the minister to move the third reading, unless any senator requires that the bill be considered in Committee of the Whole.

Senator RYAN (Victoria—Assistant Cabinet Secretary) (12:58): I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

Crimes Legislation Amendment (Harming Australians) Bill 2015

Second Reading

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

Senator JACINTA COLLINS (Victoria) (12:59): The Crimes Legislation Amendment (Harming Australians) Bill 2015 extends the retrospective application of part of division 115 of the Criminal Code—offences that were introduced, with Labor's support, in the aftermath of the Bali bombings, to ensure that those responsible were able, if necessary, to be prosecuted in Australian courts for the atrocity they had committed.

The new offences delivered in 2002—the murder, manslaughter and harming of Australians overseas—were given a very brief period of retrospective operation to ensure that they applied to the perpetrators of the Bali bombings. This bill currently before the Senate will extend the retrospectivity of the most serious of those offences—murder and manslaughter. This bill is, therefore, unusual in two respects: it operates both retrospectively and extraterritorially. This is uncommon in our legal system, and legislation of this kind ought only be made cautiously. This bill follows an earlier private senator's bill of the same purpose, introduced by Senator Xenophon. That bill was referred to the Senate Legal and Constitutional Affairs Legislation Committee, where difficulties with its unusual operation were highlighted in submissions by legal academics, members of the Rule of Law Institute, the Attorney-General's Department and the Department of Foreign Affairs and Trade. Labor is satisfied that those concerns have now been addressed in this new bill.

This bill now implements important safeguards to ensure prosecutions are fair and fundamental principles ensuring the integrity of our justice system are respected. It ensures that no-one can be tried in Australia where they have already been convicted or acquitted in a foreign court. It ensures that no-one can be convicted for conduct which was not already criminal where and when it occurred. Importantly, it ensures that no-one can receive a penalty in Australia higher than that which applied in the relevant country at the time. With these safeguards, no defendant could reasonably claim that the retrospective operation of these offences is unfair. For the families of Australians killed overseas, however, the measures in this bill will make all the difference.

Though the bill is of general application, it had its genesis in one tragic case—the murder of Anthea Bradshaw-Hall, a school teacher from Adelaide, in Brunei in 1994. More than 20
years on, the perpetrator of that crime has not been brought to justice. I acknowledge the bravery of the Bradshaw family in pursuing justice for Anthea and their dedicated advocacy for a change to the law. We also acknowledge the tireless efforts of Senator Xenophon on this matter. Senator Xenophon has worked towards the passage of this bill for several years now. He has worked closely with the Bradshaw family, who are constituents of his in South Australia. I would like to thank Senator Xenophon for the constructive way in which he has worked with Labor to ensure that the hole in the present law could be filled without any unintended or inappropriate consequences.

Where Australians are killed overseas, and where the relevant authorities are unwilling or unable to bring those responsible to justice, Labor considers it proper that Australia takes steps to ensure that criminal conduct does not go unpunished. In 2002, we were satisfied that the nature of the crimes committed against Australians in Bali justified the unusual step of retrospective and extraterritorial legislation. Today, we are satisfied that the example of Anthea Bradshaw-Hall shows the need for a further extension of those measures. With the safeguards it now contains, this bill will ensure that in this and similar cases in future, justice can be done. I commend Senator Xenophon and the Bradshaw family not only for addressing their own immediate circumstances but also for closing a loophole that would apply in the future. I commend the bill to the Senate.

Senator XENOPHON (South Australia) (13:03): With great pleasure I rise to support this bill, the Crimes Legislation Amendment (Harming Australians) Bill 2015, which I co-sponsored with the Attorney-General. I would like to particularly thank Senator Collins for a very gracious contribution in relation to this. It was a very fair summary of the bill. I also want to acknowledge the cooperation of the opposition and, indeed, the discussions I have had with the shadow Attorney-General, the Hon. Mark Dreyfus QC, in respect of this—discussions had as recently as last night.

I think that Senator Collins has summed up the position very well. These are important matters in terms of extraterritoriality and retrospectivity, and the human rights issues have been dealt with comprehensively in this bill. They have been dealt with as a result of an opinion that I obtained from Claire O'Connor SC, an Adelaide based barrister, who is well known for her human rights work. No-one would question Ms O'Connor's human rights credentials and her concern about maintaining not only the rule of law but also a very strong human rights framework. She is well known for her work in respect of asylum seeker cases, for instance.

I also want to genuinely thank the Attorney-General for the work that he has done, both in his time in opposition and as Attorney. This has been a very long process; it has been a very thorough process. The Attorney-General has been terrific to deal with on this and, at the risk of embarrassing him, James Lambie, who is one of his senior advisers—

An honourable senator interjecting—

Senator XENOPHON: He is un-embarrassable—maybe. I do not think it has been dozens of phone calls we have had over the years; it is possibly hundreds of phone calls we have had over the years in relation to this bill—but he has been incredibly patient. The Attorney has done a magnificent job of working through the concerns. The easy thing for the Attorney to have done would have been to say, 'This is all too hard,' but he did not. I want to pay genuine tribute to the Attorney for the way that he has handled this bill. He has listened to
the concerns and he has methodically worked through it to get to the stage where we are today. So I genuinely want to thank him.

I also should acknowledge the member for Sturt, the Hon. Christopher Pyne MP. The Bradshaw family are his constituents. He has done tremendous work in advocating for this bill. He has been a great advocate, in addition to the Attorney, in cabinet, and I genuinely thank Mr Pyne for the work he has done.

It is also important to acknowledge that this bill has been brought about by both the grief and the love of the Bradshaw family—Martin and Ros Bradshaw, the parents of Anthea, and Anthea's brothers Craig and Paul. None of them have ever given up hope that one day there will be a process for justice for their daughter's and sister's murder in Brunei in July 1994. That has been outlined previously, and I do not propose to go into further detail. But I do want to acknowledge the work of a journalist, Nigel Hunt, from the *Adelaide Advertiser*, whose relentless investigative, forensic work on this brought this matter to light. It has been an absolute privilege to work with all the parties involved to get to this stage.

There are real safeguards in the bill that the Attorney has introduced and that I have had the privilege of co-sponsoring. Concerns were taken into account, and I thank Senator Ian Macdonald, as chair of the Senate Legal and Constitutional Affairs Legislation Committee, for his incredible patience in dealing with this matter.

I do not think it is appropriate that I should go into too much detail about the circumstances of Anthea's death, but I think it is fair to say that this bill will remedy a gap in the law that will allow the South Australia Police and the Director of Public Prosecutions to proceed with this matter further should they consider there is evidence to do so. It is not just about the Bradshaws; it is about every other family where there has been a death of an Australian overseas and issues of extraterritoriality are relevant in the context of this bill.

I conclude by saying it has been a genuine privilege to work with my colleagues on this—to work with the Attorney for some time on this and with James Lambie from his office, the opposition and Christopher Pyne, the member for Sturt. This shows the parliament working at its best, in a way that is not partisan, in a way that goes beyond politics to achieve a good outcome for the community. I strongly support this bill and look forward to its speedy passage in both Houses.

**Senator BRANDIS** (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (13:08): Might I thank honourable senators for their contributions, and might I thank you in particular, Senator Xenophon, for those very gracious words. It is a shame, in a sense, that these proceedings are not being broadcast, because if the public had heard your eloquent speech they would understand that most of what we do in this chamber is done collaboratively and in a spirit of collegiality. All they see on the evening news is those occasions where there are controversial political issues in which strongly held points of view or strongly held different points of view are argued, sometimes in an immoderate tone, but most of what we do is done in a spirit of collegiality and, dare I say, friendship.

Thank you for the kind words you have been good enough to say about me, but thank you more particularly on behalf of my staff and in particular the indefatigable Mr James Lambie. I thought Mr Lambie might actually be working for you, Senator Xenophon, rather than for me.
He seems to spend more time collaborating and meeting with you than with me on a wide range of legislative measures, and this has been one. I can assure you, Senator Xenophon, that, having known Mr Lambie for some 25 years now, he is unembarassable.

Those light-hearted remarks aside, we should pause to reflect for a moment on the fact that, although this is a good legislative outcome which is the product of a very good process, it has its genesis in a tragedy. It has its genesis in the killing of Anthea Bradshaw-Hall in Brunei in 1994. This bill will forever after be known as the Bradshaw bill. That terrible event did disclose a lacuna in our law which you, Senator Xenophon, and the member for Sturt, my friend Mr Pyne, have worked together on with me and my office to address and to solve, and it is now solved. I could not put it better, Senator Xenophon, than to use the words you used when you said that this is the product of both love and grief. It was a humbling experience to meet the members of the Bradshaw family who have turned their grief, through an act of love, into a benefit for all Australians so that no family that suffers at any time in the future the horror that they suffered will find themselves remediless. Of all the people who deserve thanks and praise it is the Bradshaw family, of course, that most deserve thanks and praise and acknowledgement.

As honourable senators are aware, the Bradshaw bill, which is technically known as the Crimes Legislation Amendment (Harming Australians) Bill 2015, makes amendments to the Commonwealth Criminal Code to extend the operation of the harming Australians offence of murder and manslaughter of an Australian citizen or resident of Australia overseas to cover crimes committed prior to 1 October 2002—that is, the gap or the lacuna that I referred to: the period prior to 1 October 2002 was not covered. The bill ensures that the crimes of murder and manslaughter of Australians overseas can be prosecuted wherever and whenever they occur. Although technically that means that this is a criminal law which has a retrospective operation, it only has retrospective operation in a technical sense because there is no jurisdiction in the world which does not recognise within its domestic criminal law a crime of murder or manslaughter, however so described. The retrospective character of the bill is formal only; it has no practical significance.

The maximum penalty under the new law will be life imprisonment for murder and 25 years for manslaughter. The bill demonstrates the government's commitment to ensuring that Australia has every legal tool it needs to prosecute those who commit crimes against Australians wherever occurring and whenever occurring. Although I said a moment ago that it demonstrates the government's commitment, I should perhaps better have said that it demonstrates the parliament's commitment.

Thank you, Senator Xenophon; thank you, Mr Pyne; and thank you, most particularly, the Bradshaw family for your courage, perseverance, decency and generosity through this difficult time.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Seselja) (13:14): As no amendments to the bill have been circulated, I shall call the minister to move the third reading unless any senator requires that the bill be considered in Committee of the Whole.
Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (13:14): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Social Services Legislation Amendment (More Generous Means Testing for Youth Payments) Bill 2015

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator SIEWERT (Western Australia—Australian Greens Whip) (13:15): I rise to make a contribution on the Social Services Legislation Amendment (More Generous Means Testing for Youth Payments) Bill 2015. The bill contains measures that, from 1 January next year, remove the family assets test and the family actual means test from the youth allowance parental means test arrangements; from the same date next year, align parental income test exemptions for youth allowance with existing arrangements for family tax benefit part A; from the same time next year, remove maintenance income from the youth allowance parental income test assessment; and, from 1 January the following year, apply a separate maintenance income test for the treatment of child support like that currently applying to family tax benefit part A. Furthermore, from July next year, where a family has a dependent child who receives an individual youth payment that is parentally income tested and younger siblings who qualify for FTB, the family pool for the youth parental income test will include all the FTB children.

There should be systems in this country that support our students and young people. The Australian Greens support measures that encourage rural and remote young people to access higher education. We also support measures to simplify the system where there are changes that are fair and reasonable. We will be supporting this bill through the Senate, but we do have a few concerns, which I will articulate here and are why I will be moving a second reading amendment.

The key concern raised during the inquiry was that removing the family and personal assets test for youth allowance for dependent young people could enable wealthier families to manage their wealth so as to access a payment intended for lower income families. This is not just an unsubstantiated fear; in the past we have, in fact, seen this happen. The Australian Greens propose a review of these measures in two years, to ensure that there are not adverse outcomes as a result of removing the family and parental assets test. The Australian Greens also share submitters’ concerns that the removal of the family and personal assets test is not the best approach to address the issues raised by farm assets in assessing income support payments, and that this issue should be looked at across the whole of the social security system. As ACOSS put it in their submission:

If there are anomalies in the assets test treatment of farms, these should be resolved across the social security system rather than by exempting one payment.
The Greens recommend that a review of the effect of these measures be carried out in two years to see if, in fact, they are working and having the desired outcomes. The Greens second reading amendment is that at the end of the motion we would add:

… but the Senate recommends the government establish an independent review of the effect of the measures implemented under this legislation and it be undertaken no later than two years after the commencement of this legislation.

The bigger issue is that this bill fails to address the inadequacy of our youth payments and our approach to young people in this country. The bill does not address this huge issue of the inadequacy of the youth allowance payment—an issue that I have brought countless times to this chamber. This was noted by the Australian Council of Social Service and the National Welfare Rights Network in their submissions to the inquiry. The National Welfare Rights Network noted:

In our opinion, inadequacy of the youth allowance rate itself, and the extremely narrow criteria for independent status are the main social security issues affecting access to education. If spending of youth allowance is to increase, it should be to increase rates of payment, make the criteria for independent status more flexible and increase access to the payment for lower income families rather than high income and asset families.

Increasing the payment amount should be an urgent priority for the government—along with other income support payments such as Newstart.

I also suggest that, if the government were interested in helping young people, it would not have a bill in parliament that does not allow young people to go onto Newstart for what is, basically, five weeks—extending the one-week wait period by four weeks to make it a five-week wait period. These young people are expected to live on thin air, it seems, for five weeks before being able to access some form of income support. The government really needs to display some consistency here when it is addressing issues like support for young people—whether it is access to university, access to TAFE and vocational education, or access to income support while they are trying to find work. We really do need a much more consistent approach. This government has repeatedly tried to push this type of nasty measure of kicking young people off income support for weeks at a time. We saw the previous attempt, where it was for six months; it was going to be rolling six months on, six months off for anybody under 30. Thank goodness that never saw the light of day in this chamber. Although it was introduced, the government knew very well it could not get that particular measure up. So the repeated attempts to get that legislation up were not successful and the government changed its tack, but it is still attacking young people—reducing the age from 30 to 25 and still trying to keep people off income support.

Whether it is six months or five weeks, the community overwhelmingly does not accept that keeping young people off income support will help them gain employment. The Senate confirmed this sentiment when it rejected the previous attempt to keep them off for five weeks. The Senate also supported a motion by the Greens that condemned that particular approach. The government really should be taking a new approach under its new leadership and use the new leadership of Prime Minister Turnbull to change tack on supporting young unemployed people, rather than pursuing punitive measures that would entrench poverty. The jobs simply are not there for young people at the present time. Our training system is not up to
the job yet to support people. There are viable alternatives instead of keeping young people off income support and making their life more difficult.

Having said that, we are pleased that the government is, in some areas, helping young people, as this measure does. I have articulated the Greens concerns about some elements of these measures. Having said that the Greens will be supporting this particular bill but with a second reading amendment. I move:

At the end of the motion, add "but the Senate recommends that the Government establish an independent review of the effect of the measures implemented under this legislation, to be undertaken no later than 2 years after the commencement of this legislation".

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (13:23): Once again I am a little confused about this government's priorities. I am, of course, pleased to support the bill currently before the chamber. While I will outline the precise measures contained in this bill, in summary it removes certain means-testing provisions for Youth Allowance. Basically, the bill improves support for young people living in families with higher levels of assets either by increasing their income support payments, or allowing them to receive payments where they were previously ineligible. It makes a refreshing change when this Liberal government decide they actually want to provide more support to young Australians, especially given their record. But it begs the question: where are this government heading when it comes to providing a social safety net? What is their real stance on supporting those who are doing it tough?

You have to wonder what was going through the minds of those opposite when they put this bill forward, as it flies directly in the face of their legacy on income support. I would like to take a moment to reflect on that legacy, and remind those listening, or reading the Hansard, that the current Prime Minister was in the cabinet when all the cruel cuts of the last two budgets were agreed upon. We should also remember that Prime Minister Mr Turnbull said publicly that he supported the cuts in the 2014 budget. Remember, in June 2014, Mr Turnbull said:

I support unreservedly and wholeheartedly every element in the Budget.

We need to remember those words of 'unreservedly and wholeheartedly'. There is no room for equivocation there, and Mr Turnbull made it distinctly clear that he supported every element.

Let us have a look at exactly what Mr Turnbull supported, particularly when it comes to income support payments. He supported cuts to the indexation of pensions which, had they been successful, would have left pensioners worse off by up to $80 a week. Having been unsuccessful with this move, the government instead put legislation through the parliament—in a dirty deal with the Greens—which cut pensions by up to $8,000 for single pensioners and $14,000 for couples. This legislation will see 330,000 pensioners worse off in 2017. Mr Turnbull supported cuts to family payments which would have left families worse off by up to $6,000 a year.

In the same interview, where Mr Turnbull professed his unreserved and wholehearted support for the measures in the 2014 budget, he specifically backed the then Abbott government's policy for university deregulation and $100,000 degrees. I have noticed, from previous contributions both here and in the other place, that they have emphasised the benefit these measures will have in supporting families from regional areas. But, at the same time, those opposite supported legislation which would have killed the prospects of a quality
university education for many regional students. How can you say you believe in greater support for young people in remote and regional areas while, at the same time, kill their chances to advance their education?

It is interesting to note that many of the cuts to income support put forward by this government will have the greatest impact—guess where?—in regional areas. I turn to the Nationals, as I have done in this place many, many times before, and ask them, once again: how can you claim to represent regional Australia when you continue to roll over to your coalition partners on policies that hurt regional Australia? Perhaps this bill is intended as some kind of gesture by the Nationals to their constituents. It is a weak gesture, mainly, and is probably to maintain the pretence that they still support regional Australia.

Mr Turnbull also supported legislation that would have left young job seekers with nothing to live on but fresh air for six months. Senator Siewert mentioned this. I have spoken many times in this place on that issue and about how hard it would be for young people to live—in fact for anybody to live—with no income for six months. While the government have scaled back this proposal, there is still legislation on the books to force young job seekers to wait up to one month without a payment. Once again, I think that anybody trying to live and survive for one month without any income is just atrocious.

When I spoke on the legislation in September, I mentioned some of the evidence that had been submitted to a Senate inquiry about the effects that a one-month payment would have on young people and their families. Various welfare agencies have said that the measure would lead to dire consequences, including family breakdown, increased isolation, deterioration in physical and mental wellbeing, homelessness and housing insecurity. I also referred in a previous contribution to comments in the media from a young person who had experienced homelessness and had managed to get her life back on track with the help of our income support system and other social services. This young person said that she was certain young job seekers would turn to crime to support themselves if they were subject to a one-month waiting period and had no other means of support. She said that they would turn to crime because they would not have an alternative, and unfortunately I do believe that that is a real possibility for some young people.

Remember that, while young people are subject to this waiting period, they would still be required to participate in activities such as applying for 20 jobs a month. How on earth anyone could be expected, while struggling to survive without an income, to travel to appointments and make themselves presentable for job interviews? They would be lucky to be able to eat let alone do other things. If you cannot even afford essentials such as food, rent and electricity, how can you even contemplate buying clothes or something like a bus ticket?

As I said in my speech on that particular bill, that proposal is downright cruel. Mr Turnbull and those on the other side supported this harsh, punitive measure.

The same legislation included a cut of $46 a week to income support for young people between the ages of 22 and 24. So when the Turnbull government introduces a bill like this to the Senate, it really does serve to highlight the hypocrisy at the heart of this government's agenda. If this government is serious about helping young people, as this bill seems to indicate, then they should dump their cruel, punitive cuts to income support payments for young people, particularly the one-month waiting period. Until they do, many young people will question what the government's intentions actually are.
There are some very confused priorities when you have measures on the one hand which provide more generous income support to young people—and we applaud that—but on the other hand you have measures that punish young people and drive them into poverty and hardship.

I will outline briefly what the bill currently before the Senate does. There are four main components to the bill. Commencing from 1 January next year, the bill will remove the family assets test and the family actual means test from the youth allowance parental means test arrangements. This measure will see around 4,100 additional dependent youth allowance claimants qualify for the first time, accessing average annual payments of $7,000 a year. Removing the family actual means test will see around 1,200 more people receiving youth allowance for the first time, as well as increasing payments for around 4,800 existing students by approximately $2,000 a year. As I mentioned earlier, this measure is particularly important for families in regional areas. It will benefit a number of farming families who may be on low incomes but still have difficulty getting access to youth allowance because farm assets are included in the means test.

The bill also aligns the parental income test exemptions for youth allowance with existing arrangements for family tax benefit part A. It removes the maintenance income from the youth allowance parental income test assessment and applies a separate maintenance income test for the treatment of child support, like the test that currently applies to family tax benefit part A. Where a family has a dependent child who receives an individual youth payment that is parentally income-tested and younger siblings who qualify for family tax benefit, the family pool for the youth parental income test will include all FTB children. This measure will allow around 13,700 families with dependent children in both the family tax benefit A and youth streams, to become eligible for an average increase in their payment of around $1,100 a year.

Around 5,800 families who currently miss out on payments due to the combined higher taper rates will also become eligible for an average payment of around $1,300 per year. These changes will reduce the regulatory burden on around 30,000 families subject to the family actual means test and around 200,000 families subject to the family assets test. The measures contained in this bill require a financial commitment of $262.7 million over the forward estimates.

This bill was referred to a Senate inquiry, and I will now take some time to comment on a couple of submissions to that inquiry. Of the nine submissions received, five came from the Isolated Children's Parents' Association of Australia and their state and territory branches. ICPA Australia pointed out the challenges facing young people from remote and regional areas, particularly the higher up-front expenses associated with relocation including travel, accommodation and the other costs of living away from home. They noted that many family-owned rural businesses have a high asset base, which excludes students from these families qualifying for dependent youth allowance, despite these businesses having a low net income.

We know that rural students are underrepresented in higher education. ICPA Australia cited in their submission research they had conducted which showed that financial costs, combined with the difficulty of accessing government support schemes, were key factors in limiting rural students' access to higher education. The research involved surveying ICPA members about their children's access to tertiary education. Let me quote some of the data from ICPA Australia's research, which was conducted in 2013. Seventy-four per cent of
respondents indicated they required government financial support to meet the expense of relocation and ongoing living and university expenses; 34 per cent of students deferred, with 74 percent citing financial reasons for deferral, and 47 per cent were ineligible for dependent youth allowance due to assets.

A submission to the inquiry by the Youth Affairs Council of Western Australia noted that in order to satisfy the family actual means test, a young person is required to provide the department with details of the spending and savings of every member of their family. So a young person is required to provide the department with details of the spending and savings of every member of their family. The onerous nature of this requirement led to delays in receiving payment and also acted as a disincentive for young people to apply for payments. I am not surprised.

The Australian Council of Social Service, or ACOSS, made some comment about the high combined taper rates for families receiving multiple family and youth payments. They pointed out that the high taper rates result from the 'stacking' of multiple income tests, and that this results in a disincentive for family members to engage in paid work.

Labor supports the measures contained in this bill. Of course we want to see extra support provided to young people on youth allowance. But as I said before, it is such a hypocritical approach for this government to take when some young people get support and others are punished. It just goes to show the twisted priorities of this government. If you have assets, this government will go into bat for you, but others on low incomes will have their income support payments cut and their family payments cut.

The Turnbull government should be helping all Australian families, not just those it thinks are deserving of its support. If those opposite are serious about supporting families, they should drop their plan for the $100,000 degrees that price many families out of higher education. They should drop their cuts to family tax benefit and their cuts to paid parental leave. They should start getting serious about job creation and economic growth, particularly with the ever-increasing levels of youth unemployment across Australia. They should rule out increases to the rate or base of the GST. One of the worst things this government could do to family budgets is put a great big 15 per cent tax on everything you buy. We know from recent research conducted by ACOSS and the National Centre for Social and Economic Modelling that those who would be the hardest hit by such a policy are, once again, the ones who can least afford it.

Labor recognises that the bill we are currently considering is a positive step forward for young people and their families, but it does not make up for the government's cuts to family payments contained in the 2014 budget, and it does not make up for the government's push for $100,000 degrees, pricing many regional students out of higher education. It does not make up for their plans to force young people to live on nothing, whether for six months or for one month. And it certainly will not make up for the government increasing the tax burden on low- and middle-income earners by increasing the GST, whether by increasing the rate or by broadening the base.

I have said it many times: this government has targeted its cuts at the most vulnerable and disadvantaged people in Australia. It means that when it comes to budget savings the people who can least afford it are the ones who have to pay the greatest price. When those opposite say that the end of the age of entitlement is over, the so-called entitlements they are talking
about are actually basic needs for people on low incomes. And it makes no difference whether Mr Abbott is Prime Minister or Mr Turnbull is; many of the attacks on disadvantaged Australians, many of the cruel cuts from the 2014 and 2015 budgets, are still on their books.

Granted, the bill we are debating right now does provide some additional support to young people and their families who genuinely need it. But it goes a very small way towards addressing the cruel cuts that low-income Australians have had to endure so far.

Senator LEYONHJELM (New South Wales) (13:38): I rise to oppose the Social Services Legislation Amendment (More Generous Means Testing for Youth Payments) Bill 2015. As is often the case, I suspect I will be the only parliamentarian to do so.

The government has budgeted for a $35 billion deficit this year, and the prospect of debt and deficit extends as far as the eye can see. The government acknowledges that we have a spending problem, with government spending as a share of GDP being as high as at any time since the early 1990s, once you account for spending that this Senate refuses to cut. But this bill allows dependent kids of asset-rich parents to get youth allowance. It is a bald-faced expansion of middle- and upper-class welfare, and it will increase government spending by an estimated $263 million by 2019.

Currently youth allowance is denied to students and unemployed youths whose personal income or personal assets exceed certain thresholds. Youth allowance is also denied to students and unemployed youths who are dependent on their parents, if their parents have income or assets above certain thresholds. This is as it should be. But this bill removes the assets test. As such, students and unemployed youths who have significant personal assets or who are dependent on parents with significant assets will become eligible for youth allowance. The Nationals want the dependent kids of asset-rich parents to get welfare, because some farm families are asset rich. It has even been suggested that this bill should be renamed the 'Senator McKenzie Re-election Bill'. But the existing parental asset test already includes carve-outs that help asset-rich farm families. Only a quarter of the value of farm and business assets are included in the test. The family's principal home is excluded from the test, and the asset test does not apply if the family receives a Farm Household Allowance.

There is no problem with the definition of dependent that would justify the government's attempt to jettison the parental assets test for dependent kids either. You are defined as being dependent, and hence subject to the parental assets test, only if you are able to live at home and you have parents who can exercise their responsibilities; if you are not a full-time student or apprentice over 21 years of age; if you have not worked for 18 of the past 24 months; if you have no limits on your capacity for work or education; if you are not married or in a year-old de facto relationship, and if you do not have a dependent child. This is a very restrictive definition of dependent, such that youth allowance is only ever denied to people who clearly do not need it.

This bill shows that the coalition government is prepared to bribe voters in the hope of retaining rural votes. It is sad to say that this government is not serious about reducing government spending and resolving our debt and deficit problem.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (13:42): I thank colleagues for their contributions to this debate on the
Social Services Legislation Amendment (More Generous Means Testing for Youth Payments) Bill 2015. As has been well canvassed, this bill will implement the government's 2015 budget measure that will provide more consistent and more generous support for families with dependent young people who qualify for certain youth income support payments. With a financial commitment from the government of $262.7 million over the forward estimates, the bill will bring extra support to families as their children move into young adulthood, particularly rural and regional families whose children continue to study beyond year 12.

From 1 January 2016 this will include removing the family assets test and the family actual means test from the youth allowance parental means test arrangements. This will result in a more consistent level of support for families as young people move from family tax benefit part A to an individual income support payment. The parental income test exemptions for youth allowance will also be aligned with existing arrangements for family tax benefit part A. Removing the family assets test for youth allowance will allow around 4,100 additional dependent youth allowance claimants to qualify for the first time, accessing average annual payments of more than $7,000 per year. Removing the family actual means test will see around 1,200 more people receiving youth allowance for the first time as well as increasing payments for around 4,860 existing students by approximately $2,000 a year. The changes will reduce the significant regulatory burden on around 30,000 families who are subject to the family actual means test and around 200,000 families who are subject to the family assets test. The changes mean that farming families will not have farm assets counted towards the means test for their dependent children claiming youth allowance.

A further component of this budget measure will apply from 1 January 2016 to expand the family pool for the youth parental income test to include a notional maximum rate of family tax benefit part A for all of the children for whom the parents have financial responsibility. This will apply to families that have dependent children receiving individual youth payments that are parentally income tested and also younger dependent siblings, and will result in a lower rate of reduction to the dependent child's youth allowance than is currently the case.

Including all FTB children in the family pool for the youth parental income test will allow around 13,700 families with dependent children in both the family tax benefit part A and youth streams to become eligible for an average increase in payment of around $1,100 a year. Around 5,800 families who currently miss out on payments due to the combined higher taper rates will also become eligible for an average payment of around $1,300 a year. Additionally, in a two-stage process, from 1 January 2016 maintenance income will be removed from the youth allowance parental income test assessment. From 1 January 2017 a separate maintenance income test for the treatment of child support will be applied, like the test that currently applies to family tax benefit part A.

This bill seeks to boost assistance for working families, smoothing the transition to individual payment for young people and better supporting them into study to build their careers, develop economic opportunities and contribute to our economy.

The bill was considered by the Senate Community Affairs Legislation Committee, and I am pleased to say that in its report, tabled on 9 November, the committee recommended that the bill be passed without alteration. In the committee report, the Australian Greens provided additional comments around the adequacy of youth payments and proposed there be a review of the measures in two years to ensure there are no adverse outcomes as a result of removing
the family assets test. Removing the family assets test is consistent with arrangements for family tax benefits, where no assets test applies. There is no rationale for applying a family assets test for youth payments that does not apply to family tax benefit. Personal assets testing will continue to apply across the social security system for income support payments.

The government commissioned a review of Australia’s welfare system, which resulted in the McClure report, and also instituted a review, through the interdepartmental committee on access to higher education for regional and remote students, of the challenges regional students face in accessing higher education. Both of these initiatives include a focus on the adequacy of income support payments, and the government will consider the issues raised by community organisations and the Australian Greens as part of the process of working through the recommendations of the McClure report and the interdepartmental committee review.

While the government does not propose to agree to a formal review after two years, the government does monitor the effectiveness of its programs on an ongoing basis, and the outcomes of the measures in the bill will be considered as part of that continuous process of policy review.

The committee noted that, by removing complex and unnecessary means tests, the bill facilitates the objective of providing more consistent support for families with dependent young people who qualify for youth payments. The committee also noted that this initiative is consistent with the findings of the recent review by the interdepartmental committee on access to higher education for regional and remote students. With those remarks, I commend the bill to the Senate.

The ACTING DEPUTY PRESIDENT (Senator Lines): The question is that the amendment moved by Senator Siewert during the second reading debate be agreed to.

Question agreed to.

Original question, as amended, agreed to.

Bill read a second time.

Third Reading

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (13:48): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Social Services Legislation Amendment (No Jab, No Pay) Bill 2015

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

(Quorum formed)

Senator MOORE (Queensland) (13:52): This particular bill has caused great discussion across the community. Many in this chamber have met with people from the constituencies and from different organisations putting both sides of the proposition. People would know
that the history of this process is that, over many years, there has been concern around the level of vaccination in Australia. As of this year, over 10 per cent of Australian families are still not having their children regularly vaccinated. Around two per cent of those are people who have registered conscientious objections to the process. Just under seven per cent are those we refer to as ‘no vaccinators’, as opposed to conscientious objectors. These are terms you become very familiar with when you are working with this community.

In terms of this process, we do not know why the no vaccinators are not seeking vaccination for their children. All kinds of ideas were brought forward to our committee. We had a committee hearing for this legislation a fortnight ago in Brisbane. The committee received many submissions—in fact, several hundred submissions. Most of them came from people who did not support the bill. Very few, if any, of the people who wrote in to say they did not support the bill—and I will get to the reasons why they did not support it—fell into the category of no vaccinators. These are people, I remind you, who have not put in a conscientious objection to the process but who, for whatever reason, have not taken up the opportunity of the extraordinary strong free vaccination process that we have in this country. Other people, who have taken up conscientious objections, have very strong opposition to the legislation. That has been fully identified in our committee report. In reality, the No Jab, No Pay legislation may have very little impact on this group of people. Their objections to the process of vaccination are strong; they are part of community action groups and international groups that are opposed to vaccination. They put their objections to the committee particularly strongly.

While the department was not able to provide us with any data or information about the different rationales, there is clearly a strong group of people in Australia who I believe will not be impacted by the legislation. This legislation, as we know, links family payments and childcare payments to having a full vaccination schedule completed for the child. The group that may be affected is around seven per cent of Australian families—those who do not have a conscientious objection or a medical exemption but have not taken up vaccination. In my opinion, that is the group that may be impacted by this legislation. This legislation will have an impact on all people who do not vaccinate. If you do not vaccinate your children, under this process you will no longer be eligible for family tax benefits payment or childcare payments.

We know, of course, that eligibility for the family tax benefit is the subject of another piece of legislation before this chamber. Families will lose bonus payments and ongoing payments of around $1,000. For families who are not eligible for childcare payments, that is around $7 per child. That is a really significant impost. Objections were raised at our committee hearing. The objections fell into a number of different categories. There were groups who objected to vaccination and came forward with medical evidence that they had gathered and different reports. They were concerned, mainly as parents, about how their choices will be impacted by the legislation.

The other group of objectors to the legislation were people involved in the childcare industry. We really had no information from the department around the issue of the work that has been done to see where people who are not vaccinating will not be able to afford childcare. This is an important issue. There is nothing to say that people cannot have child care through federal legislation; it is the aspect of receiving payment which actually mitigates the
cost of child care. People get quite a significant rebate. If you do not have that payment, there is a limitation of choice in terms of seeking out child care for your children. So we had objections from that group. They were concerned because they felt that they had not had effective consultation in the process. They had no real way of knowing the impact on their business if the children of those 10,000 families who would lose their child care payments were in their business—and we could not get that knowledge from the department. So we could not quantify the possible impact of the legislation on people who run childcare businesses or family day care services and building their business plans into the future. With an expected implementation date of 1 January next year, their forward planning could be affected significantly if they have a number of families who can no longer take up child care because they cannot afford it.

Those were the two major groups of objectors to the legislation. There was also a very interesting group of people who raised general questions about whether this legislation was the most effective way to respond to the need which has been identified—which I think many people in this place share—to have a larger number of vaccinations in our families across the country. While there was shared acceptance among people who support vaccination that there should be a higher level of vaccination across the community, a number of people came to the committee in good faith supporting vaccination but genuinely believing there could be an alternative way of addressing what they considered to be the blanket process of this legislation which stops payments and actually limits the amount of—

Debate interrupted.

QUESTIONS WITHOUT NOTICE

Goods and Services Tax

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (14:00): My question is to the minister representing the Prime Minister, Senator Brandis. I refer to the Prime Minister's statement last month that 'changes to the GST should be on the table'. I also refer to Senator Brandis's statement yesterday that 'there is no proposal coming from the Turnbull government to increase the GST'. Minister, which is true?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:00): Both.

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (14:00): Mr President, I ask a supplementary question. Is a proposal to increase the GST on the table, or is it off the table?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:01): Senator Urquhart, as I tried to explain to your colleague Senator Polley yesterday, this government is encouraging a national conversation about jobs and growth. A very important feature of that national conversation is tax policy. You cannot have a national conversation about jobs and growth without having a conversation about tax policy. There are many, many voices and many points of view in the national conversation about tax policy. We have the views of a Labor Premier, Mr Weatherill, and a Liberal Premier, Mr Baird, who are calling for an increase in the rate of the GST, and we have the views of another Labor Premier, Mr Andrews, and another Liberal Premier, Mr Hodgman, who are not. There is a variety of views on this subject. (Time expired)
Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (14:02): Mr President, I ask a further supplementary question. Is a proposal to broaden the GST to include fresh food, health and education on the table, or is it off the table?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:02): Senator Urquhart, I do not know how many times I have to say this, but there is no proposal from the Turnbull government to increase the GST. But we are very happy to listen to, and we are listening carefully to, the exchange of views among political leaders of both sides of politics. State premiers, current and former, economic commentators, important stakeholder groups, whether it be the ACTU—

The PRESIDENT: Pause the clock.

Senator Urquhart: I rise on a point of order, Mr President. The question was: is there a proposal to broaden the GST to include fresh food, health and education on the table, or is it off the table? The minister has not got to that question.

The PRESIDENT: I interpreted the minister's answer as saying there was nothing on a table at this point in time of that nature. But I will allow the Attorney-General to provide the answer in the way he wishes.

Senator BRANDIS: We are listening to the views of different stakeholder groups, whether it be the ACTU, whether it be ACOSS, whether it be the Business Council of Australia or whether it be COSBOA. There are many views and many voices in this debate. The government encourages the debate, but we, the Turnbull government, are not proposing an increase to the GST.

Employment

Senator EDWARDS (South Australia) (14:03): My question is also to the Leader of the Government in the Senate, Senator Brandis, representing the Prime Minister. Will the Attorney-General please update the Senate on the labour force data released today by the Australian Bureau of Statistics and on what this means for our economy?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:04): Thank you; it is a very important question that you ask, Senator Edwards. I am delighted to be able to tell the Senate that the labour force data released earlier in the day showed that the unemployment rate has fallen from 6.2 per cent to 5.9 per cent over the past month. That is a remarkably large fall on a month-on-month basis. The data showed that 58,600 jobs were created in the month of October alone. It showed that employment rose by 40,000 full-time and 18,600 part-time places. It showed that the participation rate had increased at the same time as the unemployment rate had substantially fallen. This is good news for Australia. It is good news for all Australians, and I am disappointed that the Australian Labor Party over there is not rejoicing in the good news that we have heard this morning, that there has been this very substantial reduction in the unemployment rate.

Today, CommSec published in its Economic Insights document this headline: 'Biggest annual lift in jobs in 7½ years'. Why is this happening, Senator Edwards? It is happening for one reason. It is happening because confidence has returned to the Australian economy. People have confidence to hire, they have confidence to invest and they have confidence to
spend. And that confidence is reflected in, among other things, the labour force figures. The naysayers on the other side of the chamber might regret to see this happen, but the Australian economy is buoyant and confident today. (Time expired)

Senator Conroy: Oh, it's a great time to be alive!

The President: Order on my left—Senator Conroy.

Senator Cameron: Eric and—

The President: And Senator Cameron—before you even start interjecting, Senator Cameron.

Honourable senators interjecting—

The President: A pre-emptive strike!

Senator Edwards (South Australia) (14:06): Quite rightly so! Mr President, I ask a supplementary question. Will the Attorney-General advise the Senate of the government's track record when it comes to job creation in this country?

Senator Brandis (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:06): I am delighted to be able to advise you of the government's track record when it comes to job creation, Senator Edwards, because it is a very strong record. Since the government came into office, we have had 366,400 jobs created in the Australian economy. In 2013 when the Labor Party left office, employment growth was at the rate of approximately 2,000 per month, an annual jobs growth rate of about 0.2 per cent. In the past year, the jobs growth rate has been more than 10 times that in the last year of the Labor government, with more than 26,000 jobs created every month, an annual growth rate of 2.7 per cent. It was 0.2 per cent under the Labor Party and it is 2.7 per cent annualised now.

Senator Back: Ten times!

Senator Brandis: It is more than 10 times higher, Senator Back—quite right—under the coalition, a record of which we are very proud. (Time expired)

Senator Edwards (South Australia) (14:08): Mr President, I ask a further supplementary question. Will the Attorney-General inform the Senate of what the government is doing to encourage further job creation in our economy?

Senator Brandis (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:08): There is a reason why confidence has returned to the Australian economy. It is that this government, the Turnbull government, is creating a foundation for future investment and jobs growth in this country by aligning our economy with the fastest growing and largest economies in the world through the most ambitious push for free trade agreements Australia has ever seen. I can tell Senator Edwards that the independent modelling has shown that the China, Japan and Korea free trade agreements alone will add $24.4 billion to the Australian economy by 2035. In addition to that, the Trans-Pacific Partnership will open up great new opportunities for businesses to expand and employ more Australians. Meanwhile, we are working to establish an innovation culture, and in the weeks to come there will be a major innovation statement. This is a good story for Australia—(Time expired)
DISTINGUISHED VISITORS

The PRESIDENT (14:09): Before I call on the next questioner, I acknowledge the presence in the gallery today of former Senator Santoro. It is good to have you here with us.

Honourable senators: Hear, hear!

QUESTIONS WITHOUT NOTICE

Broadband

Senator McALLISTER (New South Wales) (14:09): My question is to the Minister for Communications, Senator Fifield. In April 2013, the now Prime Minister promised his second-rate NBN would cost $29.5 billion and said his plan was 'very conservative'. In December 2013, the now Prime Minister said his second-rate NBN would cost $41 billion and the assumptions were 'conservative and achievable'. In August this year, the now Prime Minister admitted his second-rate NBN would cost up to $56 million and said:

... all of us can have real confidence in the numbers ...

Minister, how can anyone have any confidence in this government's numbers when the Prime Minister has gotten every single one of his NBN costs so hopelessly wrong?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (14:10): I thank Senator McAllister for her question. Senator McAllister is quite right that the 2016 corporate plan presents a peak funding range of between $46 billion and $56 billion, with a base case of $49 billion, and she is right that the strategic review estimated peak funding of $41 billion. The NBN, as it is rolling out, is learning from experience, as it has also learnt from the many reviews that it has commissioned and it is getting a much better and much more precise fix on the cost of the NBN. That is an important point, because our predecessors had no fix, they had no handle, on the costs of the scheme. This government has had to put in train with the board and management of nbn co processes to determine, to get a realistic handle on, what the true expenses of the NBN are because the NBN was left in such bad order by those opposite. As I have indicated before, in stark contrast to the work and the preparation done for the NDIS, where we had things such as a 2,000-page Productivity Commission report, we had a preparation sum total from Senator Conroy of a coaster with some of his hieroglyphics. I return to something that I posed the other day to this chamber: in what plan would you have more confidence? Would it be one developed by Senator Conroy or one developed by Mr Turnbull?

Senator McALLISTER (New South Wales) (14:12): Mr President, I ask a supplementary question. In October, this minister said the government's three-year construction plan was ambitious, and nbn co chairman, Dr Switkowski, said the NBN's rollout plan to 2020 was 'heroic'. Will the minister guarantee that this rollout plan will be achieved? Or is it as 'conservative and achievable' as every other forecast released by this government on the NBN?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (14:13): I thank Senator McAllister. When Dr Switkowski, the chair of
nbn co, was referring to 'heroic', I think he was referring to the incredible efforts of the staff of nbn co, who are giving their all to this project.

Senator Conroy: No! No! No! No! No! That's not right.

The PRESIDENT: Senator Conroy, you were not asked the question.

Senator FIFIELD: But I do not deny for a second that this is not an ambitious project. It is a very ambitious project with a very good board and very good management who have oversight. It is an ambitious project but it is a realistic project. What we know for sure is that the multi-technology mix approach being pursued by nbn co will see the NBN rolled out much faster than it would have been by those opposite and at much lower cost to taxpayers, and I think that is great news.

Senator McALLISTER (New South Wales) (14:14): Mr President, I ask a further supplementary question. Does the minister agree with Andrew Bolt that the Prime Minister is: … promising competent economic management, but after the hash he's made of the National Broadband Network—now even more expensive and more delayed—I need more than a wink and nod. Don't the Australian public deserve more than a wink and a nod before they believe this government's heroic rollout plan?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (14:14): No-one denies that this is—

Senator Conroy interjecting—

Senator Kim Carr interjecting—

The PRESIDENT: Senator Conroy and Senator Carr!

Senator FIFIELD: I have learned something today: those opposite are close followers of, readers of and fans of Andrew Bolt! It is a discovery.

Opposition senators interjecting—

Senator FIFIELD: So say us! The 2016 corporate plan represents the most robust corporate plan developed by nbn, and it provides an accurate reflection of the business. We are confident that the network can be completed by 2020. In fact, for the past two years, the company has successfully met its rollout targets. That is the first time that has happened. We have confidence in the board of nbn. We have confidence in the management of the nbn. We want to see them get on with the job of delivering fast broadband sooner and at less cost.

Superannuation

Senator DI NATALE (Victoria—Leader of the Australian Greens) (14:16): My question is to the Leader of the Government in the Senate, representing the Treasurer. Today there are reports that the government is looking to adopt the Greens' policy for a more progressive superannuation system. Given that superannuation has become a tax—

Honourable senators interjecting—

The PRESIDENT: Order! We will reset the clocks. I need to be able to hear Senator Di Natale. As he is further away from me, the interjections between him and me make it nigh on impossible.
Senator DI NATALE: That makes both of us. Thank you, Mr President. Today there are reports that the government is looking to adopt the Greens’ policy for a more progressive superannuation system. Given that superannuation has become a tax haven for the wealthy and, only a few hours ago, the Turnbull government, when it came to multinational tax avoidance, decided to protect the big end of town, can the minister inform the chamber if this government is genuinely committed to making superannuation more progressive or whether it will continue with its approach to balance the budget on the back of the most vulnerable Australians?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:17): Thank you, Senator Di Natale. That is a very important question, and I thank you for asking it. As I said to Senator Urquhart in answer to her question a few moments ago, we are having an important national conversation in Australia today about jobs and growth and about how to set the Australian economy up to make it as agile, as nimble and as future focused as we possibly can. The tax and superannuation policies are a very important part of that conversation, naturally.

The Turnbull government have not made any proposals because we want to listen to what people have to say. We want to listen to what state premiers, past and present, have to say. As you know, there is a variety of views among them—a variety of views between Labor premiers and Liberal premiers on both sides of the question. There is a variety of views from stakeholders. There is a variety of views from academic commentators. There is a variety of views across the community. The views of the Greens are views that should be part of this debate. Of course they should be part of this debate. Just as we will listen to what the Labor Party has to say, just as we will listen to what crossbench senators have to say, so will we listen, carefully and respectfully, to what your party has to say, Senator Di Natale. That does not mean that we are going to agree with you. Do not get too far ahead of the game here. At the moment, there is a national discussion going on, and we welcome every constructive contribution.

Senator DI NATALE (Victoria—Leader of the Australian Greens) (14:20): Mr President, I ask a supplementary question. I thank the minister for his answer, and there is a sprig of wattle coming his way. The Parliamentary Budget Office costed the Greens’ progressive superannuation policy, which broadly offers a 15 per cent deduction below marginal tax rates, as bringing in $8.7 billion over the estimates period. I seek leave to table that costing.

Leave granted.

Senator DI NATALE: Is the government prepared to fix these unfair tax breaks and work with the Greens before these tax breaks cost the budget more than the entire pension expenditure combined? (Time expired)

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:20): Senator Di Natale, before we decide, we will listen, which is why the answer to your question about superannuation is essentially the same as the answer to Senator Urquhart’s question about the GST rate. We have made no proposal because at this stage of the discussion we are in the business of listening. When this debate has run its course and all the various contributors to the debate have had their opportunity to participate, we will be making some decisions, and they will be guided by certain fundamental principles. One of those principles, as the Prime Minister has
said time beyond number, is fairness. Whatever decisions the government ultimately makes will be influenced by, among other things, considerations of fairness.

Senator DI NATALE (Victoria—Leader of the Australian Greens) (14:21): Mr President, I ask a final supplementary question. Last year, the government abolished the low-income super contribution scheme that overwhelmingly benefited women, casual workers and low-income earners to enable them to set themselves up for retirement. Will the government consider reinstating this measure so that they no longer get taxed more on their super than on their income, while those on more than $180,000 a year enjoy a 30 per cent benefit for contributions?

Honourable senators interjecting—

The PRESIDENT: Order! Can senators on both sides of the chamber keep quiet.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:22): Senator Di Natale, I do not know that I can go much beyond what I said in my previous answer to you. There is an important national conversation going on, and those who want to participate—and you obviously do, Senator Di Natale—will be listened to. Those who want merely to be naysayers, like the Labor Party here in Canberra, can hardly blame the government if their views are not recorded if they have no useful views to express, though some of the state Labor premiers have expressed views. I am not going to anatomise particular proposals, Senator Di Natale. I will not be doing that. What I will tell you, as I said in my previous answer, is that we are going to listen to the contribution that each participant, each stakeholder and each leader of the variety of points of view have to make before we make any decisions in relation to this important national discussion.

Minister for Foreign Affairs

Senator GALLAGHER (Australian Capital Territory) (14:23): My question is to the Minister representing the Minister for Foreign Affairs, Senator Brandis. I refer to the foreign minister, who said earlier today that she was aware that her chief of staff attended a meeting of conspirators at Mr Hendy's house on the eve of the leadership coup, because:

It is part of my job as deputy leader to understand what the party room is thinking. It is part of my job to keep in touch with members of the backbench either through my staff or personally, and that is what I do.

Is it part of Ms Bishop's job to orchestrate challenges against the sitting Prime Minister?

Opposition senators interjecting—

The PRESIDENT: Order! Strictly speaking, that question could be ruled out as it does not relate to a policy area, but I will allow the Attorney-General, in his capacity as representing the Minister for Foreign Affairs, to answer if he wishes.

Senator Wong: Mr President, I raise a point of order. I do not disagree with the ruling. I would ask that you perhaps reappraise yourself of rulings of previous presidents which make it clear that ministers can be asked questions about statements that ministers have made.

The PRESIDENT: I agree with that, Senator Wong, and I have allowed the Attorney-General, if he wishes, to answer the question, representing the Minister for Foreign Affairs.
Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:24): Senator Gallagher, when is the Australian Labor Party going to move on? Because, I can assure you, the Australian people have done so.

Honourable senators interjecting—

The PRESIDENT: Order! I would advise senators to have a look at the broadcast of today when you go back to your offices and see what you look like in relation to that uproar. That applies to all senators.

Senator Conroy interjecting—

The PRESIDENT: Order, Senator Conroy!

Senator Conroy interjecting—

The PRESIDENT: Senator Conroy, if you continually argue with me and interject—this is a warning to you now. This is a warning, Senator Conroy. I will invoke the provisions of standing order 203 if you continue on this track. You do not have the right to speak, until I call you. You have been constantly interjecting, and you constantly challenge me in the chair. I will not put up with this any longer.

Senator GALLAGHER (Australian Capital Territory) (14:26): Mr President, I ask a supplementary question. Why did Ms Bishop tell her colleagues that she did not know about the move against Mr Abbott, when her chief of staff was at the weekend meeting, which also involved Senators Fifield, Sinodinos, Birmingham, Ryan and McGrath planning the strike against the Prime Minister?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:26): Honestly, Senator Gallagher, I believe that Professor Peter van Onselen, who is a well-known political scientist and political historian, has written a book about these events. It is a history book. These events are now a part of history. They are so much a part of history that political historians have consigned them, literally, to history. We know that there was a change of leadership of the Liberal Party some two months ago. We know that that happened two months ago, and it is now part of Australian political history. If you want to read about it, I suggest you read Professor Peter van Onselen's book.

Senator GALLAGHER (Australian Capital Territory) (14:27): Mr President, I ask a further supplementary question, and it does appear that both Senator Abetz and Senator Bernardi are probably reviewing that history book as we speak. I refer to Senator Abetz's statement that there should be an answer or an explanation provided about the attendance of Ms Bishop's chief of staff at the coup meeting. Has Ms Bishop provided an explanation to the former Leader of the Government in the Senate? Was Senator Abetz satisfied with that explanation?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:27): I know that Ms Bishop addressed this issue during a press conference, a doorstop interview, earlier in the day. And I am sure that she has nothing to add to her remarks at that time—nor do I.
Trade with China

Senator MADIGAN (Victoria) (14:27): My question is to the Minister representing the Minister for Health—

Senator Conroy interjecting—

The PRESIDENT: Senator Conroy, you had been warned. I am now going to call upon the Leader of the Government in the Senate to move that you be suspended for the remainder of the day.

MOTIONS

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:28): I move:

That Senator Conroy be suspended from the Senate for the remainder of the day.

The PRESIDENT: Senator Conroy, you have an opportunity to make an explanation or to apologise. Then, I can put the vote, if I decide to put the vote.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:28): I apologise for anything that has offended you.

The PRESIDENT: Thank you, Senator Conroy, and I expect your behaviour to be within the standing orders for the remainder of question time. I accept the apology, and I will not put the motion. Thank you, Leader of the Government in the Senate.

QUESTIONS WITHOUT NOTICE

Trade with China

Senator MADIGAN (Victoria) (14:28): My question is to the Minister representing the Minister for Health, Minister Scullion. As you well know, Minister, Australia recently entered into a free trade agreement with China. Given the increasing demand for Australian made complementary medicines, such as vitamins and mineral supplements, and the premium Chinese consumers place on Australian made products of this type, can you explain to the Senate what impact ChAFTA will have on this growing Australian industry?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:29): Thank you very much for the question, Senator Madigan. This is a really important question. He asked me about the ChAFTA. At its core, this agreement will mean more jobs for more Australians. It will mean better access to the world's second largest economy, an improved competitive position for export markets, more prospects for increased two-way investment and reduced costs for imports for Australian businesses and consumers alike.

ChAFTA will open significant opportunities for Australia in the world's second largest economy and one of the fastest growing. China is Australia's largest export destination for both goods and services, accounting for nearly a third of total exports. It is our largest export market for agriculture, resources and services and a growing source of investment, creating jobs and economic prosperity for Australia.

The benefit of this agreement is far reaching. One of the great beneficiaries in our economy is services, particularly our world-class health sector. We often forget that China is already Australia's largest services market, worth nearly $7.5 billion in 2013-14. The opening up of
the Chinese health industry to foreign investment represents an unprecedented opportunity for Australian businesses, given China's growing middle class and its increased demand for quality health care.

Senator MADIGAN (Victoria) (14:30): Mr President, I ask a supplementary question. Minister, is the government aware that under our labelling laws there is no mandatory requirement that complementary medicines manufactured here be labelled 'Made in Australia'? If so, what plans does the government have to ensure our products are easily identified by Chinese consumers?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:31): As I understand it, medicine labels are required to include the name and the address of the Australian sponsor. The country of manufacture is not required to be identified on the labels. Senator, as you would know, country-of-origin labelling for medicines is a voluntary measure at this time. I am advised that this proposal was discussed with Minister Nash's office this morning for the first time. I have sought some advice from Minister Nash's office and I am happy to take the remainder of this particular question on notice. It is a very important issue, and we will provide you with a brief and the Senate with a further answer to that question on notice.

Senator MADIGAN (Victoria) (14:31): Mr President, I ask a further supplementary question. Minister, I was recently shown packaging used by a big name complementary medicine label for products it sells in China. The packaging prominently displays an Australian flag and the company is identified as based in Australia, yet the product is made in China, this not being stated anywhere on the packaging. Minister, what plans does the government have to ensure that foreign made products are not able to be passed off to our biggest foreign market as Australian made? (Time expired)

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:32): Again, I thank Senator Madigan for the question. It is a very important question. As I indicated, the office of Senator Nash only became aware of that this morning. I have made some inquiries. We are currently preparing a comprehensive brief for the senator and we will also provide a comprehensive answer to your question on notice.

Innovation and Science

Senator SESELJA (Australian Capital Territory) (14:33): My question is to the Cabinet Secretary, Senator Sinodinos, representing the Minister for Industry, Innovation and Science. Will the minister tell the Senate what the government has done in the innovation and science area to grow the economy and create jobs?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:33): I thank Senator Seselja for his question. I can confirm that this government, under this Prime Minister, is going to provide economic leadership in the whole area of innovation and science to provide the jobs and growth of the 21st century. We are doing this through a number of measures to drive business and innovation. Specifically, we are assisting exporters to take advantage of the significant expansion of markets through the good work of the Minister for Trade and Investment—the China-Australia Free Trade Agreement, free trade agreements with Korea and Japan and of course the trans-Pacific partnership. The trans-Pacific partnership in particular will give Australia's exporters unprecedented access to the world's leading markets
while protecting our intellectual property, generating unique opportunities and incentives for our leading minds to generate great ideas.

Innovators today can take advantage of policies which were put in place by this government when we came to power two years ago. Small and medium sized enterprises are taking advantage of the tax cuts that were in this year’s budget for small business. They can take advantage of the $482 million Entrepreneurs’ Program, the flagship firm level initiative that continues to grow the economy and create jobs, and the Accelerating Commercialisation program, for business management and assistance with research connections. On top of that, we have our annual red tape repeal day in the House of Representatives today, which builds on $2 billion worth of cuts to red tape and regulation, to make businesses more nimble, agile and innovative.

Senator SESELJA (Australian Capital Territory) (14:35): Mr President, I ask a supplementary question. Will the minister inform the Senate of ways the government is encouraging innovation and science achievement?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:35): It is very important that, where there is great success in Australian science and innovation, we note it, we mark it and we celebrate it. A few weeks ago in the Great Hall in parliament the government hosted the Prime Minister’s science and innovation awards. There were new Australians awarded science prizes and innovation prizes, joining a long list of Australians who have made great discoveries in research and science.

There was an inaugural prize for innovation this year and it was won by Professor Graeme Jameson, with whom many people would be familiar. He works with the University of Newcastle, which happens to be my alma mater. He has created something called the Jameson cell—a technology that uses trillions of bubbles to capture and use coal dust that would otherwise be wasted. It is estimated that he has saved the Australian economy $36 billion because of the Jameson cell over the last few years. While I am on my feet, I also acknowledge Todd Williams, who is here from the RDA in the Hunter. He is doing great work in the innovation space. (Time expired)

Senator SESELJA (Australian Capital Territory) (14:36): Mr President, I ask a further supplementary question. Will the minister explain to the Senate what vision the government has for innovation and science and how this mission is a driving force for the future?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:36): The government acknowledges more work needs to be done to get the right settings for innovation and science policy. As the Prime Minister said, we have to work agilely, more innovatively; we have to be more nimble in the way we seize the opportunities that are presented to us. We are not seeking to proof ourselves against the future—we are seeking to embrace the future. The government is approaching the opportunities and challenges for Australia’s innovation ecosystem with an open mind and fresh eyes. No eyes are more open, no eyes are more fresh, than those of the assistant minister, Wyatt Roy, who has hosted a successful hackathon event where the start-up community, business people, researchers and venture capitalists disrupted the bureaucracy with novel ideas. Our innovation and science package will complement what the government is already doing to create an Australian innovation ecosystem.
Citizenship

Senator McKIM (Tasmania) (14:38): My question is to the Attorney-General. Attorney, the Labor Party has fallen into its standard zombie shuffle by falling in behind the government on the continued erosion of civil and human rights in Australia by indicating that it will support your deeply flawed Australian Citizenship (Allegiance to Australia) Amendment Bill.

Senator Wong: You've voted with them on a whole range of things.

Senator McKIM: I have hit a nerve. Do you accept that the amendments to the bill recommended by the Joint Committee on Intelligence and Security do no more than sand a few rough edges off the legislation and that the bill remains fundamentally flawed due to its retrospectivity and its abrogation of the rule of law? On what basis do you believe it acceptable to strip citizenship from Australian nationals without providing for that decision to be either made by the courts or tested in the courts before it is made?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:38): I think it would be good practice, Senator McKim, to acquaint yourself with the provisions of the bill before you start criticising it.

Senator Ian Macdonald: Mr President, I rise on a point of order. I am sitting not two metres from Senator Brandis and I cannot hear him because of the constant interjection by the leader of the opposition, who just never stops yelling.

The PRESIDENT: Order! I remind all senators not to interject, so we can hear the question and the answer.

Senator BRANDIS: Senator McKim, I suggest, with respect, that before you start criticising a bill you should acquaint yourself with its provisions. Nothing you have said in your question accurately reflects any provision of the bill. The fact is the bill was referred to the Parliamentary Joint Committee on Intelligence and Security. That committee made 27 recommendations, and the 27th recommendation was that the bill with amendments be passed. The 26 substantive recommendations were recommendations to enhance the operation of the bill to protect the rights of the individual and to protect the rule of law and to ensure that there was an even greater level of parliamentary scrutiny, in particular through the Parliamentary Joint Committee on Intelligence and Security, than there hitherto had been. The government adopted all of those recommendations. Senator McKim, you say the bill is flawed. I accept that in good faith you may have criticisms of the bill, and no doubt we will debate that matter when the bill comes before the Senate, but it is not legally flawed. That is the advice of the Commonwealth Solicitor-General which was conveyed to the committee—

The PRESIDENT: Pause the clock. A point of order, Senator McKim?

Senator McKIM: The question to the Attorney was on what basis does he believe it acceptable to strip citizenship from Australian nationals without providing for that decision to be made by the courts or tested in the courts before it is made. I would appreciate you pointing the Attorney in the direction of that question.

The PRESIDENT: Senator McKim, that was the third point of your question. There were three points to your question. The Attorney-General has been relevant to the question.
Senator BRANDIS: I thought I would mention that to you, Senator McKim, that the Solicitor-General has given advice to that effect. Senator McKim, you asked on what basis does the government, and indeed the opposition, believe that it is acceptable. We believe it is acceptable that if a person renounces their allegiance to Australia by engaging in serious terrorist crimes of which Australian citizens are the innocent victims, that is a sufficient basis. (Time expired)

Senator McKIM (Tasmania) (14:41): Mr President, I ask a supplementary question. Do you think, Attorney, that Australians trust Minister Dutton, who could not even be up-front with the Australian people over the recent meltdown on Christmas Island, to decide whether or not they can remain citizens in circumstances outlined in the Australian citizenship amendment bill?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:42): Senator McKim, that is why I said to you that you really ought to acquaint yourself with the provisions of the bill before you criticise it, because that is the very thing the bill does not do—the very thing the bill does not do. It creates an architecture which was constructed on the advice of very senior counsel in which in two sets of circumstances a person with dual citizenship may lose their citizenship. The first category of case is where the person by their conduct renounces their citizenship. That does not depend on a ministerial determination. The second category is where a person is convicted by a court of a serious terrorist crime. In those circumstances the minister, on the basis of the court's decision, may decide to revoke that person's citizenship. In neither case is there a ministerial determination independent of the courts. (Time expired)

Senator McKIM (Tasmania) (14:43): Mr President, I ask a further supplementary question.

Government senators interjecting—

The PRESIDENT: Order on my right! Senator Ronaldson!

Senator McKIM: I have always thought, Mr President, the louder the volume the more sensitive the nerve that is touched.

The PRESIDENT: Senator McKim, go to your question.

Senator McKIM: Finally, Attorney, given your government's propensity to trample fundamental civil and human rights because you believe it to be politically expedient to do so, will you commit to another white paper process before introducing further laws in the name of counter-terrorism?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:43): The government makes no apologies for being very concerned to ensure that our criminal laws are written in a way that gives Australians the maximum protection that they need from terrorist crime and gives our police and our national security agencies all the powers that they need to protect innocent Australians. Because we on this side of the chamber care about the values of liberal democracy, we have ensured that those enhanced powers that we have given to the Australian Federal Police and to ASIO are hedged by very significant safeguards, transparency and accountability mechanisms. This includes, in particular, to a higher level than existed heretofore, accountability to the Joint Parliamentary Committee on Intelligence and Security.
Sex Discrimination Commissioner

Senator MOORE (Queensland) (14:45): My question is to the Attorney-General, Senator Brandis. Can the Attorney-General confirm that the position of the Sex Discrimination Commissioner still remains vacant despite his promise three weeks ago that an appointment will be made shortly? When will an announcement be made about the new Sex Discrimination Commissioner, given that this vacancy occurred over two months ago and the government received 12 months notice of Ms Broderick's departure?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:45): Senator Moore, I am delighted to be able to tell you that an announcement will be made very soon.

Government senators interjecting—

The PRESIDENT: Order on my right!

Senator MOORE (Queensland) (14:45): I am deeply relieved by that answer. Mr President, I ask a supplementary question. What steps is the Attorney-General taking in the absence, however short, of a dedicated Sex Discrimination Commissioner to continue the important work of former Commissioner Broderick, who convened the Male Champions of Change, a group of some of Australia's most influential and diverse male CEOs and chairpersons?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:46): The Human Rights Commission is continuing that work, and acting arrangements are in place. We have a great deal of respect for the work that Elizabeth Broderick did when she was the Sex Discrimination Commissioner. This is a matter that I have discussed with the Prime Minister, and, as I said, we will be making an announcement very soon on the name of the woman who will be appointed as the new Sex Discrimination Commissioner.

Senator MOORE (Queensland) (14:46): Mr President, I ask a further supplementary question. Can the minister confirm that, unlike the Disability Discrimination Commissioner, the role of the Sex Discrimination Commissioner will be made a full-time appointment when it is made?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:46): Senator Moore, what I take you to mean is that you want to know whether the person appointed as the Sex Discrimination Commissioner will have another commission as well. The functions of the Disability Discrimination Commissioner are being carried out by former senator Susan Ryan, and she is also the Age Discrimination Commissioner. In my view, Susan Ryan has carried out both of those roles with great skill and dedication. The fact that she has been double-hatted, as it were, has not been to the cost of either of those roles. In fact, there are obvious synergies between them. But in this particular case it is not the government's intention to ask the new Sex Discrimination Commissioner to act in another role with the Human Rights Commission.

Research and Innovation

Senator BACK (Western Australia) (14:47): My question is to the Minister for Education and Training, Senator Birmingham. Will the minister advise the Senate how the Australian
government's research and innovation agenda provides a strong platform to grow jobs and build global research and education networks?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:48): I thank Senator Back for his question. I know that Senator Back, like all senators on this side, acknowledges that sound investment in effective research and the commercialisation of that research is essential for Australia’s capacity to adapt into the future to be able to address many of the challenges we face in the changing and dynamic workforce environment and global economy that we operate in. Over the forward estimates our government has committed $10.7 billion to research activities across my own portfolio, and across government, in the 2015-16 financial year alone, we will spend some $9.7 billion on investment in science, research and innovation.

The government will invest more than $3 billion over the next four years in the highest quality research relating to the discovery of new ideas and the advancement of knowledge through the Australian Research Council. I am delighted that I recently had the opportunity of announcing many of the ARC’s Discovery Projects grants, with some 44 new research projects commencing in 2015 in Senator Back’s home state alone—$16 million of funding going into Western Australia as part of a much broader and larger government investment.

The funding in WA alone will support research into robotics, new healthcare products and scientific literacy—just to name a few areas. One of the particular projects that is extraordinarily exciting, the Murchison Widefield Array telescope, which is a Curtin University project, is receiving more than $1 million of support. This is a forerunner to the large Square Kilometre Array, which will seriously advance Australia’s scientific capacity and knowledge. It is a project of which Western Australians are all rightly proud, but the whole nation should be proud of what projects like this will deliver in positioning Australia to be a clever and successful nation in the future.

Senator BACK (Western Australia) (14:50): I thank Senator Birmingham for his answer. Mr President, I ask a supplementary question. Will the minister inform the Senate of the benefits of improved incentives for engagement for universities and research institutions in Australia?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:50): That is a very important question. It is why in May this year the government released the Boosting the Commercial Returns from Research strategy, which does, in part, seek to make sure that the incentives are right for universities and industry to work together and is a key element of the overall innovation agenda that this government is looking to further develop in the remainder of this year and beyond. We recognise that while Australia has enjoyed nearly a quarter of a century of uninterrupted economic growth there are great threats to that from the disruption to traditional jobs and industries occurring around the world. Our universities and research institutions must be at the forefront of ensuring that we remain competitive globally into the future. The 2015 Global Innovation Index ranked Australia 17th out of 141 countries but behind countries like Switzerland, the UK, Sweden and the Netherlands. We must lift our game, especially in the areas of collaboration between researchers and industry and the commercialisation of our research.
Senator BACK (Western Australia) (14:51): Mr President, I ask a further supplementary question. Will the minister update the Senate on any risks to the realisation of the benefits that he has outlined?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:45): The risks I see include scepticism from those opposite, who do not seem to want to embrace the government's sound innovation agenda and the plans this government is developing to lay the foundation for the future. We know that to be successful in the future Australia must be a country that is more agile. We must be a country that is more nimble. We must innovate as a nation. We must make sure that we are creative as a nation. We must make it easier for start-ups to raise capital. We must be more attractive for angel investors to invest in. We must encourage greater collaboration between business and researchers. All of those things will be part of the innovation statement that our government is developing that will be finalised during the course of this year. We have seen, through the ARC grants already provided, great capacity and skills amongst our researchers. This government is determined to support them, to work with industry to achieve even greater success in the future.

Defence: Water Supplies

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:52): My question is to the Minister for Defence, Senator Payne. I refer the minister to a Newcastle Herald article on 26 October titled 'Toxic truth: Water warning repeated', which details how Defence provided advice in mid-October to local residents that there was nothing in their water supply to be concerned about. Yet, within a week, the New South Wales Environment Protection Authority had reissued warnings about water supplies being contaminated by toxic chemicals thought to have leaked from the nearby RAAF Base Williamtown. Given the seriousness of this public health matter, what steps have you taken to end the contradictory and confusing advice being given to local communities by Defence?

Senator PAYNE (New South Wales—Minister for Defence) (14:53): I thank Senator Conroy for the question. The senator would be aware that there are a number of activities occurring in the local area, which include community reference groups and consultation groups, of which Defence is an active member and partner. I convened a meeting—I cannot recall the date exactly, but I will provide that to you on notice—with the New South Wales Minister for the Environment, the Hon. Mark Speakman, perhaps 10 days ago now, which he attended accompanied by the New South Wales Chief Scientist, the New South Wales Chief Medical Officer and a number of other representatives of their government. The Commonwealth was represented by the Department of Defence, me, the Department of the Environment, the Department of Infrastructure and Regional Development, and the Department of Health, I believe. The meeting was to discuss some of the actions that New South Wales had taken with respect to the contamination issues.

The contamination from PFOS and PFOA, which are remnant contaminants, if you like, coming from firefighting foam which was used previously at the Williamtown base, have been an issue in the area for some time, as you indicated. We are trying to work very closely with New South Wales to make sure that advice is consistent. We are engaged with the community through those reference groups and community committees. We are working with both the relevant local members. My staff have briefed both the member for Newcastle and
the member for Paterson on these issues, and we continue to work in close association with them and through the defence department.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:55): Mr President, I ask a supplementary question. Media reports state that the New South Wales EPA and the New South Wales health department were critical of the information that Defence supplied to local residents, suggesting that it failed to spell out risks. Minister, why is Defence failing to adequately communicate risks to local residents and what steps have you taken to ensure that Defence provides accurate and timely information about this serious public health issue?

Senator PAYNE (New South Wales—Minister for Defence) (14:55): I do not necessarily agree that Defence is indeed failing to address and spell out those risks. As I said, there have been regular meetings held with the Department of Defence, represented at quite senior levels, to provide information as required. There have been community meetings, which Defence has also attended and is part of. What I do think is important is that we operate within the bounds of the science which we know, the science of which we are aware. Defence has engaged senior toxicology experts and we also have a consultant doctor, Dr Ian Gardner, who has recently departed to Veterans' Affairs but is continuing to work with Defence on these issues because he has quite significant experience in this area.

Those senators from Victoria will know that there is an inquiry underway in Victoria relating to the Country Fire Authority at Fiskville and contamination in that area—(Time expired)

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:57): Mr President, I ask a further supplementary question. Distressed local residents are frustrated with Defence's handling of the problem, with Fullerton Cove grandmother Robyn Jones saying Defence was 'pretty blase about the whole thing'. Minister, what directions have you given to Defence to ensure it takes the concerns of the local community seriously? Who are you holding accountable for Defence's handling of this serious public health issue?

Senator PAYNE (New South Wales—Minister for Defence) (14:57): Defence is, as I said, working with those local organisations. It is inevitable that there will be people whose concerns are continuing, and we are trying very hard to work with the appropriate authorities in New South Wales to provide the level of information and the level of reassurance and support that they need. I have, through the assistant minister Darren Chester, made every effort to ensure that the information coming from the defence department is what the community requires, and if concerns have been raised with us then we have endeavoured to provide further information.

But I do want to reinforce that this is actually not a Defence issue. This is an issue, both internationally and nationally, for any body, any authority, that used PFOS and PFOA firefighting foams over extended periods of time—so, the Country Fire Authority in Victoria, and other airport and transport facilities similarly. This will be a matter that has to be explored at both a national and a state level to determine the appropriate levels of response. (Time expired)
Workplace Relations

Senator RONALDSON (Victoria) (14:58): My question is to Minister for Employment, Senator Cash. Can the minister inform the Senate of yesterday's scathing decision by the Federal Court to once again impose penalties on the construction division of the CFMEU for orchestrating and continuing a violent blockade on Melbourne streets of Grocon sites in 2012?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:59): I thank Senator Ronaldson for his question, and yes, I can. Yesterday the Federal Court once again imposed penalties on the construction division of the CFMEU, this time for intimidating and coercing a contractor and unlawfully blockading a Grocon site in Melbourne. Once again we see another example of the attitude of this division of the CFMEU, that it thinks it is above the law and can do whatever it wants.

The construction division of the CFMEU has again been found guilty of having—and I quote from the judge—'sought, by means of threats, coercion or unlawful industrial action to achieve industrial outcomes'. The judge made it a point to highlight the CFMEU's propensity to deliberately flout industrial legislation.

In this case, we see yet another penalty imposed on half a dozen senior officials for openly breaking the law, with the court noting that 'none of the respondents expressed any contrition for the misconduct'. In this case, once again, we see instance after instance of deplorable conduct, including senior officials openly urging crowds to resist police, and a finding by the court that a leader of the CFMEU, John Setka, was both physically and verbally violent. The court has again highlighted the CFMEU's ongoing willingness to engage in contravening conduct and it made the point that past penalties have simply not had a deterrent effect on this particular division of the CFMEU.

This is yet another clear example of the specific problem with this industry and its culture of ignoring industrial laws. The government will not ignore this problem and will not sit idly by while one particular industry and certain elements within it continue to act like they are a law unto themselves.

Senator RONALDSON (Victoria) (15:00): Mr President, I ask a supplementary question. On the back of that disturbing information, can the minister advise the Senate of the need for an effective, independent regulator to help prevent similar incidents happening again?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (15:01): This government understands that the construction sector and its contribution to the economy, to jobs and to prosperity are far too important to let it continue to be plagued by a culture of lawlessness and practices that have no place in modern workplaces. We saw this culture in yesterday's court decision when we read that Ralph Edwards, the president of the CFMEU, was openly encouraging a mob outside the Grocon workplace to identify Grocon workers and 'get personal, up close and personal with them right'. This intimidation of Grocon workers by the president of the CFMEU is, quite frankly, truly appalling, especially as the Grocon workers, many of them women, are members of the CFMEU themselves.
This government is committed to re-establishing the ABCC to ensure there is a strong regulator enforcing effective laws and meaningful penalties so that the laws of this parliament will once again actually deter people within that industry from—(Time expired)

Senator RONALDSON (Victoria) (15:02): Mr President, I ask a further supplementary question. I thank the minister for that answer and ask her: will the minister inform the Senate whether the current legislative framework has proven to be an effective deterrent for this type of behaviour continually occurring within the construction industry?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (15:02): The current legislative framework has not been effective in dealing with the clear problems in this industry and deterring people from breaking the law. I remind the Senate that the Grocon dispute in yesterday's court decision occurred only weeks after Labor gave into union demands and abolished the ABCC. When Labor abolished the ABCC, it also cut the maximum penalty for breaking the law by two-thirds and slashed the Fair Work Building Commission's budget and their ability to enforce the law. Who, then, was really surprised when, almost immediately, we saw the construction division of the CFMEU unlawfully shut down parts of Melbourne's CBD?

We do need to fix the deficiencies in the current framework by re-establishing the ABCC and restoring meaningful penalties that actually make people stop and think before breaking the law. The federal government has been very clear: the current penalties have not deterred the CFMEU from repeatedly breaking the law.

Senator Brandis: Mr President, I ask that further questions be placed on the Notice Paper.

QUESTIONS TO THE PRESIDENT
Standing Orders 72(2) and 203

Senator WONG (South Australia—Leader of the Opposition in the Senate) (15:03): by leave—Mr President, I have a question of you pursuant to standing order 72(2) in relation to the discussion in question time in relation to standing order 203. In question time today, Mr President, you purported to invite the Leader of the Government in the Senate to move a motion, pursuant to standing order 203, prior to Senator Conroy being called upon to make an explanation or an apology. I would invite you to read the standing order and pages 269 and 270 of Odgers.

Senator Ian Macdonald interjecting—

The PRESIDENT: Order on my right—

Opposition senators interjecting—

The PRESIDENT: and on my left.

Senator WONG: I would invite you to consider the provisions of the standing order. My question to you is whether or not in fact that was the appropriate procedure. My suggestion, for consideration by the President, is that the procedure was not properly followed. I am sure you would like time to review the matter and we look forward to your response.

The PRESIDENT (15:04): Senator Wong, I do not need to review the matter. You are correct. I actually got the standing order provision correct in the actual infringement of order,
under 203. The correct procedure would be for me to first of all invite Senator Conroy to apologise, and then invite the Leader of the Government in the Senate, if I did not accept that apology—

Senator Wong: Or anyone.

The PRESIDENT: or anyone, but normally it is the Leader of the Government in the Senate, to then move that motion. The outcome is not different—so the outcome would have been the same. However, I do accept—you are absolutely correct—that I got the order wrong. However, this is the first time, I think, in 10 years that that has been invoked, and that is the only provision that the President has—and you can imagine me being very rusty with that provision, having never used it at all before. And I hope I never have to use it again. Thank you, Senator Wong.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Answers to Questions

Senator CAMERON (New South Wales) (15:05): I move:

That the Senate take note of the answers given by ministers to questions without notice asked by Opposition senators today.

Firstly I will go to the response from Senator Brandis in relation to the questions that were put on the behaviour of the foreign minister, Julie Bishop. Julie Bishop—or, the foreign minister is Australia's pre-eminent diplomat.

Senator Brandis: Mr Deputy President, I rise on a point of order. Twice now Senator Cameron has neglected to accord Ms Bishop the courtesy of using her proper name and her proper title, and he should be reminded to do so.

The DEPUTY PRESIDENT: Yes, and I do remind you, Senator Cameron, to refer to members in the other place by their correct title.

Senator CAMERON: As you saw, I did correct myself. I do apologise if I infringed upon any of the conventions. But what we have with the foreign minister is a person who is supposed to be Australia's pre-eminent diplomat. Being the supposed pre-eminent diplomat means that you have to deal with other countries around the world, and you have to gain the trust of those countries. You cannot behave deceitfully, you cannot behave without any credibility and you cannot behave with hypocrisy. These are what the allegations are against the foreign minister by her own party.

Her own party now do not trust the foreign minister. There are members within the party who do not believe for one minute that the foreign minister was not totally aware of the coup that was taking place against the former Prime Minister, Mr Tony Abbott. It just stretches credibility to think that the explanation the foreign minister gave today has any substance or any truth. It is simply beyond belief. No wonder Senator—

The DEPUTY PRESIDENT: Senator Brandis on a point of order.

Senator Brandis: I have been listening with particular care to what Senator Cameron has had to say. I would respectfully submit to you that Senator Cameron has crossed the line in relation to the standing order prohibiting reflections upon a member of another chamber. Senator Cameron is directly suggesting that Ms Bishop has engaged in deceitful conduct, and that is plainly against the standing orders.
The DEPUTY PRESIDENT: I would ask you, Senator Cameron, to be careful in the words you use. There is a prohibition on reflecting in that way on members here and in the other place. I would ask you to continue but be very mindful of the standing order that has been brought to your attention.

Senator CAMERON: Thank you, Mr Deputy President. I will take your wise words into account. The issue that faces the foreign minister now is the lack of trust that some of her own parliamentary colleagues have in her: the allegations of deceit that have been made against the foreign minister, and the lack of credibility that people are seeing the foreign minister has as a result of her involvement in the coup against the former Prime Minister, Mr Tony Abbott. It is no wonder that Senator Abetz and Senator Bernardi are outraged at the behaviour of the foreign minister in relation to the coup against the former Prime Minister, Mr Tony Abbott.

The reports in the newspaper today talk about simmering tensions in the coalition. These are not simmering tensions—it is the white-hot heat of hatred within the coalition. Today, Senator Abetz and Senator Bernardi did not even turn up to question time. I know what is going on. They are too busy crying on each other's shoulders—

The DEPUTY PRESIDENT: Senator Brandis on a point of order.

Senator Brandis: I think we are aware of Senator Abetz's family circumstances. I am advised by the whip that he has leave to return home to deal with very distressful family circumstances. I would ask Senator Cameron to withdraw that reflection.

Senator CAMERON: I would have no hesitation in withdrawing that. But, on the point of order, I understood it was always incumbent upon the Leader of the House to indicate the reasons for people seeking leave and being given leave. None of that was done today in relation to Senator Abetz. I just want to draw that to your attention. If there is any personal issue involved in Senator Abetz not being here, I do apologise.

Senator Brandis: Senator Abetz was paired.

The DEPUTY PRESIDENT: Yes, I think Senator Abetz has been paired. I understand that you were not aware of the circumstances of Senator Abetz's absence. Now that you are you may wish to rephrase some of your comments.

Senator CAMERON: As I indicated earlier, I will withdraw any comments in relation to Senator Abetz. I fully understand the situation and would not want to do anything that would add to any problems for Senator Abetz in relation to any personal circumstance. I want to make that clear.

The DEPUTY PRESIDENT: Thank you, Senator Cameron. You have the call.

Senator CAMERON: The simmering tensions there are really white-hot. There is no doubt that it is a volcano ready to blow. The Liberals hate the National Party, the National Party hate the Liberals, and the Liberals hate each other. That is what we see here, day in and day out. This is a party that, on the surface, is trying to project—

The DEPUTY PRESIDENT: Senator Smith on a point of order.

Senator Smith: My mother taught me that hate is a very strong word. I caution Senator Cameron from using it, but, also, its application is totally wrong. There is a strong sense of respect and mutual—
The DEPUTY PRESIDENT: I appreciate the lessons your mother may have taught you, but it is not a point of order.

Senator Smith: She taught me well!

Senator CAMERON: I suppose, Senator Smith, that now and again you have to get out from under your mum's coat-tails and get into the real world! Get into the big, wide world. The reality is that the Libs hate the Nationals, the Nationals hate the Liberals and the Liberals hate each other. No matter whether or not your mum thinks that is a nice thing, that is the reality. The supporters of the former Prime Minister, Mr Tony Abbott, hate the PM clique. There is no doubt about that. There is a real hatred there. I say that when you send your chief of staff to engage in a plot against the Prime Minister you just cannot be trusted. It is deceitful. There is no credibility and it is hypocritical. (Time expired)

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (15:14): That would have to be the longest take note I have heard from Senator Cameron in my time in the Senate. I would like to start by putting on the record that I am a very, very strong coalitionist—a very, very strong coalitionist. That is a very big statement coming from a Western Australian Liberal, but, as I have said to my colleagues, the coalition is a very, very strong force in Australian politics, particularly because it gives conservatively-minded regional Australians two choices about who might represent them: the Liberal Party or the National Party. So I just wanted to say that I am a very, very strong coalitionist.

Senator Cameron had a unique opportunity available to him today. He could have talked about a number of issues. Opposition senators used the time in question time to talk about the National Broadband Network; they used the time to talk about the tax discussion that we are having; and they used the opportunity to talk about some contamination issues that are happening across northern New South Wales associated with RAAF base Williamtown. But, no, in this take note they did not want to talk about policy; they wanted to talk about scuttlebutt. They wanted personality discussions about what may or may not have happened with regard to the change of leadership. But I am not interested in that, and I dare say that many Australians are not interested. What I am interested in talking about is the tax discussion that we have been having over the last week or so in this country. It is a very, very important discussion, and lots of people have contributed to the debate so far—not just senators and members of the House of Representatives and the government but also people across the Australian community who identify with the Australian Labor Party.

I want to share with you what Labor parliamentarians and, indeed, some Labor past and present premiers have been saying about the tax discussion and debate. There is, for most of us in this country—the business community and those who want to have an informed and intelligent debate about the future of our country—an agreement that these things are worthy of discussion. But those people who sit on the other side who call themselves Labor senators want to put their heads in the sand and they do not want to debate some of the challenges that are facing our country. Instead, they want to stick to personalities over policy.

I think it is worth putting on the record what some Labor premiers have said in recent times about the importance of a debate, a discussion, around the GST. What does Labor South Australian Premier Jay Weatherill have to say? He said on Adelaide radio that we need all of these things on the table. In reference to the tax debate he said:
We do need all of these things on the table. I think there is a sensible discussion about this. I will be encouraging all of my colleagues to talk about it.

That is what the South Australian Labor Premier said about the tax debate. What did the former Labor Premier of New South Wales, Kristina Keneally, say? In the *Sydney Morning Herald*, just this week, she said:
The GST is obviously part of that mix, though Labor shouldn't give in to a simplistic view that increasing consumption tax fixes everything.

That is a very, very true statement.

*An opposition senator interjecting—*

**Senator SMITH:** I will come to my own comments around tax in a moment. What did the former West Australian Premier, Geoff Gallop, have to say? Earlier this week he said that he has been on the record for some time talking about the need to increase the GST, and said, 'I think the time has come to take that step.' What did Peter Beattie, the former Queensland Premier, have to say? He said:

This extra five per cent has to go to health and education—

the five per cent being, of course, the suggested or discussed option that might be available to people in terms of raising the GST—

I will have trouble supporting an increase beyond 10 per cent unless it goes to service delivery for the states.

The point is that in this country people are debating the important issue of tax reform, but Labor senators want to ignore the debate and want to talk down opportunities for reform.

It is clear: you cannot have jobs growth and you cannot have economic growth without tackling the important issue of tax reform. I would like to add my bit to the debate—a part of the debate that has been missed so far. The best way to generate jobs and to generate economic growth is to reform GST distribution. GST distribution must be part of any overall solution, any part of tax reform, if Australia is to proceed. I have written to the Prime Minister expressing my views on that, but that is a debate for another time. (*Time expired*)

**Senator GALLACHER (South Australia)** (15:20): I rise to take note of answers—and, in particular, on the subject of the GST. In September 2013 that lot over there were elected to govern. We have Senator Macdonald saying that there has been no increase in the GST discussed in the party room and that, to his knowledge, there has been no increase in the GST discussed in the cabinet. Yet, over there, somehow or other, there is now a debate on the GST. We never brought it up; it never came from the Labor Party. Now they are trotting out all of the Labor premiers who, they say, want an increase in the GST. I remind the other side of Prime Minister Keating's comment: 'Never get in the way of a bucketful of money and a heap of premiers. If they figure there is a bucketful of money to spend, they will be for it.' I know Premier Weatherill, the great Premier of South Australia—

*An opposition senator interjecting—*

**Senator GALLACHER:** You cannot take anything away from his contribution in South Australia. He is doing an eminently good job. But his view on the GST is not the federal Labor Party's view on the GST. For that lot over there who were elected to govern and who choose to govern by quoting Labor premiers and ex-Labor premiers who are commentators on Sky News and portray that as policy is completely beyond me. Where is Malcolm Turnbull on
the GST? Why does he not have the fortitude, the agility, the nimbleness or the innovative wherewithal to start the agenda? Where is he? We hear things like: 'I'll make sure it is fair, whatever happens, but don't let me be caught talking about it, just in case the focus groups do not like it, just in case it is not electorally popular. But I'll have this debate; the debate will happen.' In all seriousness, the Australian Council of Social Services commissioned the National Centre for Social and Economic Modelling, and that is where all of this stuff needs to be put into perspective. An increase in the GST has a much bigger impact on low- and modest-income households and the Labor Party makes no apology for being in their corner—no apology for representing the people who will be impacted the most by an increase or a broadening of the GST. That is where we live, that is our heartland and we will stay there.

There may well be attempts to portray fairness and compensation, but, at the end of the day, if you want to increase the GST it has to be to increase revenue. Why would you take the pain just to be cost-neutral? Why would you do that? How can it be cost-neutral for those on fixed incomes, for self-funded retirees or for pensioners? How could it be cost-neutral for them? It can only be on average cost-neutral. Individuals will always be disadvantaged. Who has not had a water bill—the minister for water is on the other side of the chamber—in recent times that has not gone up? Who has a water bill that has remained the same? There are the pensioners who are now not able to use as much water in their gardens, and you are going to put more GST on water, fresh food and education. What if it were broadened to include all of those things? We know that it would be regressive, with people on lower incomes paying proportionally more of their incomes on those essentials. We know that for a fact.

Where is the Prime Minister out there leading the debate? He is not leading the debate. Someone is talking to the media. It does not get on the front page of The Australian without it coming from somewhere. We all know what the media contract is: 'I'll leak you some information in return for a good story about the government,' and that is what is happening every day.

**Senator Brandis:** Is that the way the Labor Party operates, is it?

**Senator GALLACHER:** That is the way the Liberal Party operates. We see it today with superannuation. Out they go; their media contract is working: leak it out sideways and then bag up a couple of Labor Premiers and some commentators and say, 'They're in support of it. Why aren't you?' We are not in support of it because it is regressive. It will impact harder on poorer people and they will pay a greater proportionate share of it. It is a regressive tax which will be resisted.

**Senator RUSTON** (South Australia—Assistant Minister for Agriculture and Water Resources) (15:25): It is with great pleasure that I rise today to speak about some of the ridiculous comments that have come from the other side in taking note following question time today, although I must say that I was pleased that Senator Gallacher decided to talk about something that is of great interest to the Australian public, and that is the debate about what our tax regime needs to look like into the future. Before I go to that, I would like to make a couple of comments about the contribution that was made by Senator Cameron. It was quite distressing to have to listen to the ridiculous obsession about petty, unnecessary, outdated politics when, as I said, it would have been quite good for us to be able to talk about the issues that are really important to the Australian economy and to the Australian people. I would love to have a debate about the real issues that matter. If you look at the real issues that
matter, the one that Senator Gallacher raised about the taxation debate is certainly one of them.

I have to say that the level of desperation in the comments that were made by Senator Cameron were almost palpable. He referred to simmering tensions being white-hot tensions in the Liberal ranks. I can say that, in the 3½ years since I have been in this parliament, I have never felt a more cohesive and coordinated and good and healthy relationship existing, not just amongst members of the Liberal Party in this place but also amongst our very good and close friends and colleagues in the National Party. We are working together. My mother had a saying—it is not just Senator Smith's mother who told him things—and it was: I think the man doth protest too much. Maybe he was just reflecting some of the tensions that are possibly occurring within the Labor Party at the moment and he thought it was a really good idea to try to point the finger at us because we are doing quite well. Whilst we all know that you do not ever take too much notice of the polls, because the only poll that really counts is the one on election day, perhaps Senator Cameron's comments were a reflection of the fact that the polls have been looking so extraordinarily good for us and so extraordinarily bad for the Labor Party. Possibly the kind of rubbish that he went on about in taking note today is the reason the Australian public are getting heartily sick of the comments and actions of the opposition.

I go to Senator Gallacher's comments in relation to the tax debate. I believe that the coalition also believes that the Australian public is quite grown-up enough to have a debate about tax reform. I cannot remember seeing anywhere that anybody said the GST was going to be raised to 15 per cent or 20 per cent, or that there would be any rise in the GST. We are merely putting on the table a series of options so that the Australian public and the people who have an important role to play in this debate have the opportunity to be able to talk about the best, most effective and most efficient tax regime for Australia to go forward and for our economy to grow, so that we make sure that we minimise the amount of intrusion that we put into the economy and we can have a prosperous economy into the future. For us not to have this debate is a retrograde step. If we do not have the debate about tax reform, we are missing a great opportunity. There is a lovely term that we often hear from the other side and from the Greens: adaptive management. It is about making sure that we constantly look at things to make sure that we are doing the best in applying, implementing and changing so that we get the best possible outcomes for Australia.

Senator Gallacher said that there had been comments that nothing had been discussed in the party room or that nothing had been discussed in cabinet in relation to this. I am not sure where everybody over there has been living for the last 12 months, but I have heard so many times that a taxation white paper is about to be delivered about discussing the options of reform in the taxation space. To say that there is no tax debate on the agenda is completely ludicrous.

Senator Lines: It's a GST debate.

Senator RUSTON: The GST is but one component of a broader debate about taxation reform in this country.

We need to take a bit more of a grown-up approach, instead of the stupid, scaremongering, childish behaviour that we get from those opposite—and particularly from Senator Lines, who has been interjecting. The GST is just one element of Australia's tax regime. It is a very easy
one to try and scare the public with—like saying we want to increase tax rates and the like. It is very easy to scaremonger. It is not just us who are saying that it is time for the debate; the public wants one too. *(Time expired)*

**Senator MOORE** (Queensland) (15:30): I want to make some comments about the response given to me during question time today by Senator Brandis about the filling of the Sex Discrimination Commissioner's position. You would know better than anyone, Mr Deputy President, the game we regularly play at Senate estimates concerning time frames, where you ask when something will happen and are told it will be 'shortly', it will be 'soon' or it is 'imminent'. I was really pleased to hear that we have had movement from the Attorney-General, compared to what he said two weeks ago in Senate estimates. Today he told us that the Sex Discrimination Commissioner's position would be filled shortly—in fact, I think he said was 'very shortly'. We have had real movement. It is going to be 'soon'. I welcome that announcement from the Attorney that it is going to be soon.

But why has it not happened sooner? We know it is complex and difficult to fill such a wonderfully necessary position in our system, but we also know that Ms Broderick, in her professionalism, had given the department and the government 12 months notice of the fact that she would not be seeking any further renewal of her contract—in fact, that contract had already been extended. So for 12 months we had known exactly the time that Ms Broderick was going to leave the position, and she left the position over two months ago. When we had the series of farewells to celebrate the marvellous work that Ms Broderick did in the position, there was a clear question from all the women and men who attended these functions as to when the position would be filled. We were also deeply interested to know by whom it would be filled, but we were most clearly interested in knowing how quickly this position could be filled.

Over many years, the deep importance of the Sex Discrimination Commissioner—in our Human Rights Commission, in the human rights field and also in the message to the community about how seriously our government takes the issues of gender equity in the community—has been known. There has never been a more important time for us to focus on the issues of gender equity in our community. We know, and the government has admitted, that this is an important position. The government has said that the performance of this role is important in policy. In fact, at the UN, when we review our actions around equity, the work of the Sex Discrimination Commissioner has been singled out on several occasions for the value of the contribution and the importance of having this role in place in our governmental process. We also know that, only late last year at the G20, Australia made a commitment to ensure that women in employment would be a high priority for our nation, amidst international commitments for all nations, and said that we had the infrastructure in place to make this occur, including the Sex Discrimination Commissioner's work. In particular, as I mentioned in my questions to Senator Brandis, the groundbreaking, innovative—and I do not know whether it is agile or nimble, but nonetheless—work of the Sex Discrimination Commissioner with the Male Champions of Change has been lauded throughout this country and also internationally. It has introduced the innovation of getting the leaders of our economy and our businesses together and challenging them to make changes in their own operations and across industry to improve the role of women and to give them opportunities for career progression, and to look within themselves to see what obstacles now exist in the
business area. This has been driven, nurtured and championed by the Sex Discrimination Commissioner. There is no more important time to have this job filled than now, to ensure that this work can continue.

It is important that the position be filled soon. It is important that that commitment be made known in our community. We look forward to welcoming and working with the new Sex Discrimination Commissioner. I was only regretful that, when we celebrated the work of Ms Broderick, we could not, at the same time, welcome the new commissioner, that most valuable person, into the new job and say thank you to them for taking up the position and thank you to the government for filling it.

Question agreed to.

Citizenship

Senator McKIM (Tasmania) (15:35): I move:

That the Senate take note of the answer given by the Attorney-General (Senator Brandis) to a question without notice asked by Senator McKim today relating to proposed amendments to citizenship laws.

I note that Senator Brandis is now fleeing the chamber because he knows he does not have a leg to stand on when it comes to the extreme sophistry in the answers that he gave to the Senate. The question he was very clearly asked by the Greens was: on what basis does he believe it is acceptable to strip citizenship from Australian nationals without providing for that decision to be made by the courts or tested in the courts before it is made? In his answer, Senator Brandis attempted to convince the Senate that the premise on which that question was based is incorrect. In fact, it is anything but incorrect. In fact, it is absolutely accurate to suggest that, without a court finding, the government can, effectively, strip citizenship from an Australian national, as long as the actions of that national meet the criteria set out in the act as proposed to be amended. If the Greens are wrong about this, Professor George Williams is wrong about it too. An article published by the ABC today reports Professor Williams as saying:

It's still possible under this legislation for the government to unilaterally find that someone should have their citizenship stripped.

Professor Williams went on to say:

That can happen without a court finding …

That was the premise of the question that Senator Brandis was asked today. Of course, Senator Brandis tried to tried to rely on sophistry, as I said, when he argued in his answer that, in fact, it is the citizens themselves who are renouncing their own citizenship by virtue of the action they are taking. But the step Senator Brandis is missing is that someone has to make a determination about whether the actions, or the alleged actions, of the Australian national involved meet the criteria set out in the act. And who is going to make that decision? The minister is going to make that decision, unless the minister wants to wash his hands of that responsibility, like Pontius Pilate did, and delegate it down to his or her department or to his or her intelligence agency.

What we have here is a situation where this government—as, I might add, have previous governments—continually erodes the fundamental civil and human rights of ordinary Australian people; the civil and human rights that many of our fathers, our grandfathers, our
mothers and our grandmothers have fought and died for so long to protect and enhance. This government, in the name of political expediency—driven by political expediency in the name of counterterrorism—is continuing to erode those fundamental rights. That is why this country needs a more strategic and holistic assessment of the long-term impact on civil and human rights from this 10-year-long—actually, it has been a 15-year-long—tranche of legislation that has come before this parliament since the September 11 attacks.

We have seen multiple occasions where police powers have been broadened. We have seen multiple occasions where the powers of intelligence agencies have been broadened. We have seen it time and time again, and yet the last time a strategic look was taken at this was with the Counter-terrorism White Paper in 2010, when no-one had ever heard of ISIS. It is fair to say that violent extremism has changed a fair bit in the last five years, since the Counter-terrorism White Paper was produced. It is fair to say that things have moved on a bit, and it is fair to say that Australians deserve to have a government that takes this issue seriously. Yes, we do need to look carefully at how we protect our people—but, my goodness me, we also need to make sure that we are not unnecessarily eroding the kinds of civil and human rights that people like my grandfathers went to war and died to protect and enhance.

Question agreed to.

PETITIONS

Seafood Labelling

Senator WHISH-WILSON (Tasmania) (15:40): by leave—In this document are approximately 46,000 signatures from across the country—from Australians who love seafood but want to know where their seafood is from, how it was caught and exactly what species of fish they are eating. Over 70 per cent of seafood sold in Australia is imported, some from places whose environmental and ethical standards we know nothing about. Our voluntary system of labelling has failed in this country, and it has allowed ready-to-eat seafood that is sold in restaurants to be sold under mysterious names that do not reflect the species of fish or the sustainability of how those fish were caught.

The Greens and others across the country would like to see a proper country-of-origin seafood labelling scheme and laws introduced into this country. Matthew Webb, who is a gourmet farmer, came to Canberra recently and also presented this to Minister Barnaby Joyce. This is a very popular campaign. These petitioners are asking the government to get on and mandate the use of proper fish names and country-of-origin labelling for all seafood sold in Australia.

Petition received.

BUDGET

Consideration by Estimates Committees

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (15:42): I present additional information received by committees relating to estimates:

Budget estimates 2015-16—

Finance and Public Administration Legislation Committee—Additional information received between 14 October and 10 November 2015—Finance portfolio.
Foreign Affairs, Defence and Trade Legislation Committee—Additional information received between 16 October and 12 November 2015—Defence portfolio.

Budget estimates 2015-16 (Supplementary)—
Economics Legislation Committee—Hansard record of proceedings and documents presented to the committee.
Finance and Public Administration Legislation Committee—Additional information received between—
12 October and 10 November 2015—Parliamentary departments.
20 October and 10 November 2015—
Finance portfolio.
Prime Minister and Cabinet portfolio.
23 October and 10 November 2015—Indigenous issues across portfolios.
Foreign Affairs, Defence and Trade Legislation Committee—
Additional information received between 21 October and 11 November 2015—Foreign Affairs and Trade portfolio.

COMMITTEES

Publications Committee
Report

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (15:42): On behalf of the Chair of the Publications Committee, I present the 19th report of the Publications Committee.

Ordered that the report be adopted.

Community Affairs Legislation Committee
Additional Information

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (15:42): On behalf of the Chair of the Community Affairs Legislation Committee, Senator Seselja, I present additional information received by the committee on its inquiry into the provisions of the Social Services Legislation Amendment (No Jab, No Pay) Bill 2015.

National Disability Insurance Scheme Committee
Report

Senator GALLACHER (South Australia) (15:43): I present the progress report of the Joint Standing Committee on the National Disability Insurance Scheme on the implementation and administration of the National Disability Insurance Scheme, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator GALLACHER: I move:
That the Senate take note of the report.

The fact that probably should go on the record is the absolute collegiate nature of the work of this committee. I do commend the Hon. Mal Brough for his chairmanship up until very recent times, when he was replaced by the Hon. Bruce Billson. Mr Brough was an eminently good
chair. It is an excellent example of a joint parliamentary committee working effectively in an extremely important area of public policy in what is probably the most challenging area of public policy the nation will see over the next few years. Mr Brough did an excellent job in that respect.

We have a very vibrant committee and the participation is exceptional. We have a former minister, Ms Macklin, who is providing expertise and insight. I am astounded at the breadth of skill and determination that all sectors—NGOs and providers—bring to the table. I had the absolute pleasure of chairing a roundtable on housing just a fortnight ago, and the contributions from those people is absolutely exceptional. The dedication, the skill and the determination that people bring to the table is empowering. It is completely beyond all expectations that I had of the sector. The will and the pursuit of excellence in this area is phenomenal and it bodes well for a successful outcome. There is contest about views and how things should be done—appropriately so. But if I were to contrast it with my involvement in another joint committee, I think the only agreement that committee came to was that it would not present a report. This could be not be further from that example.

There are 12 recommendations in the tabled report, and I do encourage all senators to read those recommendations and try to understand what is being attempted here. It is an enormous endeavour. It is quite beyond the scale of most people's understanding of what we are trying to achieve, to get 400,000-plus people to contribute to the economy in a way that they have not been able to before. It is absolutely enlightening to see the effect, when you talk to people at the trial sites, that these early-stage trials are having on people. It is just extraordinary and I cannot commend the work of the committee enough. As I said, we have had an excellent chairman, and I think that the Hon. Bruce Billson, who now chairs the committee, will carry on in the same vein—certainly in the meetings he has chaired to date—and I am sure the committee will go from strength to strength and deliver what is required in the sector.

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (15:47): I rise to also speak on the second report of the parliamentary joint committee on the National Disability Insurance Scheme, and I would like to echo the sentiments and words of Senator Gallacher in relation to the committee, the work, the outcome and the findings of that committee to date.

I think the scheme is one of the greatest legacies of the former Labor government. It was an idea that was first put forward by Labor legend and former Prime Minister, Gough Whitlam. You can see the seeds of the NDIS idea in Whitlam's policy speech for the 1974 election, when he declared:

Australians should not have to live in doubt or anxiety lest injury or sickness reduce them to poverty. We want to reduce hardships imposed by one of the great factors for inequality in society—inequality of luck.

While it might have taken a few years to get here, I am sure that Mr Whitlam would be happy with where we have arrived now. It would not be an overstatement to say that the NDIS represents a complete revolution in our disability support system in this country. It is a complete rework of Australian disability services from the ground up and it rightly places the individual and their families and carers at the centre of the decision making so that they can make the decisions about what they want for their future. It gives people with a disability the
autonomy to make choices about the services that they need and the providers that they need
to work with. Choice and control will be the central guiding characteristics of the scheme.

As an architect of the NDIS, former Labor Minister for Disability Reform, Jenny Macklin,
was personally responsible for taking it from an aspirational vision to the working reality that
we see today. Ms Macklin took an idea that we would have barely heard called for only five
or 10 earlier, and she worked to garner wide and deep political and community support. I
would like to personally recognise the amazing level of unerring advocacy and tireless hard
work that Ms Macklin has brought to both the development and the implementation of
the scheme. Without this work, we would still have a disability services system that the
Productivity Commission referred to as 'underfunded, unfair, fragmented and inefficient.'

The NDIS is a scheme that is completely consistent with the core Labor values of fairness,
equality, respect and dignity. It properly places the individual at the centre of the equation and
gives them and their families control over the assistance that they receive.

As a member of the committee, I was very pleased to have the opportunity to travel to two
of the pilot sites to meet the service providers and participants and see how the scheme was
actually working on the ground. I have to say that the message that I received was
overwhelmingly positive and appreciative. Again and I again I heard stories of people who
had seen life-changing benefits as a result of their participation in the pilot schemes. In
Darwin I learned of a young girl who had been waiting years for a wheelchair. Under the
NDIS she got her wheelchair within weeks—and with it she got greater independence and
confidence. The small thing has made such an enormous difference to her and her family.
Truly it is difficult to overemphasise the benefits of the NDIS for early participants and t
heir loved ones. However, in saying that, I also want to acknowledge that these are still pilots and
there are still things to learn and improvements to be made and integrated into future rollouts.

In this report the committee has highlighted a number of worthwhile recommendations that
will make the future scheme delivery more efficient, effective and supportive. I hope that the
government makes use of this report to create an even better experience for participants, their
families and their service providers. But my greatest concern at the moment is securing a
guarantee that we will actually move beyond this pilot stage. We need to get the full scheme
on track, but we cannot do this until the government has signed the agreements with the states
to proceed. I am very pleased that the agreements have been signed in Victoria and in New
South Wales, but I am concerned that things have come to a grinding ha

The NDIS trial rollout for 15- to 24-year-olds in Tasmania has been very successful, but there
are still many thousands of Tasmanians who deserve to benefit from this world-class scheme.
The disability sector and the community are aware that agreements on the timetable for the
rollout of the NDIS were due in September. There is
now significant anxiety that the delay in
signing these agreements will mean that the rollout will be delayed.

Too many people have been waiting too long for this to happen. Too many times, people
have contacted my office asking when they, their loved one or their friend will be able to
access the NDIS. The governments are already months behind schedule, and it is not good
eough to keep these people waiting any longer. Together with my colleague Senator Carol
Brown I have written to the Tasmanian Premier, Will Hodgman, seeking his urgent advice on
the status of these negotiations. This letter was sent almost two weeks ago now, and as far as I
am aware the Premier has still failed to respond. Tasmanians have been waiting three months for the NDIS agreement to be signed. They do not deserve to be kept waiting any longer. Today I call on the federal and Tasmanian governments to put an end to the uncertainty and sign the agreements as a matter of utmost urgency. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Intelligence and Security Committee
Government Response to Report

Senator PAYNE (New South Wales—Minister for Defence) (15:54): I present the government's response to the report of the Parliamentary Joint Committee on Intelligence and Security on its inquiry into the Review of administration and expenditure: No. 11 and No. 12—Australian intelligence agencies and seek leave to incorporate the document in Hansard.

Leave granted.

The document read as follows—

Australian Government response to the Parliamentary Joint Committee on Intelligence and Security report: Review of Administration and Expenditure: No. 11 and No. 12—Australian Intelligence Agencies

November 2015
Parliamentary Joint Committee on Intelligence and Security
Review of Administration and Expenditure: No. 11 and No. 12—Australian Intelligence Agencies
Tabled 22 September 2014

Government's Response to Committee's Recommendations

Recommendation 1
Consider legislative and other reforms necessary to equip the Australian Intelligence Community (AIC) to meet the challenges posed by current and emerging technologies.

Proposed response to Recommendation 1
Since the 'Review of Administration and Expenditure: No. 11 and No. 12—Australian Intelligence Agencies' was completed by the Parliamentary Joint Committee on Intelligence and Security (the Committee), the Government has successfully introduced the National Security Legislation Amendment Act (No. 1) 2014 and the Telecommunications (Interception and Access) Amendment (Data Retention) Act 2015. Further, the Government has committed to introducing a Telecommunications Sector Security Reform scheme prior to the conclusion of the data retention implementation period. These reforms properly equip the Australian Intelligence Community to fulfil their mandate in a contemporary, evolving security environment and ensure the Australian telecommunications sector is properly protected. The Government has committed to write to the Committee by 1 July 2015 setting out its approach to the recommendations in Chapters 2 (Telecommunications Interception) and 3 (Telecommunications Security) of the 2013 Inquiry into Potential reforms of National Security Legislation.

I also note that in addition to these specific legislative measures equipping the Australian Intelligence Community to meet the challenges posed by current and emerging technologies, the Government also introduced the Counter-Terrorism Legislation Amendment (Foreign Fighters) Act 2014 and the Counter-Terrorism Legislation Amendment (No 1) 2014. These tranches of legislation enable the Australian Intelligence Community and broader national security agencies, in particular the Australian Federal Police, to respond to the threat of foreign fighters and meet operational needs respectively.
Recommendation 2
Review the continued application of the efficiency dividend and other savings measures to AIC agencies

Proposed response to Recommendation 2
In the 2015-16 Budget the Government announced it will provide an additional $7.6 million over four years from 2015-16 to the Office of National Assessments (ONA) and an additional $0.7 million over four years to the Office of the Inspector-General of Intelligence and Security (OIGIS) by exempting the agencies from the Efficiency Dividend. This national security measure underlines the Government’s commitment to a safe and secure Australia and its commitment to accountability and oversight of its national security agencies.

MINISTERIAL STATEMENTS
A New Regulatory Reform Agenda

Senator PAYNE (New South Wales—Minister for Defence) (15:54): On behalf of the Assistant Minister for Productivity, Dr Hendy, I table a ministerial statement on a new regulatory reform agenda.

The statement read as follows—
STATEMENT BY THE ASSISTANT MINISTER FOR PRODUCTIVITY
The Hon Peter Hendy, MP
A New Regulatory Reform Agenda
12 November 2015

Thank you Mr Speaker.

Today marks the fourth Red Tape Repeal Day of this Government.

The Coalition made a commitment before the last election to reduce red tape by $1 billion annually.

I am pleased to announce on behalf of the Government today that we have achieved double that target with $4.5 billion in red tape savings announcements in our first two years.

We have repealed over 10,000 legislative instruments and introduced legislation to repeal over 3600 spent and redundant Acts from the Commonwealth books.

For every one dollar added to the cost of regulation, the Government has made decisions that cut over eleven dollars.

We have improved our systems for regulatory decision-making and begun to change the culture of decision-makers and regulators to one that recognises the burden that is imposed both by the regulations and by the way they are administered.

It is not 'mission accomplished' but we have certainly achieved a great deal in two years.

I will shortly have more to say about how we can build on these successes, but let me say at the outset that the future agenda will be focussing on productivity, as the driver of prosperity and improvements in our living standards.

In addition we will particularly be turning our minds to how we can better reduce the regulatory burden on businesses and individuals across all levels of government.

Today we announce that we are focussing a renewed, larger effort to involve the states and territories in regulatory reform.

The states have indicated their desire to engage the Commonwealth on taxation issues.

We will be looking to them to engage much more strongly on removing duplication and regulation that hamper innovation and productivity.
For almost 25 years, Australia has experienced an unprecedented expansion of our economy. It is recognised here and internationally—by the OECD\textsuperscript{1} and the IMF\textsuperscript{2}—that our performance has been made possible by two major forces:

- productivity growth underpinned by two decades of structural reforms; and
- the surge in trade as a result of the commodities boom during the 2000s.

We are smart people living in a diverse and open country.

We have the world’s fastest growing markets at our doorstep.

Historically, we also have a strong track record of seizing new opportunities and technologies.

However, we can all see the emerging pressures in Australia’s economy.

Most obvious and immediate, the terms of trade have fallen by 30% since their peak in 2011, driven by lower commodity prices. This is forcing some difficult adjustments in our economy.

Over the longer term, like many other countries, our demographics are also slowly shifting.

Today, there are four to five working-age people for every person over the age of 65.

By mid-century, this ratio is expected to fall to fewer than three\textsuperscript{3}.

There will be more pressure on our aged care and healthcare services, but with proportionally fewer people to deliver and pay for them.

Ultimately, it is productivity growth that is the primary source of a sustainable improvement in a nation’s living standards.

We have an ambitious policy agenda that includes looking at every aspect of the tax system, reforming our Federation to improve service delivery particularly in health and education, competition reform and strengthening the security of our financial system.

Another key part of our economic policy is regulatory reform.

Inefficient and ineffective regulation takes resources away from people, drives up costs for businesses, and drags down our economy.

Our goal is not only to reduce the cost of complying with regulation but, where regulation is necessary, ensure it is designed in the best way possible.

This means regulation that is fit for purpose and easy to comply with.

It also involves changing the way we think about regulation—so that it is not seen as a costless way to address policy issues.

What have we achieved so far?

Since 2013, the commitments we have made to reduce regulatory costs have amounted to $4.5 billion per year.

This is well beyond the cumulative $3 billion target the Government committed to at the last election.

What this equates to is less time required by individuals and businesses to fill out forms; less time seeking external advice; and less hard earned revenue spent on building systems and purchasing equipment to meet the regulatory requirements of the Government.

For example, we're continuing to develop new ways to make our tax system easier to comply with.

The latest taxation tool—myDeductions—which allows individuals to record their deductions using their phone.

The days of the shoebox full of old receipts are gone.
We're committed to implementing a single permit system for coastal shipping to build a more competitive and efficient shipping industry.

This enhances the access of Australian manufacturers and primary producers to cheaper, reliable shipping services and makes our products more competitive internationally and domestically.

We're implementing a more proportionate risk-based framework to assess industrial chemicals whilst maintaining safety standards.

This means low risk industrial chemicals will get to market faster, allowing companies like cosmetics manufacturers to create new products as well as safer versions of existing products\textsuperscript{4}.

Over the course of 2015, we have cut red tape to the tune of hundreds of millions of dollars through continuing to improve the administration of tax system, enhancing communication through digital disclosure, the student visa program, and the pharmaceutical benefits scheme, to name a few items.

I invite people to visit the Cutting Red Tape website to see the full list in a document we are releasing today titled: "The Australian Government Spring Repeal Day November 2015", where scores of initiatives are outlined.

We are genuinely changing how and why we regulate.

During 2015 we have made Commonwealth regulators more accountable for the regulatory burden they create through the common set of performance measures established under the Regulator Performance Framework.

Cabinet decisions are informed by a Regulation Impact Statement that lays out the costs and benefits of proposals.

The Government's efforts are being recognised.

We have reversed the decline in our global ranking of the burden of government regulation.

In 2015, Australia climbed to 80\textsuperscript{th} in the world according to the World Economic Forum.

Just two years ago, we were 128\textsuperscript{th}.

But we're not content with being 80\textsuperscript{th} in the world – we can and will do better.

The Cutting Red Tape agenda has been an important element of our economic strategy.

As the Government's new Assistant Minister for Productivity, I have no doubt that the time is right to build on this success.

So we are starting a new chapter in our approach to regulatory reform.

It needs to support flexibility in our economy so that we encourage innovation to the greatest extent possible.

Regulatory barriers can also hinder competition and the market forces that push firms to innovate and perform at their best.

As the Harper Review found, there is still a multitude of Commonwealth, state and territory and local government regulations that create barriers to entry, advantage some businesses over others or reduce incentives to compete\textsuperscript{5}.

We need to look at all our options for supporting innovation as well as to engage more effectively with the states and territories and local governments.

The Commonwealth can only achieve so much for the Australian economy on its own.

Inefficient regulation costs more than just time and money—it makes our economy less agile.

We have all seen this in the difficulty and pace of our regulatory regimes in adapting to digital disruptors like Uber\textsuperscript{6} or the rise of online retailing.
In an age of rapid technologically-driven change, we simply can't set and forget when it comes to rules and regulations.

The recent draft Productivity Commission report on business set-up, transfer and closure\(^7\) rightly noted that our regulations and our regulators need to be flexible and adaptive in the face of evolving technology.

In short, we need to build in to our efforts the process of continual regulatory review—to ensure that our regulatory frameworks remain fit for purpose.

Over the coming months the Government will work with stakeholders on the priorities important to our economy, on the tools to assess and prioritise change, and on the schedule of reform.

In particular, the Government invites the states and territories to work with the Commonwealth, either bilaterally or through COAG, to revitalise the unfinished productivity reforms within our Federation.

This does not mean that on-going removal of unnecessary and ineffective red tape will stop.

We are not going to rest on the gains we have made.

We are enhancing the policy reform agenda so that it has a broader focus, while still relieving the regulatory burden.

Mr Speaker, the Government is proud of what we have achieved to date and the bills before the House today are a further step.

We look forward to working with the wider community on developing new ideas and sweeping away business constraints in order to continue the economic success of Australia.

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\(^1\) OECD Reviews of Regulatory Reform – Australia towards a seamless national economy (2010), page 14-15
\(^3\) 2015 Intergenerational Report, pg. viii
\(^5\) Competition Policy Review, pg. 115
\(^7\) Productivity Commission, Business Set-up, Transfer and Closure, Draft Report May 2015

**BILLS**

**Migration Amendment (Charging for a Migration Outcome) Bill 2015**

**Explanatory Memorandum**

Senator PAYNE (New South Wales—Minister for Defence) (15:54): I table a correction to the explanatory memorandum relating to the Migration Amendment (Charging for a Migration Outcome) Bill 2015.

**Migration and Maritime Powers Amendment Bill (No. 1) 2015**

**Explanatory Memorandum**

COMMITTEES

Membership

The DEPUTY PRESIDENT (15:55): The President has received a letter requesting changes in the membership of the various committees.

Senator PAYNE (New South Wales—Minister for Defence) (15:55): by leave—I move:

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

**Appropriations, Staffing and Security—Standing Committee**—

Appointed—Senator McEwen

**Broadcasting of Parliamentary Proceedings—Joint Statutory Committee**—

Appointed—Senator Moore

**Community Affairs Legislation and References Committees**—

Discharged—Senator Peris

Appointed—

Senator Gallagher

Participating member: Senator Peris

**Education and Employment References Committee**—

Discharged—Senator Peris

Appointed—

Senator Ludwig

Participating member: Senator Peris

**Finance and Public Administration Legislation Committee**—

Discharged—Senators Gallagher and Ludwig

Appointed—

Senators McAllister and Peris

Participating members: Senators Gallagher and Ludwig

**Finance and Public Administration References Committee**—

Discharged—Senators Gallagher and Moore

Appointed—

Senators McAllister and Peris

Participating members: Senators Gallagher and Moore

**Public Accounts and Audit—Joint Statutory Committee**—

Discharged—Senator Gallagher

Appointed—Senator McAllister

**Regulations and Ordinances—Standing Committee**—

Discharged—Senator Dastyari

Appointed—Senator Moore

**Scrutiny of Bills—Standing Committee**—

Discharged—Senator Gallagher

Appointed—Senator Ludwig
Thursday, 12 November 2015  

**SENATE** 8495

**Senators' Interests—Standing Committee**—
   Appointed—Senator Lines

**Unconventional Gas Mining—Select Committee**—
   Appointed—
      Senators Canavan, Lindgren and Ludwig


   Question agreed to.

**BILLS**

**Tax Laws Amendment (Combating Multinational Tax Avoidance) Bill 2015**

**Consideration of House of Representatives Message**

   Message received from the House of Representatives informing the Senate that the House has disagreed to the amendments made by the Senate and desiring the reconsideration of the amendments.

   Ordered that consideration of the message in Committee of the Whole be made an order of the day for the next day of sitting.

**Higher Education Support Amendment (VET FEE-HELP Reform) Bill 2015**

**First Reading**

   Bill received from the House of Representatives.

   **Senator PAYNE** (New South Wales—Minister for Defence) (15:56): 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 PAYNE** (New South Wales—Minister for Defence) (15:56): 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—

   Today I introduce the Higher Education Amendment (VET FEE-HELP Reform) Bill 2015.

   This is a very important and timely Bill.

   This Bill will strengthen the protections for students in the Vocational Education and Training sector and push unscrupulous training providers out of the market.

   The Vocational Education and Training sector, or VET sector, is a vitally important part of Australia's economy. It is a sector that has a long and proud tradition in Australia. For many young people, it provides the bridge between school and work. For unemployed people, it often provides a pathway back into employment and a life off welfare. And for people in work, it can be the mechanism by which they can expand their skills and progress in their careers.
The Australian Government is committed to ensuring we continue to have a strong VET sector that helps students to develop the skills they need for the jobs of today and to adapt to the work of the future.

Unfortunately, the changes introduced by the former Labor Government have undermined public confidence in the VET sector and created a situation whereby unscrupulous VET FEE-HELP providers have flourished at the expense of students and taxpayers.

In 2009, Labor introduced the VET FEE-HELP programme so that students undertaking a diploma or advanced diploma qualification could access a loan to help with their course fees.

The Government supports the principle of VET students being able to access a loan so they may undertake quality training in the same way that a university student is supported through HECS-HELP.

Unfortunately, Labor failed to put in place sufficient controls and safeguards to protect students and taxpayer's money when they introduced the VET FEE-HELP scheme.

In typical Labor fashion, they did not have an eye to implementation risks. In 2012, they again failed to think about risks when they expanded access to the VET FEE-HELP scheme by removing the credit transfer arrangements between VET providers and universities.

The consequence has been a surge in enrolments by unscrupulous VET FEE-HELP providers. These providers have preyed on vulnerable people and signed them up to courses of dubious quality that they do not want and do not need.

They have lured people into courses with offers of laptops and iPhones and made out the courses were free.

Labor had the chance to act in 2013 when the first complaints started coming in to the national training regulator, the Australian Skills Quality Authority, but they failed to do so.

Labor is well aware that this is a problem of their own making.

The Shadow Minister for Higher Education, Research Innovation and Industry acknowledged as much only a few weeks ago. Senator Carr is quoted in The Age on 18 September 2015 as saying that 'Labor introduced VET FEE-HELP with good intentions but the scheme contains 'fundamental weaknesses' that need to be fixed'.

He goes on to say that 'the regulators were not given enough power to crack down on rogue operators'. Senator Carr also said that the Gillard Government's removal of a requirement for providers to have credit transfers in place with higher education providers was a mistake.

And in typical Labor fashion, Senator Carr then washes his hands of the problem and is reported as saying that although Labor introduced VET FEE-HELP it is the government's responsibility to restore confidence in the scheme.

Well let me assure the House, and those in the other place, that the Government is used to fixing up Labor's mess.

It is because of Labor's failure that the Government announced a series of measures earlier this year to crack down on dodgy practices by providers and brokers.

And it is because of Labor's failure, that passage of this Bill is so necessary.

On the 12 March this year, the Government announced a suite of reforms to the VET FEE-HELP scheme to protect students, taxpayers and the reputation of Australia's VET sector.

These reforms spanned areas such as marketing and inducements, consumer information, debt processes and provider standards.

These changes were backed by $18.2 million for stronger compliance that we announced in the 2015-16 Budget.
The first of these changes—the banning of inducements such as free laptops, or cash, or vouchers—came into effect on 1 April this year.

The second tranche of reforms came into effect on 1 July this year.

Since then providers have been banned from charging a withdrawal fee—which could be as high as several thousand dollars—and which acted as a barrier to some students withdrawing from a course before the census date, the date when the loan is levied.

In addition, training providers and their agents can no longer market VET FEE-HELP-supported training as 'free' or 'government-funded', nor mislead students in any way into believing that VET FEE-HELP is not a loan that is expected to be paid back.

And providers must now publish on their websites which agents and brokers they use, and are responsible for the conduct of their agent or broker.

Agents must now disclose to the student the name of the VET provider and course they are marketing, and must also disclose that they will receive a commission for any referred student enrolment.

The Government has also announced that from 1 January 2016, providers cannot levy the full debt load up front and in one hit. Instead, students will have a number of opportunities during a course to confirm if they wish to continue to be enrolled, and their debt will be levied accordingly.

This Bill now implements the remainder of the Government's announced changes.

Pre-requisite entry requirements

The Bill introduces changes that will protect vulnerable students at the starting point—before they incur a debt—by requiring providers to establish minimum prerequisites for enrolment for each course.

This ensures a student's capacity to complete the course—including assessing language, literacy and numeracy proficiency—is properly assessed before they are enrolled, and before they incur a debt.

Of course many good training organisations already have stringent admission requirements and assessments into these higher level courses.

This Bill makes this good practice a requirement for all VET FEE-HELP approved providers for courses for which students wish to access VET FEE-HELP.

Two day "cooling off" period

The Bill makes a number of technical amendments to enact a two day 'cooling off period', ensuring students have time to make separate study and payment decisions.

Students will, from 1 January 2016, have two days after enrolment before they are allowed to submit a request for Commonwealth Assistance (the VET FEE-HELP loan application form).

No longer will course enrolment be confused with the loan application.

The Bill ensures this 'cooling off' period is in place even with late enrolments close to the census date which is when students incur the debt.

Under 18s

The Bill also increases protection for students under 18 years by requiring a parent's or guardian's signature before the student can request a VET FEE-HELP loan.

This is an appropriate protection to ensure that young people - who may lack the necessary life experience and financial literacy—are not being signed up to courses and debts they do not need.

An exemption is provided for minors who are deemed independent under the requirements of the Social Security Act 1991.
Easier to cancel debt

As well as preventing students from incurring unfair debts in the first place, this Bill also helps those who do incur them after 31 December 2015.

The Bill broadens the circumstances in which students can have their loan cancelled where inappropriate behavior has been used in their recruitment and acceptance into a course.

This is a cost that taxpayers should not have to bear, which is why the Government will be requiring providers to repay the costs of any loans that are remitted in such circumstances, and may impose additional penalties on providers—such as fines, or conditions on approval—as well.

Infringement notice scheme

The Bill introduces a scheme of infringement notices attached to civil penalties for VET FEE-HELP training providers that engage in improper conduct.

The Department of Education and Training will now have a full suite of powers available to it to deal with inappropriate behaviour by providers or brokers.

This ranges from cancelling student debt and forcing providers to repay the cost back to the Commonwealth, to administrative action such as suspension or revocation of approval, or civil penalties including infringement notices.

The Bill expands the Department's and the Australian Skills Quality Authority's powers for monitoring and enforcement action against providers and brokers doing the wrong thing.

Administrative changes

As well as protecting students, this Bill also lifts the standards for those who are approved to offer VET FEE-HELP funded courses. Approved providers are entrusted by students and taxpayers with potentially millions of dollars in tuition fees. The Government believes VET FEE-HELP providers should meet a high benchmark of financial viability and training quality.

That is why this Bill introduces a new minimum registration and trading history requirement for new VET FEE-HELP provider applicants.

This ensures all new providers offering VET FEE-HELP have a proven track record in delivering high level qualifications.

Conclusion

This Bill is necessary to address Labor's failure with regard to VET FEE-HELP and to put in place proper controls and safeguards to protect students and taxpayer's from unscrupulous behaviour by some providers.

I note that many of those Opposite have shared the Government's concerns about Labor's VET FEE-HELP programme.

I look forward to their support for these reforms to improve the integrity of the VET FEE-HELP scheme.

I commend the Bill to the Senate.

The DEPUTY PRESIDENT: In accordance with standing order 115(3), further consideration of this bill is now adjourned to 30 November 2015.

Fair Work Amendment Bill 2014

Returned from the House of Representatives

Message received from the House of Representatives agreeing to the amendments made by the Senate to the bill.
COMMITTEES

Joint Standing Committee on Foreign Affairs, Defence and Trade
Joint Standing Committee on Treaties

Membership

Message received from the House of Representatives notifying the Senate of the discharge of Mr Ewen Jones from the Joint Standing Committee on Foreign Affairs, Defence and Trade and the discharge of Dr Stone from the Joint Standing Committee on Treaties.

BILLS

Customs Amendment (China-Australia Free Trade Agreement Implementation) Bill 2015

Customs Tariff Amendment (China-Australia Free Trade Agreement Implementation) Bill 2015

Assent

Messages from the Governor-General reported informing the Senate of assent to the bills.

MOTIONS

Employment

Debate resumed on the motion:

That the Senate—

(a) condemns:

(i) the failure of the Government to:

(A) articulate a comprehensive innovation policy so that Australia has the high skill, high wage jobs of the future, and

(B) fight for Australian jobs,

(ii) the deliberate and hostile actions of the Government in bringing about the end of Australia’s automotive manufacturing sector threatening a further 50 000 jobs directly reliant and the 200 000 jobs that rely on it indirectly, and

(iii) the cowardice of the Government for blaming job losses on workers to distract from its own inaction and lack of any plan to deal with the crisis facing Australian manufacturing due to the strong dollar; and

(b) calls on the Government to immediately outline:

(i) its plans to support the 50 000 Australian workers who have lost their jobs since the election,

(ii) the industries in which it expects these workers to find new jobs, and

(iii) its plans to attract the billions in new investment, new jobs, new skills and new technologies to replace those lost in the automotive sector.

Senator LINES (Western Australia) (15:58): I thank Senator Sterle for stepping in at very short notice to take the chair while I speak to this motion.

This motion on employment and job losses goes to the very heart of what we did not see from the old, Abbott, government and indeed do not see from the new Prime Minister, Mr Turnbull, and it would seem that it is the same old same old. In fact, what we are now hearing from the government are slick phrases, so we have gone from the old, negative three-word
slogans to slick phrases in response to almost everything, or batting back of answers, such as, 'We're just having a discussion; we can't possibly comment on that.' We heard the word 'agile' a number of times in question time today, and we have heard 'nimble'. It is almost as if it is a joke.

But it is not a joke, because this motion, put up by Senator Carr, goes to the very heart of what is missing in the Turnbull government. Despite there being a change at the very top of the government and despite there being some new faces on the front bench, it is the same old, same old. It is a government that simply lacks any kind of plan for the future of Australia and continues to have thought bubbles, whether it is about imposing a big, fat, new tax on Australians through an increase in the GST to 15 per cent or ripping penalty rates off Sunday workers as though making people poor is going to create more jobs. Even if it did create more jobs—and the economic evidence is out on that—it would simply create more low-paid working Australians. It is a government that has attacked pensioners and families and has absolutely no plan around innovation for Australians.

It is serious. We are facing a downturn in the mining industry and we need new innovations. We need new technologies. We need smart-thinking people. All of that has been a fight. We had a fight over our research grants early last year, when, as with many of the things that people have taken for granted in Australia, we came to the brink. We had scientists saying that they were losing their innovation and their ideas overseas because the government could not stump up the money. At the eleventh hour, the government came forward and rescued some of those world-class Australian institutions that have been providing Australians with science and innovation.

In this motion, Senator Carr says that it is a failure of the government. It clearly is a failure of the government to articulate a comprehensive innovation policy so that Australia has the high-skilled, high-wage jobs of the future. We have seen here in this place, time and time again, the government dumbing down our economy and our skills. Take the whole sad and sorry saga of submarines, which you, Mr Acting Deputy President Sterle, would know a lot more about than me. What a sad and sorry saga that has been. The opposition, during the election campaign, made those commitments to South Australia. That is high-end technology involving hundreds of high-skilled jobs which the Australian government should be doing everything it can to protect. But, no—it wants to attack penalty rates in hospitality on the weekends, thinking that is going to create more hospitality jobs, which of course it will not. It turns a blind eye to high-skilled jobs that create benefits that flow right across the economy. We cannot be a dumbed-down nation, but that is what we have with this government.

For 18 months, we did not even have a science minister. Imagine being a country that did not have a science minister, when we know that the jobs of the future are in the STEM area, that science should be something we are proud of and that innovation, new technologies and new inventions are things we want to keep in our country. We know the government was hell-bent—who knows; it probably still is hell-bent—on trying to shut down the Clean Energy Finance Corporation, which is financing high-risk innovation in this country where the banks will not lend a hand. In Western Australia, we now have something the government is trying to claim credit for, interestingly: groundbreaking wave technology funded through the very organisation that the government wanted to shut down—the Clean Energy Finance Corporation. I heard the government a couple of months ago saying what good technology it
is, because now it has got to the point where that wave technology is so successful that it cannot be ignored. It has got to the point where even those on the other side, who do not believe in facts or science and who certainly do not believe in clean energy, cannot ignore its success. That was funded by the Clean Energy Finance Corporation—the very corporation that the government wanted to shut down.

This government has a history of ignoring innovation. Take wind farms—what is wrong with wind farms? The government has attacked and attacked them, saying they are ugly and a blight on the landscape. Indeed, Senator Cormann, I think, was one of the people who wanted to prohibit investment in wind farms. Wind farm technology is something that we should be leading the world on. Germany is a leading wind farm technology nation, but we call them a blight on the landscape. We call them ugly.

Even with the old Prime Minister gone and a new Prime Minister in place, nothing has changed. We should be at the forefront of technologies like wind and wave, but, no—they just want to pretend that none of that exists. That is why we want the smartest and brightest in the land being encouraged to go to university, do the STEM subjects and be our leaders of the future. But what did we see the government do there? They are trying to discourage young people from going to universities with the $100,000 degrees. That is not off the table—it is shelved. It is in the back pocket for a time when they can convince the crossbench that it is time to bring it back. What thinking government—what government who were planning for the future—would say to students, 'You can go to university, but do you know what? It is going to cost you $100,000 at least.' Because that was so unpopular it has been shelved, but it is there, make no mistake. Again, that just kills off innovation. It does not promote skill and innovation, unlike Labor, which is committed to providing degrees in the STEM area without imposing costs, because Labor recognises that innovation is what drives Australia—real innovation that is planned out and thought out, not a thought bubble.

I like to watch the comedy TV program on the ABC called Utopia. It used to be on on Thursday nights. It is a take-off of what happens in government departments. It is very, very funny. The last episode of Utopia had the minister coming in and demanding of his department, 'Give me something new I can go out there and promote to the voters.' The minister wanted something new and innovative. The staff literally had to pull something from thought bubbles—make it up—so that the minister could go out and announce it.

The very next day, the new Prime Minister, Mr Turnbull, said to the new innovation minister, Mr Pyne, 'Let out your inner revolutionary!' It was like an episode of Utopia. I could not believe it. I thought Mr Turnbull must have seen that last night and said, 'Ah, that's a good idea, there's a new thought bubble!' Actually, Mr Pyne was a bit surprised. But it went on, again mirroring an episode of Utopia, when Mr Turnbull said to Mr Pyne: 'Let that inner revolutionary out. Give me some ideas. And don't worry about the money.' This is a government that has just clawed back money from our pensioners, clawed back money from our health system, clawed back money from education, slashed the ABC, slashed the SBS and broken promise after promise—a government that tries to tell us it is fiscally responsible—and what does he say? 'Don't worry about the money, Mr Pyne, let me worry about the money.'

Those of us on the Labor side in this place know that it does not work like that. You present to the cabinet fully costed proposals and you argue your corner. You say what it is.
going to cost and you argue your corner. You work out where the funding is going to come from and you put your bid in. You do not sit back and let your inner revolutionary out! And Mr Pyne describes himself as a conservative, so I am not sure where that inner revolutionary is. You do not just have thought bubbles, throw them on the table and let someone else cost them and find the money. Good government does not work like that. If that is the best the Turnbull government can do, we are in deep trouble. That is not comprehensive innovation. It is not comprehensive policy to say to your innovation minister, 'Let out your inner revolutionary.' That is a joke. It was like an episode of *Utopia*—and the link was strong because it came the very day after that episode.

We want Australia to be a high-skill, high-wage economy. And who could forget the thought bubble from Mr Hockey when he was the world's worst treasurer—followed by the new world's worst treasurer. He said to Australians, 'Just go out and get good jobs with good pay.' It was just another thought bubble. There was no plan. At the same time, they were trying to take penalty rates off two-thirds of Australians who earn them. 'Just go and get a good job with good pay and you'll be able to afford a house!' We get these throwaway statements. There is no plan to provide good jobs. At that point, we did not have a science minister. And now we have an innovation minister who is being encouraged to let his inner revolutionary out, not to have a plan. And that was his response—that good jobs somehow just come from the air.

And today in here I heard Senator Birmingham say that somehow they were going to grow jobs. How do you do that without a comprehensive plan? They are not seeds that you just put in the ground and water and hope they pop up. It is crop failure over there! The Turnbull government has crop failure in terms of jobs. They have no idea how it works. It requires a long-term plan. It requires the skilling up of young workers. It requires ready access to university. It requires matching our smartest people with our best universities and enabling them to study unencumbered by the thought that, at the end of their study, they will have a debt of at least $100,000. That is not how you encourage innovation.

As I referred to at the beginning of my speech, we have seen the deliberate and hostile actions of the government. It seems to hate Australian workers. It certainly hates Australian unions. None of us on this side would be under any misapprehension about that. And yet unions, when they work in partnership with industries, are innovators. If you get industry and unions working together, you will get good innovation. But that lot over on the other side have so demonised unions that it is never going to happen. So they are leaving one of the strong partnerships, one of the groups that can bring innovation to the table, out of the equation. They have seen the Australian shipbuilders, proud members of the AMWU, in this place. I think this was the sixth, seventh or eight time they have visited. They have a great story of innovation to tell but it just falls on deaf ears with those opposite. That is where we should be getting our young people. We should be having apprenticeships. We should be giving opportunity for the development of good technology with ships built in Australia. Those opposite need to get on board and honour their election commitment on those subs. There is no getting away from it. I was horrified when I saw Senator Johnston, with a Liberal Party flag, outside our Defence base in South Australia making that very commitment—and my apologies if it was not you, Senator Johnston, but I am fairly certain it was you.

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CHAMBER
Again, we see this dumbing down, this cowardice, of the government in blaming job losses on workers and unions but never on themselves. And then there is the government's own inaction. We have had the closure of the car industry in Australia, which the government actively talked up—we will never forget that—with Mr Hockey goading the car industry to leave Australia. Again, the government does not seem to appreciate that it is not just the factory that will stop work; it is all of those other elements that contribute to the car industry; it is all of the component makers. What is the plan for them? Not only will we lose the making of cars in the factories but we will also lose the subsequent component makers. Where is the plan for that? There is nothing—absolutely nothing—one the table from this government. It is sad.

There is nothing agile about those opposite. There is no innovation or creative planning. Never mind the thought bubbles, there has been no sitting down with industry, including trade unions, to map out what the future looks like in our sectors—whether it is in agriculture, where there can be real innovation, whether it is in high-end manufacturing, which we should be proud of in Australia, or whether it is the amazing work that the CSIRO has done in Australia. There have been many first-in-the-world innovations that have come out of the CSIRO—which is absolutely under threat as this government slashes and burns its funding. You cannot move forward as a country if you let go of the CSIRO, and it will not be the case that the private sector picks it up. Mr Acting Deputy President Sterle, you and I know full well that the private sector always cherry picks what it chooses to invest in, and of course it wants a fast return for its dollars invested. The private sector is never going to contribute to long-term planning—never. That is not the way the private sector works.

We have seen in my own state how Premier Barnett is decimating the Department of Agriculture and Food. That workforce has been slashed by two-thirds. All of that innovation with crop development, all of that innovation with working on the land and all of that innovation with water conservation will just go. Mr Barnett thinks that somehow the private sector is going to step in. Well, it will not. The private sector will never invest in the sort of research that the department has done—research which takes a long time to generate. It will not do that; it will be there for the fast buck. That will be bad for a state that is very reliant on its agriculture sector. Those opposite should be up in arms that a Liberal government in Western Australia is dumbing down its agriculture department, led by the department's director general and by Minister Bastan—who has no idea. He was like a rabbit in the headlights when he got the agriculture portfolio. WA led the nation with its top-crop wheat program. The innovation there was amazing. That is all going to go, because you can bet your bottom dollar that it will not be picked up by the private sector.

It is time for those opposite to get a plan. It is time for them to get rid of the thought bubbles and to get a real plan that puts Australia back to where we belong—at the top of the tree, not at the bottom. There is innovation in a whole range of areas: climate change—something they are very scared of; innovation in manufacturing—something that we should be world leaders in; science—with the CSIRO; and a whole range of technologies. These are not thought bubbles.

Senator JOHNSTON (Western Australia) (16:18): The one really important ingredient that the Australian Labor Party bring to the subject of employment in this chamber is, of course, embarrassment—embarrassment at the appalling failure they delivered over six years
in innovation and employment. Indeed, the gall of Labor senators to stand up here and lecture us on employment!

The Australian government recognises that the best way to create jobs is to get the economic fundamentals, the incentives, the profit and the conditions right to allow employers to confidently invest in their businesses to create more jobs. That is the sole, fundamental ingredient that gets Australia moving and gets Australia drawing in, sucking in, more and more people into work. Over 350,000 new jobs have been created in Australia since the Liberal-National party coalition took government in this country in 2013. More Australians are in work today than ever before. Of course, the Labor Party are, as I say, just embarrassed when the facts are put on the table. Employment growth over the last year is higher than every other G7 nation and around three times higher than the rate of Labor's last year in office. Let me repeat this so that even Labor senators can understand this: three times higher than the rate of Labor's last year in office. Again, I just cannot believe that the Labor Party come into this place and pretend to look busy on the subject of employment when their record over six years in government was just so appalling.

We are delivering jobs at home and we are providing international leadership. Look no further than how quickly we managed three free trade agreements—China, Japan and South Korea. Free trade agreements are one of the fundamental drivers, catalysts, to creating more jobs in Australia. We have secured the ambitious G20 target to reduce the gap between male and female labour force participation by 25 per cent by 2025. Where was Labor on this subject? What has Labor done about reducing the participation rate between males and females? It is just a black hole of silence. We have designed the employment services system, with a $6.8 billion investment in jobactive—the new model that focuses on activation and better meeting the needs of employers.

Under jobactive, we have made sure there is a stronger focus on payment for getting people into sustained jobs due to the recognition that short-term jobs or part-time jobs of four weeks can act as a stepping stone to long-term employment. There will be no more training for training's sake. The massive, delightful bureaucracy of having all of these training places training people in areas that there are no employers investing in is an example of the classic folly of what the Labor Party used to do, because it was about jobs for the boys—giving bureaucrats things to do that had no long-term benefit for the national economy.

This government has set itself a target to cut $1 billion of red tape each year. We are not only meeting this target, of course; we are exceeding it. That means that there is more and more capacity in our economy to get on with the job.

Total employment increased by 58,600 people in October this year and by 315,000, as I have already said, or 2.7 per cent, over the year to what is a record high. These are figures that the government is very proud of, and it comes to this place to say, 'Have a look at the facts. Have a look at the numbers. They speak for themselves.' The unemployment rate has declined by 0.4 percentage points over the year to stand at 5.9 per cent in October this year. The youth unemployment rate, a very important indicator, has declined by 1.7 percentage points over the year to stand at 12.2 per cent as at the end of October.

The Labor Party should and must be extremely embarrassed. Indeed, the previous speaker, Senator Lines, wanted to touch on shipbuilding. They were in government for six years and whilst they were in power there was not one ship completed. But what is worse is that there
was not one single ship planned. There was not one single budget line item that invested in shipbuilding in Australia, other than the project that was commenced under the Howard government in South Australia, the Air Warfare Destroyer program. So as they stand up and talk about shipbuilding here, the blush on the faces of senators from the Labor Party is very visible from this side of the chamber. They did absolutely nothing. They did not even pick up a pen and have a plan. Plans do not cost very much, but they did not even do that. When they come in here and talk about shipbuilding, I have never seen people with such gall in all my life. It was not difficult to work out that the Royal Australian Navy desperately needed ships, both surface combatants and replenishment ships, but the Labor Party did not even plan them. It would not even talk about them, and now they are saying, 'Shipbuilding jobs! You are doing the wrong thing by shipbuilders.'

For six years you did nothing and you are as guilty as sin about your dilatory conduct. Anybody who loses a job in the shipbuilding industry in Australia has no-one to blame but the Australian Labor Party. They are the ones who have effectively turned the tap off on investing in Australian shipbuilding. As the secretary for Defence said, if you wanted to avoid the valley of death in terms of shipbuilding, you had to do something more than four years ago—and we all know what happened in Defence more than four years ago. They took $16 billion out of the Defence budget—and they have the gall to come in here and talk about shipbuilding jobs lost.

Under the watch of the former government, particularly the former minister, Senator Carr, employment in manufacturing in Australia fell by 127,600 people. So 127,000 families, if you like, were put on the dole or out of work. As a percentage, that is 12.1 per cent of those employed in the manufacturing industry in Australia. What a fabulous record that is! And yet Senator Carr is here raising this motion on employment. You would have to laugh if it were not so disgracefully sad and tragic that the Labor Party, when they were in power, put 127,600 manufacturing workers out of a job. What a fantastic record! It is just tragic that they can be so laden with gall and so embarrassing when it comes to talking about a subject like employment. There are 127,600 people who were put out of a job under Senator Carr's watch, the largest fall of any of the 19 broad industries in our country.

The Labor Party are like some sort of toxicity for employment in industries that they pride themselves on having union and employment membership in. According to the Australian Bureau of Statistics Labour Force Survey, from November 2007 to August 2013 total employment grew by 496,200 or by 8.8 per cent. So, when Labor were in power, other industries were expanding, but 127,600 people lost their jobs in manufacturing. The whole of the economy was doing reasonably well, but we were going backwards in manufacturing—and Senator Carr, of course, was the minister responsible for that. Employment fell in 13 of the 16 manufacturing sectors. Thankfully, after six years we got rid of Labor, because there would be absolutely nothing left if they were still there today.

The sector that had the largest employment was transport equipment manufacturing, in which employment fell by 25,000, or by 24 per cent. The transport equipment manufacturing sector includes motor vehicles, and we all know Senator Carr's magic touch with Mitsubishi. They were the first of the motor vehicle manufacturers to leave our shores and, of course, it was on his watch. Transport manufacturing includes motor vehicle and motor vehicle part manufacturing, in which employment fell by 17,000 people or 27.6 per cent. Again, what an
unbelievably shocking and disgraceful record for a minister and for a party that wants to be the alternative government! These falls dwarf the employment growth in the few manufacturing sectors that did grow.

On the facts that I have put on the table, the Labor Party clearly offers nothing more nor less than cynical, quite deceitful, misrepresentative crocodile tears to the Australian public by raising the subject of employment when they themselves contributed so much to the decline in manufacturing. They had no policy. They had no plan, and, as I have said, 127,600 people—or 127,600 households—lost their jobs in the manufacturing sector over the six years that the Labor Party was in power. That is just an absolute disgrace and, may I say, underlines the level of gall and the level of fraud that the ALP brings to this place in arguing about employment. That is to be contrasted with the fact that employment increased, as I have said—and let us reiterate these figures: 58,600 new jobs in October 2015; so there were 58,000-odd new jobs last month, there were 315,000 jobs over the year and there was an improvement in employment by 2.7 per cent, to a record high. That is what the government is doing for employment in this country.

The unemployment rate, as bad as it is and was when we took over, has declined by 0.4 of a percentage point to 5.9. Youth unemployment, as I say, has declined by 1.7 percentage points to 12.2. So they are headed in the right direction.

We inherited an economy that was moribund, suffocating in red tape and suffering from the complete disinterest of the Labor Party in creating any confidence for investment. There have been 350,000 new jobs created since we have come into office. That is a fabulous factual achievement by this government and it stands in absolutely stark contrast to what the Labor Party were able to achieve over six years. But of course they will never acknowledge it.

Every time a person from the ALP gets up and wants to talk about employment and about shipbuilding, for instance, the question must be asked: 'Which ships did you invest in and plan to build for the Royal Australian Navy over the six years that you were in power?' Not only did they not plan anything, they allowed some contractors to go—and there are about four ships being built offshore today, for fleet management services, that are for the Royal Australian Navy, on subcontract, that could have been built in Australia that were not. And the Labor Party sat on their hands and let those contractors go to Damen in the Netherlands and build them in the Philippines.

The hypocrisy that is alive in this place when the Labor Party wants to talk about employment in shipbuilding is outrageous. They did not have a plan for Australian shipbuilding. As to the shipbuilding unions, as I said to them on several occasions over the six years: you have got to talk to the government to get them to plan some ships for the Australian shipbuilding industry, because when the air warfare destroyers are finished, a lot of people are going to be out of a job. They went to the government, and the government of the day, the Labor Party, listened to their union mates and then did absolutely nothing. So we are going to see 500 more jobs go after Christmas in South Australia. BAE down at Williamtown is putting people off. Forgacs have already put a lot of people off. This is because the decisions required to build ships in Australia had to be made back in 2012, 2011 and 2010. The Rudd-Gillard-Rudd government did nothing. Successive ministers for industry simply ignored the problem, hoping it would go away. Yet today the Labor Party comes into this place and wants to talk about employment, and senator after senator, I know, is going to get
up and say, 'What about the shipbuilders?' as if you can start building a ship tomorrow. The planning process goes on for years. The line items have to be put into the budget. You have to choose designs. You have to run a contest—a tender program. You have to do all this sort of stuff. Everybody knew that halfway through the completion of the air warfare destroyers there would start to be a decline in employment. And what did the Labor Party do? Nothing. And yet they stand up here today to talk about employment and then raise shipbuilding. Can I just say: they have absolutely no idea—not only of how to run an economy but of how to be involved in supporting and assisting any industry whatsoever.

Anybody who loses a job today in shipbuilding has no-one to blame but the Australian Labor Party, who sat on their hands for six years and did not even put pen to paper to make a plan to build more ships. They did not even do that. When we took over, the planning for shipbuilding was just a blank sheet of paper. There was the box marked 'New ships for the Royal Australian Navy'; you took the lid off and there was a cobweb in one corner. Nothing had been done. So when a Labor senator gets up in this place and talks about industry and what is happening in employment, just remember that they did nothing for six years. We have created 350,000 new jobs since taking over. The gall, the embarrassment, the hypocrisy of Labor wanting to talk about employment! It just really is tragically sad that they pretend to speak up for people in their employment and in their jobs when all the while, when they had the chance, when they had the chequebook, they did nothing—absolutely nothing.

Senator RICE (Victoria) (16:35): I rise to speak in favour of this motion today. But I also want to go further. This motion talks about the need to have a comprehensive innovation policy in Australia so that the high-skill, high-wage jobs of the future are here in Australia. And it talks about the loss of jobs in the automotive sector. Yes, this government has failed to protect the jobs of Australian workers in the auto industry. And yes, this government has failed to articulate an innovative plan to move this industry and other industries into the 21st century. And yes, this government has failed to give workers who have lost their jobs a proper transition to a new way to make a living.

But it is not just the Abbott-Turnbull government that has failed. In the wake of the exit of the big three car manufacturers—Ford, Holden and Toyota—from South Australia and from my home state of Victoria, the Rudd-Gillard government's Automotive Transformation Scheme provided a stopgap solution but failed to provide an adequate pathway for local auto manufacturing to shift to the technologies and the jobs of the future. It was basically trying to prop up what we will see are the industries of the past. We need to work out how we can shift those jobs to the technologies of the future.

This week in this place the Greens introduced a bill that will amend the Automotive Transformation Scheme. It would expand the scheme, broaden its applicability, and it would put electric vehicles at the forefront of the transition of this vital Australian industry. Anyone looking at the shape of our transport sector at the moment knows that the future for transport is electric vehicles and public transport. On public transport we know that we have to get the mode shift. We have to get, not everyone, but a proportion of people out of their cars and into public transport so that our cities are not congested and they will work better. We know that that is going to mean investment in trains, in trams and particularly in buses. I will come back later to the bright future I think we have with the expansion of bus manufacturing in Australia.
Think about the values, the importance and the benefits of now moving to public transport and think about the trips that will continue to be made in private vehicles in the future. Of course, there are going to be many trips across Australia, across our cities and across our regions that are going to continue to be made by private vehicles. Think about the benefits when those vehicles have shifted from being old, polluting, fossil-fuelled vehicles, such as we have at the moment, to 100 per cent renewable energy powered electric vehicles. Think of the pollution that just won't be there in our cities. Look out over Melbourne, Sydney or Brisbane, our major cities, on an autumn or spring morning—as I did recently looking over Melbourne from the sixth floor of a building—and you will see a pollution haze, which is almost all from polluting cars in our cities. Think of the change that would come when the vehicles on our streets are powered by 100 per cent renewable energy. Think of the clean air. Think of being able to breathe that clean air. Think of the health benefits of those electric vehicles being powered by 100 per cent renewable energy.

We know that electric vehicles are the way of the future. We know they are ramping up at the moment. We know that that is where the industry is going. We can be building those in Australia, and, certainly, what we can be manufacturing is the components that go to make up the electric vehicles. I think we have to acknowledge that the manufacturing sector is globalised. We are a part of global supply chains. There will be bits and pieces from all over the world that will come together in electric vehicles that are assembled somewhere in the world. All of these vehicles need those high-tech components. The Greens have a vision to have Australian made components in every electric vehicle in the world. That would mean we could have the skilled jobs remain in Australia, especially in Victoria and South Australia, which are going to be hardest hit by the exit of the big-three car makers.

The bill we introduced this week would do this by broadening the eligibility for the Automotive Transformation Scheme, and by outlining a way to redirect existing funding in order to encourage investment in the manufacture of electric and other non-fossil-fuel powered vehicles.

The critical thing is that this transition must be done quickly. Ford, Holden and Toyota are moving out from next year. We have to get this underway urgently to give the components industry a chance of surviving their exit. There are so many thousands of hard-working Australians who this affects. This is not just a story of innovation, technology and industry. It is a story of people. It is a story of the people who are currently employed at the Toyota factory at Altona, near where I grew up. It is a story of the people who are employed at the Ford factory in Broadmeadows, in Melbourne, which currently has an unemployment rate that is amongst the highest in Australia. I just shudder to think what the impact on the local economy will be from the loss of jobs from that Ford manufacturing plant. It is a story of Ford in Geelong, as well, and the impact on the local people there. It is a story of the people in Adelaide, which, again, has an unemployment rate amongst the highest of the cities in this country. These are the people we need to be supporting, and we can support them. We just need to have that vision and a clear strategic plan as to how to maintain employment in these high-tech industries.

We have bright examples that are there ready to be built upon. It was very encouraging to be at the recent Senate inquiry to hear evidence given by a company based in Dandenong, Nissan Casting. The company is manufacturing high-tech components for the Nissan Leaf.
electric vehicle. They are currently employing 100 people there. They have benefitted from funding that was available under the Automotive Transformation Scheme, but now find themselves in a situation where they will not be able to benefit from that because the volumes of their components are unlikely to be high enough. So they are facing a situation, just at the same time as Holden, Ford and Toyota are moving out of Australia, of not knowing themselves whether their future is secure. They are just the sort of company that we should be able to broaden and encourage, through redirecting existing funding, to enable them to not only maintain their workforce of 100 people, but to expand it. They told us that, potentially, they could provide another 30 jobs, but it requires the re-tooling of a lot of their production lines to provide components for the next generation of Nissan Leaf vehicles. But, without extra support, they really do not know whether they are going to be able to continue their operations here in Melbourne. They need the support of government. They will need a small amount of money, but in terms of maintaining these really high-skilled, high-tech industries in Australia, this is just the sort of industry the government needs to support. The current Automotive Transformation Scheme is falling down and is not supporting them.

Another example is from two weeks ago, when I attended the launch of Brighsun electric buses. Brighsun are a company that have been manufacturing electric drivetrains and batteries in China, and they are now looking at wanting to expand their operations and to manufacture buses all of over the world. They want to establish their global headquarters in Melbourne, but at the moment they do not know whether they are going to get the support from government to do that. They want to initially bring in the electric motors and the drivetrains from China and then use components that are being made in Australia to assemble their electric buses here in Melbourne and then provide buses to support public transport all over Australia.

These are not just any ordinary buses. They are the sorts of buses that five years ago we thought would have been just a shimmer on the horizon. They have shown that these buses can travel 1,000 kilometres on one charge. Last week they had a test drive of one of their buses, and it drove from Melbourne to Sydney—over 1,000 kilometres—on one charge. This will transform the applicability and the value of electric buses. Really, I cannot see why we should not be shifting our bus fleet across Australia—the bus fleets that are travelling between our major cities and the bus fleets that are providing public transport in our cities—to electric buses. Just think of the pollution benefits. At the moment, one of the issues with buses in our cities—when you have too many buses—is the massive pollution that is caused by those diesel buses. If we can have fleets of electric buses that are able to provide that clean, green transport and to cater for the shift of people using public transport, it would be an incredible opportunity to change the way that we run transport in our cities. There is that potential.

We know that we need to be getting people out of their cars and into public transport, and we also know that it is very expensive to provide that public transport if it is going to be using trains and trams. But buses, because they go on our existing roads, can easily slot into the existing networks, and we know that, if we provide a bus service that runs at 10- or 15-minute frequencies, people will use it. The potential of electric buses in Australia is massive.

Brighsun are currently not eligible for assistance under the Automotive Transformation Scheme, because it was set up to provide funding for car manufacturing. It was set up to provide funding for, basically, the big three companies that would be benefitting from it. In
order to be eligible, companies had to be producing more than 30,000 vehicles in any one year. As much as I think that there is potential for electric buses in Australia, I think the likelihood of Brighsun manufacturing 30,000 buses in any one year is quite small. We need to be able to redirect the funding that is currently allocated to the Automotive Transformation Scheme—not extra funding; existing funding—to support these industries of the future. Think about the technology that has gone into these buses. These buses can travel 1,000 kilometres on one charge—and they are buses; they are big vehicles. Think about the potential for electric trucks and what that could mean for the transformation of our freight industry. Think about the potential for electric government vehicles, for police and emergency service vehicles, for ambulances—for all types of vehicles.

I also think there is potential with that sort of electric vehicle manufacture to be able to share the technology with our neighbours in the Asia-Pacific. On a recent parliamentary delegation to the Pacific—to Fiji, PNG and Vanuatu—they told me how the police vehicles could not get to domestic violence victims because they did not have the money to put petrol in their vehicles. Just as we are supporting our Pacific neighbours with patrol boats, we could be supporting our Pacific neighbours with a rollout of electric police and emergency service vehicles—transferring the technology, transferring the knowledge, associating that with the development of renewable energy sources as well and have an aid program goes hand in hand with our aims of creating a non-polluting and fairer society, not just in Australia but also in the Asia-Pacific.

We face a choice. The world around us is rapidly changing—from the types of jobs available, to the way that technology impacts on our everyday lives, to the climate that dictates what we eat, where we live and who we deal with. So we cannot just sit back and play a game of strip-Jack-naked. We have to make an active decision on what industries we want to see flourish and how we are going to support them to do so. Right now the government are showing their hand, and it is not pretty. The Abbott-Turnbull government have been happy to subsidise industries that rely on fossil fuels, such as coalmining, but are letting the potential of a genuinely sustainable automotive industry languish without so much as a pat on the back.

In the 21st century it is the high-tech, clean industries that are our trump cards. They are the industries that we should be supporting. Instead of ploughing money through the Northern Australia infrastructure fund, where $5 billion of concessional loans are almost certainly going to go to the old industries—the resource intensive fossil fuel industries—to be prop up and support coalmines, we should be putting that money into the jobs-rich, high-tech industry. Coalmining does not have very many jobs for the amount of money that is required to support it. We can have jobs and we can be reducing our carbon emissions.

This afternoon the government announced the results of the second Emissions Reduction Fund. The amount of money that we are spending to reduce carbon pollution through that fund is just one per cent of the carbon pollution that the Adani coalmine would produce. So there is no comparison. We have a direction we can head in which would create jobs—which would create high-quality, high-tech innovative jobs—or we can languish with the industries of the past that are increasing going to be unsuccessful. We have the people with the know-how and the enthusiasm to innovate. We need to get behind the companies that are really
trying their best—companies like Nissan Casting and Brighsun—to create jobs and to help us shift to clean, renewably powered electric transport.

The Greens plan to expand the Automotive Transformation Scheme would achieve that. Our plans to be focused on creating both a healthy, sustainable economy, and a healthy environment, will achieve that. We would put electric vehicles, local jobs and innovation at the centre of the transition for workers in these vital Australian industries.

Senator McALLISTER (New South Wales) (16:52): I rise in support of the motion and I particularly wish to speak to the first point: the failure of this government to articulate a comprehensive innovation policy so that Australia has the high-skill, high-wage jobs of the future. I do that in the context where, in recent weeks, we have heard a lot of rhetoric from the government about innovation. In question time we heard about agility, nimbleness, disruption and alignment. It is like a giant Dilbert cartoon over there on the government benches, or perhaps just a very big game of innovation buzzword bingo. But talking does not make it so, because we have not heard very much that is meaningful and we have not really seen any action from the government. Indeed, the action that we have seen over recent years has been simply this: the comprehensive dismantling of the innovation system that was put in place under a Labor government to address the very challenges that we now must confront if we are to maintain our standard of living.

Unhappily, this is a government for whom economic reform has been reduced to just one single task: finding ways to shift the tax burden from the rich to those who can least afford it. This is a government for whom innovation means finding new and perhaps exciting ways to cut essential services for Australian families and to take a step closer to their ideological dreams of Americanised health and education systems. That is not our way and I want to spend some time this afternoon speaking about why the task of innovation is important and why the economic reform task is much broader than those opposite me generally think. It is as simple as this: we must innovate if we are to secure our living standards. Former Treasury chief Martin Parkinson has warned that Australia would be sleepwalking into a real mess if growth does not pick up. He said that, if growth remains closer to 2.5 per cent than to three per cent, then five percentage points would be shaved off our GDP over the next decade.

What do we have to do to tackle this? We must diversify our economic base, and innovation is essential to this project because we must become less reliant on commodity exports. We also need to be in a position where we can take advantage of commodity booms when they do arise. This means being in a position to value-add. You cannot do that from nothing. You need an existing and robust manufacturing sector that is underpinned by a strong national innovation system so that when opportunities arise, when demand grows globally for our product, for our commodities, we have the skills, the technology, the businesses and the knowledge of global supply chains and we can extract the value that we deserve from the commodities that our agricultural sector produces.

I have spoken recently in this chamber about the huge demand for Australian food products overseas, particularly in China. We are selling ourselves short if we simply export unprocessed soft commodities. We must be transforming those at home in order to extract more value—the value that we deserve for ourselves and that will secure our place in the global economy. The problem is that productivity growth underpins economic growth. I have been privileged to participate in recent months in the Senate innovation inquiry which has
spoken at length with a range of people—businesses, academics, researchers and advocates—about their views on innovation and its significance for our economy. In that process, we started with the Productivity Commission, who note that innovation and diffusion of new and better production methods are the core drivers of productivity growth. We need to get more and more highly valued outputs from any level of inputs. The OECD states that the capability to bring innovation successfully to market will be a crucial determinant of the global competitiveness of nations over the coming decade.

Closer to home, Professionals Australia tell us that innovation is a driver of both productivity and economic growth as shown by the United States, where half of the economic growth in the last 50 years can be attributed to scientific innovation despite a decline in mining productivity. Our very own CSIRO, our much loved institution, told us that, with over 60 per cent of Australia's productivity growth due to innovation, it is clear that Australia's future prosperity in large part relies on the ability of our innovation system to translate research and development outputs into innovative new products and services that enable Australia to remain internationally competitive.

It is so frustrating to know that, even with this advice being provided to us continually, there is so little action on these questions by the government. When we look at where we are now, we can see that there are very significant problems with Australia's position. The committee heard statistics that reveal that only 1.5 per cent of Australian companies developed new-to-the-world innovations in 2011 compared to figures of 10 to 40 per cent for businesses in other OECD countries—countries we would ordinarily like to compare ourselves with. As of 2008, an estimated 98 per cent of new technologies were sourced from outside Australia. This is a challenge that we simply cannot allow to go unaddressed. The inquiry has considered some of the drivers that sit behind this poor performance. It has identified a lack of innovation culture and an appetite for risk. That is something that we can encourage from a government perspective by using our own procurement processes to encourage innovation in the businesses that we work with, such as suppliers to government.

The inquiry has identified low levels of mobility between the business and public sector research and development organisations. Only 30 per cent of researchers in Australia work in industry. This figure compares to an OECD average of 60 per cent and a United States figure of 80 per cent. Unhappily, and it is a related problem, only four per cent of Australia's large firms collaborate with research organisations of any kind and only a slightly higher proportion of small- to medium-sized enterprises. This is a problem that we must solve. We have enormous capability in our research sector, and it must be harnessed. We must attach it to our business activity so that we can reap the gains of the investment that we are making in research in our research institutions.

The committee has also highlighted the problems we experience in translating Australia's highly regarded research into economic outcomes and has spoken about the need to ensure that research infrastructure addresses the industrial, social and economic problems of significance to the nation. It has also identified lower innovative activity amongst SMEs when compared to larger firms, noting that, while 74 per cent of large businesses in 2012 and 2013 were classified as innovation active, only 34 per cent of businesses with zero to four employees, 51 per cent of businesses with five to 19 employees and 63.4 per cent of businesses with 20 to 199 employees were classified in this way.
We have spoken in these proceedings about the declining participation rates of Australian students in science subjects and of tertiary students in studying science and engineering. Australia ranked 73rd of 143 countries in the Global Innovation Index in 2014, in terms of the percentage of total tertiary graduates who studied science and engineering. I am most proud of my colleagues led by Bill Shorten and my colleagues in the shadow economic portfolios who are bringing forward concrete proposals to lift the participation of students in STEM subjects and, particularly, to lift the participation of women in STEM subjects. We know that women's participation will have enormous significance for their ability to participate in highly skilled work and highly paid work and go some way to closing the gender pay gap, which remains a significant problem for this country.

What this all points to is that there is no single thing that we must do to resolve the challenges around productivity and growth. What is required is a systems approach, as recently pointed out by the BCA's chair, Catherine Livingstone. When Labor were in government, that was exactly the approach that we took. We understood that we needed all of the different parts of the system to talk to one another and that allowing the silos to continue between private enterprise and public institutions was not tenable and would not deliver the outcomes that we were looking for.

We made a record investment of $9.6 billion in science, research and innovation in the last financial year of the Labor government. We budgeted for an almost 100 per cent increase in university funding from 2007 to 2017. We introduced the Future Fellowships and Researchers in Business schemes, supporting early- and mid-career researchers to get their career on the way and connect them with industry. We created Enterprise Connect, a program that, unhappily, the government has slashed. It helped to get more than 21,000 SMEs access to technology and expertise to improve their productivity. We launched Commercialisation Australia, another program axed by this government, which provided more than $200 million in grants to more than 500 firms. On average, the program raised two dollars of private capital for every one dollar of government money invested.

We replaced the former R&D tax concession with a better targeted R&D tax incentive. In the first year alone, we saw a 49 per cent increase in the number of new firms that were undertaking R&D. We committed to introducing quarterly tax credits to the R&D tax incentive because we understand the needs of business. We set aside $500 million in funding to establish 12 innovation precincts. I have had the very good fortune to see some of the work being done in some of those precincts in my hometown of Sydney.

Of course, it is a very different story when we come to the government. Despite all the talk that we have heard in this place about innovation, the record of the government is that they have been completely unwilling to take any steps in innovation and instead have set about dismantling the infrastructure that we put in place. Let's have a look through it. They have cut the R&D tax incentive. They have axed programs like Commercialisation Australia, Enterprise Connect, the innovation precincts and the Innovation Investment Fund. They cut $115 million from CSIRO, one of the most respected public agencies in this country and which is responsible for some of our most important innovations. It is one of the most important institutions focused on mission-directed research and directly collaborating with industry on many projects. The evidence from CSIRO workers to the committee was that at the moment, in a desperate effort to make up the funding cuts that have been imposed on them...
by this government, they are being transformed from researchers into consultants. The enormous innovation capability of that organisation is being substantially diminished by the need to find short-term projects to bring in cash to sustain the organisation. That is a very sorry state for an institution that is well loved by many Australians.

The government has still not abandoned its plan to cut funding for Australia's universities. We wait to see whether they will walk away from their $100,000 degrees. But we know, on this side of the chamber, that universities are at the centre of any national innovation system. Our approach would always be to support universities to maintain their engagement with Australian firms. In this context, it is so disappointing to hear the remarks in this chamber during this debate which do nothing but attack the Labor Party for pointing out these very simple and basic facts. We heard earlier from Senator Johnston, who repeated the old line that the government understands that all we need to do is get the economic fundamentals right. The truth is that nobody in this chamber disagrees with that proposition—and certainly nobody on the side of the chamber that I represent. In fact, Prime Minister Hawke and Treasurer Paul Keating understood this in the 1980s, and it is their legacy that has underwritten the last 20 years of Australia's economic performance. But that was in the 1980s.

The truth is that, for economies in 2015, just getting the fundamentals right is not enough. It is necessary—and everybody here understands that it is necessary—but it is not sufficient. It is not sufficient for a modern economy, because all successful economies that seek to provide good jobs, diverse industries, exportable products and high standards of living for their citizens understand that they must have a clear articulation between their research capabilities and their business activity, and this is something that has been heinously overlooked by those opposite us.

I conclude by observing that, sadly, despite all of the talk about innovation, it is my confident prediction that this will be a government remembered for its wasted opportunities on this front. It will be remembered for abandoning Australian manufacturing at a time when the high dollar was putting pressure on it. Instead of supporting that industry, this government simply encouraged manufacturers to walk away from this country. It will be remembered for absolutely failing in its obligation to take seriously the potential of the many researchers, the many innovative individuals and the many people with enormous skill and potential who could be contributing to this country but are stymied by the inability of the government to take innovation seriously.

Senator McKenzie (Victoria) (17:09): I rise this afternoon to contribute to another senseless debate of legacy weeping by the Labor Party as they look over their failed tenure as the government of this country and their lack of investment and foresight and as they start to attempt to lay the blame for an economy in transition at our feet, which is simply not the case. I am glad, Senator Carr, that you have chosen to join us in the chamber for this particular contribution, because the primary focus of the Abbott government and the primary focus of the Turnbull government is on Aussie jobs right through our economy and right through our nation—not just focused in capital cities, not just focused in old technologies and old manufacturing—actually understanding that our economy, coming off the mining boom, requires jobs in new industries. I will go to that a little later.

When we are talking about legacy weeping, we really only need to look at the jobs that were slashed under the Labor Party's tenure. I think about the live cattle export trade when Joe
Ludwig and Prime Minister Gillard woke up one morning after they had got a few emails over the weekend and were very, very happy to shut down an industry and, with careless disregard, slash jobs right through regional Queensland, regional Northern Territory and regional Western Australia. That had flow-on effects right through those communities and those states, and those effects are still being felt. They were very, very happy to whack on a carbon tax. Down in the La Trobe Valley, in Senator Carr’s and my home state, there was grave concern from those workers in the coal mines about the effects of the carbon tax on their very livelihoods, on irrigators and on the dairy industry. The impact of that tax, that policy setting by the former government, slashed jobs. Indeed, it was the Labor government that saw the introduction of over 2,000—sorry, I got my zeroes wrong!—20,000 pieces of new red tape on business, burdening them with a regulatory impost which essentially sees a small business enterprise having to decide, within that tight regulatory framework, that it is not going to be able to put on new jobs and that it is going to be hiring less, hurting Australian businesses and costing jobs.

The Labor Party stand here today and criticise the government on unemployment when they have an appalling track record themselves. All these fumbles have cost the Australian economy and the Australian people millions of dollars and thousands of jobs. Since the coalition government has come to power, more than 350,000 jobs have been created. More Australians are now in work than at any other time in history. Indeed, the most recent labour market reports show a 2.7 per cent growth in total employment. That has to be a good thing. If only we could amend this motion. Youth unemployment has fallen by 1.7 per cent and the unemployment rate itself has fallen to 5.9 per cent. I think it is important that everyone in this place recognise the travesty of high youth unemployment and particularly of high youth unemployment in regional areas, but I will go to that a little later.

I think that, on any reading of those figures, all measures indicate that our economy is not in the deep unemployment crisis that Senator Carr is claiming in his campaign of fear and misinformation. The Australian economy remains strong and stable. Last year, the Australian economy experienced economic growth greater than any of the G7 nations, and our levels of unemployment remain lower than in the majority of the developed world. Senator McAllister, in her contribution, raised several of the challenges facing the very developed high-wage economies, such as ours. There is a need to be agile; there is a need to be able to innovate; there is a need to have the skills, education and capacity settings within our communities to take advantage of all the opportunities that the 21st century has to offer.

Youth unemployment is a serious economic issue because of the economic and psychological health effects it has on our young people, but our youth unemployment rate is one of the lowest in the developed world. It is almost half that of the United States and of our European friends. That in no way diminishes my focus, and the focus of everybody in this place, on reducing high youth unemployment. We do need to recognise that we need to change. A recent report by the Foundation for Young Australians looked at youth unemployment and recognised that 70 per cent of the entry-level jobs that young people would be going to will not exist because of three factors: globalisation, automation and a lack of digital literacy. When we look at how we will give our young people the skills and experience they need to be ready for the job opportunities that will exist in the future we need to ensure that the education system includes coding as a basic fact--
Senator Bullock interjecting—

Senator McKENZIE: Senator Bullock, you laugh—

Senator Bullock: No, I said, 'Hear, hear!'

Senator McKENZIE: Oh, good. Excellent. My apologies. Thank you, Senator Bullock, because more than half of Australian workers will need to be able to use, configure or build digital systems—not in 30 years but in two to three years. This is an urgent need for our community. I know that Senator Carr has a strong passion for STEM education, but it is such a pity that the way they are going to incentivise more people going into STEM education is by giving them a HECS incentive. I am sorry, but on any evidentiary basis that is an incentive that has not worked time and time again. If you were to go and survey students at Melbourne University right now, and if you were to ask any second or third year student what their HECS debt is, they would not have a clue. When you offer that sort of incentive, it just does not work. I was privileged, I guess, yesterday to be at ANU where Dr Finkel and Professor Chubb were both talking about the need to increase engagement with STEM subjects. Do you know what they suggested? It is all about inspiring teachers. It is all about having fantastic science, technology and mathematics teachers when you are in primary and secondary school.

Let us throw the money where we need to. Our government has recognised that quality teaching is where the greatest difference is going to be made. We produced a TEMAG report that goes to the fundamentals of teacher education and recognises that that is where we need to focus. I look forward to the Labor Party's support for those sorts of changes.

Senator McAllister made lots of commentary around research and the need for critical research infrastructure. I could not agree more. Unfortunately, the Labor Party did not fund the critical research infrastructure that our eminent scientists and researchers right across this country in our universities use—the NCRIS system. It is this government that has provided ongoing funding and a review into how we as a nation can provide ongoing funding to that critical research task and the infrastructure that supports it. We are the ones who are actually backing that—not Labor. You left it with a funding cliff, and you know it. So to come in here and claim that we do not understand the challenges of the 21st century and that we are all about rhetoric—no, no. We have put the dollars on the table. We put them on the table a year ago for that critical research infrastructure.

We are an innovative community naturally, and we are particularly innovative out in the regions because we have to be. We have to be collaborative. We have to be creative, we have to innovate to the environment and we have to adjust. That is exactly what we do and that is what is in our DNA. Our government has made very, very significant commitments to ensure that the natural advantage, if you like, of the Australian spirit and the spirit of regional Australia is supported. The industry minister, Christopher Pyne, has been very, very clear as to where he wants to see our innovation space grow and develop. And it is about research. It is about supporting start-ups. It is about changes to our tax system that actually support that. We have been very clear about that. To come in here and say that we are not assisting our economy to adjust to the challenges of the 21st century, from old manufacturing to those industries that are going to underpin our economy in the 21st century, is just a farce—an absolute farce.
The Deloitte report into ‘after the mining boom’ recognised that there are a range of industries that are going to assist us as a nation to grow and develop: tourism, agribusiness, the energy system, international education, financial services. Three of those are actually located in regional Australia, and they are going to create the jobs of tomorrow. If you look at the global outlook, tourism is doing really well. Tourism is a really great growth sector. Agribusiness is going gangbusters on the back of our free trade agreements, and international education, particularly from a Victorian perspective, is something we are very keen to continue to grow and develop. And it is our government that has put forward an approach. If you talk to anyone in international education, they are absolutely supportive of our government's approach to how we get the strategy settings for this right. Universities have previously seen the international student market as a way to address declining balance sheets and to buffer and support their operating costs. What we have done as a government is to say: hang on—this is a key export industry for us. We need to do this better and it is important that we get the settings right. It is important that we get the visa settings right, that we get the trade relationships right, that we provide a quality and safe educational environment for our international students so that brand Australia is protected. It was this government that put an international education council, if you like, together with the immigration minister, the trade minister, the foreign affairs minister, the education minister and the industry minister to sit down with a blank sheet of paper and say, ‘Okay. How do we get the settings for this right?’ We are doing it right and we are consulting, and it is a fantastic strategy. Ask those involved. That is where the jobs are going to come from. Rather than looking to old industries and old ways of doing things, our government is showing how things can go forward in the 21st century and we are going to grasp every opportunity we can.

Failures of the last government saw $16 billion ripped from the defence budget, with expenditure reduced to its lowest levels as a percentage of GDP since 1938. The coalition government has implemented the measures that will boost employment to ensure regional Australia gets a fair go. We have invested $6.8 billion in the new jobactive program, designed to encourage employers to hire new people. We recognise that short-term employment is an important stepping stone to entering the full-time workforce. It gives people the opportunity to enter industries and explore employment opportunities which were not previously available to them. In my own home state of Victoria we have seen the benefits of the government's decision to invest in defence, to create new job opportunities in the manufacturing sector—in high-tech, advanced manufacturing, not old technologies. Earlier this year the government announced it would purchase 1,100 Hawkei vehicles at a cost of $1.3 billion. These vehicles are manufactured in the Thales manufacturing facility in Bendigo—the same facility that produced the world famous Bushmaster that saved so many Australian lives. This initiative will ensure that 170 ongoing jobs in Bendigo will be protected.

While Labor was in government total employment in manufacturing fell by 12.1 per cent. Be we all have to understand that this is an economy in transition and we are not the only country in the world experiencing these problems. For people to sit here and point at this side or that side misses the point. The Australian people want their children to have jobs in the future. The Australian people want it all to be about jobs—this whole finger-pointing exercise does nothing to solve the problem. We need to understand that we are really poor at commercialising our research. We have fabulous researchers, and there is some fantastic, creative, innovative research being done right across our universities—out in the regions, up
north, down south, you name it; every university in this country is producing world-class research in one sector or another—but we are really bad at commercialising it. You guys were bad at it; we are hoping to get better at it. The way that our education system has been built on over time in a bipartisan way is the way that we are going to solve the problem.

Youth unemployment is a scourge for all of us. We have to ensure our young people are digitally literate, that they are able to be flexible, that they can access the skills and set of experiences they need to be 21st-century workers and to take advantage of the opportunities available. Otherwise we will end up with a significant social and economic problem. No-one is going to be paying for our aged care, no-one is going to be paying for our health services but, more significantly, it will be the quality of life for those young people who are locked out of jobs in the 21st century. I know our government is committed to addressing those issues; I know we are committed to releasing an innovation strategy that will set up our nation for the 21st century to take advantage of those opportunities, to play to our strengths. I hope, Senator Carr, you can join us on that journey and we can, together, fund our research infrastructure and support each other so that funding is ongoing rather than being at the whim of government. I hope that together we can ensure that we focus on jobs for young people throughout Australia. Rather than focusing on the past, I hope that we can focus on the future. I look forward to our innovation strategy being released so that you can all eat your words!

Senator KETTER (Queensland) (17:26): I rise to contribute to this debate on employment and job losses. When it comes to creating the jobs of the future, this government is asleep at the wheel. It has done absolutely nothing to address the challenges of the future, and in respect of those industries which provide well paying jobs and which are strategic for our economy this government is committing an act of economic vandalism. We have the scandalous situation in the automotive industry where the government has basically jawboned international automotive companies into leaving our shores, and with them goes that very strategically important capacity to assemble motor vehicles in Australia. It is a disgraceful situation which has huge ramifications for our economy and for jobs in the future.

The Australian automotive industry was not as heavily subsidised by government as some of our major competitors. There was a FactCheck done by Phillip Toner, Honorary Senior Research Fellow at the Department of Political Economy at the University of Sydney, and Remy Davison, the John Monnet Chair in Politics and Economics at Monash University, in July 2013. They looked at whether or not the Australian automotive industry was heavily subsidised and costing taxpayers extraordinary amounts of money. When the research was done to look at the level of subsidies provided to the industry in comparison with other countries, we found that Australia had a very modest level of government subsidies compared to other developed countries. In particular they compared Australia with Germany and the USA, and whereas Australia had an estimated government funding per capita of US $18, the German figure was US $90 per capita and the American figure was US $96 per capita in subsidies for the automotive industry.

Yes, the number of vehicles produced in each of those three countries was quite substantially different. But even when one looks at the estimated government funding per vehicle produced at that time, Australia was between those two countries in terms of estimated funding per vehicle. Australia had an estimated US$1,966 of government funding per vehicle; Germany was below us at US$1,303 per vehicle; whereas the Americans were
funding each vehicle to the tune of US$2,908. So we know that countries provide subsidies and support for strategic industries to ensure that these capacities are there for the future. It is so important to do so.

In the American example that I mentioned, the article I am referring to looked at the fact that the Bush and Obama administrations allocated US$80 billion to direct assistance under their Automotive Industry Financing Program. The program included rescuing automotive firms and financing operations such as General Motors Acceptance Corporation, which involved debt guarantees and Treasury notes that recouped almost US$51 billion of the US$80 billion allocated to the program.

A New York Times investigation found that Chrysler had received at least US$1.4 billion since 2007 from 14 grants in three states, General Motors had received US$1.77 billion from 208 grants and Ford had been awarded more than US$1.58 billion from 119 grants. This has been the subject of review by credible economists. By international standards, it has been demonstrated that annual assistance to the Australian automotive industry has been relatively modest in raw dollar and per capita terms. That is important. We know that some of these industries do require support from time to time, and other countries also recognise that there is a need to do this in order to ensure that we have the types of jobs that we want to hand on to our children.

Australia's future prosperity, I would argue, is at risk. We have a government that will destroy the economy. Not only does it demonstrate its lack of vision through its small-minded efforts to tax the poor; the very Prime Minister that claims that he is committed to innovation seems to have overlooked the fact that we are sliding backwards at an accelerating rate. Didn't anyone ever tell the government, even quietly, that all of our competitors in the world have their shoulders to the wheel, speeding ahead with the skilling up of their populations, enhancing their science and research capability and working with their businesses and industries to speed up innovation to ensure that they remain globally competitive and that their workers remain gainfully employed?

Instead of a government that is committed to the future long-term prosperity of our nation, we have one that has done nothing to restore the $3 billion it has cut from science, research and innovation—the lifeline to a prosperous future for Australia. The government has cut the R&D tax incentive and axed programs such as Commercialisation Australia, Enterprise Connect, innovation precincts and the Innovation Investment Fund, all of which were building the innovative Australia that Mr Turnbull merely talks about. The government has cut $80 million from the Cooperative Research Centre program—a key program to promote collaboration between business and scientific research. The government has cut $115 million from CSIRO, a public agency with a proven track record in innovative research—and we are still waiting to see what the government will do with our universities, which, under Labor, would have received a 100 per cent increase in their funding by 2017.

Apart from this total attrition in our basic science and innovation capabilities, we have a government that seems to have buried its head in the sand about the looming economic disaster that is going to hit us when the final car manufacturer downs tools in 2017. Australian manufacturing is in crisis, and our government offers no answers other than budget cuts and its so-called free market ideology. The loss of the car industry is a disaster of epic proportions. The Prime Minister must be aware of the impacts of this shutdown. First, we are...
anticipating a massive loss of jobs that goes far beyond the industry itself. Modelling by the University of Adelaide estimates that there will be a loss of 200,000 jobs across the supply chain. This will rip $29 billion out of the economy, equivalent to two per cent of the nation’s GDP.

Modelling undertaken by the National Institute of Economic and Industry Research indicates that the effects of this shutdown will be felt in every state and region in Australia. When you look at my own home state of Queensland, the projected loss of jobs there is 30,090. In Victoria there is a higher projected loss of 98,480. In South Australia the projected loss of jobs is 23,903. Each state and region of the Commonwealth will be affected. Surprisingly, according to the modelling, Queensland and New South Wales will be even harder hit than South Australia, with each of these states losing more than 30,000 jobs through the flow-on effects from the end of car manufacturing.

It is well known that the car industry is a major driver of technological innovation and creates opportunities in other industries right across the economy. The report prepared by the NIEIR also warns of a potential further loss of jobs and output from the erosion of trade skills and industrial capacity. It states:
Additional production losses can be expected due to the undermining of the economics of complex manufacturing in Australia.
It goes on to say:
The motor vehicle industry is the main conduit for the introduction into Australia of advanced technology and the training of labour in the necessary skills.
If an advanced technological nation like Australia is to remain a country where households and communities are sustained by high-wage, high-skill jobs, we do not have the choice about whether to have a manufacturing sector. Our choice is to determine what manufacturing activities we are good at and to put in place the right policies to see them flourish here in Australia.

The argument by our free market ideologues on the other side of the chamber—that we cannot compete with overseas manufacturers because of our high wages—is frankly nonsense. We only have to look at high-wage economies like Germany to see that manufacturing can thrive in a highly innovative economy, and the foundation of its competitiveness is a highly skilled workforce that drives technological innovation and excellence. Competition in the advanced technology products of the world is no longer solely based on price. We can compete if our manufactured products offer better value for money and present the quality and appeal that consumers in Australia and in other countries demand.

The UK automotive industry brings us an important lesson from history. It was expected to collapse and disappear at the end of the 1980s. But, instead, new investment was found, and areas of competitive advantage, such as engine production, were targeted. As a result, the UK has retained and improved its global reputation for engine production, and both sides of politics over there support co-investment in the auto industry.

It is well established that significant manufacturing industries like the car industry, with all of their linkages to research, technology, design, safety and environmental impacts, are a major driver of innovation for the entire economy. Australia cannot afford to lose all of the skills that these industries bring to our economy by turning its back on the whole industry.
Australia has great engineering and design skills to build on. Even Holden and Ford intend to retain design centres in Australia to continue to capitalise on these skills. But, apart from the car manufacturers themselves, we have a great supply chain of component makers, after-market manufacturers, and in the service departments of retailers.

Mr Turnbull has only to read the interim report of the Senate Economics References Committee inquiry into the future of the auto industry to find plenty of ideas to go forward with. The interim report describes how vital innovation will be to Australia’s future. The report states that the Productivity Commission has noted that innovation and ‘diffusion of new and better production methods, and the introduction of new goods and services, are the core drivers of productivity growth—getting more, and more highly valued, outputs from any level of inputs’. The OECD has stated that the ‘capability to innovate and to bring innovation successfully to market will be a crucial determinant of the global competitiveness of nations over the coming decade’. It noted that innovative activity is ‘the main driver of economic progress and wellbeing’. In the United States, half of the economic growth in the last 50 years can be attributed to scientific innovation, despite a decline in mining productivity. In 2007, the Productivity Commission found that around 65 per cent of economic growth per capita from 1964-65 to 2004-05 could be ascribed to improvements in the country’s use of capital and labour, made possible by innovation.

With its highly educated population and world-class research facilities, Australia has the capacity to become a leading innovation nation. But the challenge remains on developing the right policies that we need to unleash that innovation. Evidence presented to the Economic References Committee emphasised that Australia’s innovation capacity is limited by structural and cultural barriers. This reality is reflected in statistics that reveal that only 1.5 per cent of Australian companies developed ‘new-to-the-world innovations’ in 2011, compared to figures of 10 to 40 per cent for businesses in other OECD countries. As of 2008, an estimated 98 per cent of new technologies were sourced from outside Australia. At the same time, Australia remains a low-level performer in both business and government expenditure in research and development.

I have as yet seen no coherent policy or statement by our current government on how they propose to repair this problem. One opportunity Mr Turnbull could look at is how to adapt the Automotive Transformation Scheme, the ATS, to ensure that there is a future for the industry. So far the government has stepped away from its intention to cut $900 million from the ATS—and that is a great relief. The Economics References Committee interim report calls for redefining the ATS as a broader, advanced manufacturing, engineering and design program and calls for the current level of ATS funding to be maintained through to 2021, including reallocating any unspent funds from phase 1, ending in 2016, to phase 2. This arrangement would preserve skills and capabilities and mitigate the loss of jobs by encouraging diversification in the supply chains of the car industry.

Beyond this urgent measure to retain advanced manufacturing skills capability in Australia, we still face the difficulty created by the dismantling of the national innovation system in the 2014 budget. I have already referred to the long list of important institutions that are being dismantled and strangled by funding cuts, including CSIRO, the CRC Program, and the Innovation Investment Fund.
Australia's future hangs in the balance on this matter. Without innovation and a continuation of advanced manufacturing capability, our future prosperity and that of our children is in doubt. We cannot just live on air and water. We need to be smart, we need to invest in and build our smart institutions, and we need to invest in our children and continue to skill up our adult workforce. Without a substantial and well-considered commitment to innovation, we do not stand a chance of competing in the world in which we live.

As our trade barriers come down with more and more agreements such as ChAFTA and the Trans-Pacific Partnership, we need to get our act together on what is rapidly becoming a borderless world, with very large corporations swallowing national and sub-national businesses. We need our businesses to be agile and innovative and to compete in all those niche markets where our capability is unequalled by our competitors. Most of all, we need to safeguard the jobs of our current and future workforce and ensure that every Australian is able to participate in a rapidly changing global economy.

Senator CANAVAN (Queensland—Nationals Whip in the Senate) (17:44): I feel a bit sorry for the Labor Party at the moment because things are not going all that well. They are not going to plan. They are stuck with a leader who is massively unpopular. They cannot get rid of him. They cannot change their rules. They are stuck with a particular leadership team which is not doing the job for them. And today, on top of all that they have to worry about now leading into Christmas—I do feel a bit sorry for them, I must say—they have put up a motion on jobs on the day that the jobs report came out from the ABS. I do not know if they thought there was going to be a different result, or they just did not realise that the ABS was publishing its labour force statistics today, but, again, it has been bad luck for the Labor Party. They have a motion for debate this afternoon condemning the government for, apparently, a lack of action on the creation of jobs, when, in fact, on this very day—admittedly a few hours after they had lodged their motion—the labour force statistics have come in to show record job growth this year, well above performance expectations for October.

Things could be better—we would always like them to be better—but, certainly, job growth has been very strong since this government came to office, and particularly strong over the past year. We had almost 60,000 jobs created last month, which was well above expectations of around 15,000 jobs. We have had more than 300,000 jobs created over the past year, a year-on-year growth in those jobs figures of 2.7 per cent. That is well above expectations. Indeed, in successive budgets of the coalition and Labor, when they were in government, there has been an expectation for some time that the unemployment rate would creep up to 6½ per cent as the mining boom has slowed, income growth has become a bit lower and the world economy has been a bit slow. But the good news today is that the unemployment rate has actually come in at 5.9 per cent—under six. So it is all going in a good direction.

You need some caution when interpreting the month-to-month figures. As I said, there has been good job growth over the whole year, but that is not to say that there are not still concerns for our economy. It is not to say that the world is back on track and that there are not challenges we will confront as an economy, but it is a good-news story. The data and facts simply do not fit the wording here of the motion the Labor Party has put forward, which condemns the deliberate and hostile actions of the government and the cowardice of the government, and blaming it for the job losses of workers. It simply does not add up. It is not
consistent with what is actually happening on the ground in the Australian community, and I think the Australian community and the Australian people are smart enough and savvy enough to realise that what the Labor Party is speaking about is a political exercise, not a factual one that actually talks to the realities that are facing Australians today.

One of the concerns that faces Australia today has been our elevated level of youth unemployment across our nation. I certainly know that in my region—I am based in Rockhampton—and in Central Queensland and North Queensland youth unemployment is at far too high levels, and has been for a number of years. In Cairns, it has been above 20 per cent, in Townsville it is around 20 per cent, in Mackay it is around 18 per cent, and in Rockhampton, where I am from, it is around 15 per cent. That is far too high and is something we need to target to come down. I have not had the time yet to check—and I do not think today's results drill down to Rockhampton or Townsville; that comes in the electronic delivery—but today the youth unemployment rate has fallen below 13 per cent across the country. It has a 12 in front of it, which is, again, a very good result compared to where it has been in recent years. It is still too high and is still something we need to target and do better on, but, again, it is moving in the right direction and the government's economic plan, in my view, is meeting its intended purpose, which has been to grow jobs in our economy through policies that support economic growth.

As well intentioned as Senator Carr and my colleague Senator Ketter are, to think that somehow propping up car manufacturing in this country would solve all those problems is a fairytale. It is a fairytale, which they are trying to sell to the Australian people, that giving money to overseas car companies would somehow solve our problems. The car companies are all overseas owned; we do not have domestically owned manufacturing companies. We are giving money to the Toyotas, the Fords and the Holdens—overseas companies—to create what is, in effect, just a few thousand jobs. Our problems require the creation of hundreds of thousands, if not millions, of jobs in the next few years just to maintain our employment levels, let alone to bring them down. That is not a solution.

Giving more money is not a solution because it has not worked in the past. It is not like this government or the last government took money away from the car sector overnight. That is not how it happened. The loss of jobs in our car manufacturing sector has occurred over decades. Both colours of government have been in power, but there has been a trend away from labour-intensive manufacturing in this country to other areas. There is a surplus of cars being produced in the world. That is not something that we can necessarily control, but it is the world we live in. To think that we can maintain those jobs here in a futile attempt would be costly and counterproductive to our economic performance.

To try and blame it on one side of politics is just amateur. You hear from the other side in this debate about how we have been responsible for car manufacturers leaving the country and that this has happened on our watch. Well, I remember a little company called Ford. I am a Ford man. I have owned a Ford Falcon and I go for Ford at Bathurst every year. I like their vehicles. But I remember Ford making a decision to leave Australia and shut down, and I think it was in May 2013. I was not in that place at the time, but who was in government in May 2013? It was the Labor Party. It was Julia Gillard and, later, Kevin Rudd. They were in charge when Ford made a decision to leave this country. They had been in government for two terms. They had presided over a failed car manufacturing policy that they put in place.
when Kevin Rudd came to power. If anyone is to blame for Ford leaving this country it is the Labor Party. But I am not going to go that far because I do not think it was primarily their fault. I do not believe it was anything Julia Gillard or Kevin Rudd did in particular which caused Ford to make this decision. These things have been occurring in our world and, if we are going to ignore the trends, we are going to be as ineffective as the King Canute trying to turn back the tide. It cannot be done. These things are happening in any case.

What we have to do is managed the change. We have to look to new areas of our economy in which to invest and to innovate and create new jobs so that our future generations will have an opportunity to make the best of themselves going forward. That does not mean we should not support those industries through this transition. That is why the government has an automotive scheme in place. That is why the former government also had schemes in place, but they have proven over time unable to sustain and maintain employment in these industries.

I am surprised that Senator Ketter earlier—and presumably Senator Bullock, if we have some time—would support a continual spending of money into states a long way away from Queensland and Western Australia. In my view, Queensland has been massively held back in the history of our nation by the massive amounts of money that had been used to subsidise manufacturing industries in the southern parts of our country. My colleague here, Senator Cash, has the same problem in Western Australia because, over the course of our nation generally—not now, but generally—we have provided huge support to manufacturing industries in Victoria, in South Australia, in Tasmania, but there has been very little money to support industry development in Queensland and Western Australia. The reason for that is that Queensland and Western Australia have always mainly been focused on agricultural exports and later on mineral exports. Industry subsidies do not really work in that environment because you need to be competitive to sell your product.

Worse, when you provide those subsidies to another industry, that takes resources away from wealth-creating industries which could use the capital and labour employed elsewhere and give them to the industries that are only propped up by government support. It hurts our wealth-creating industries to do that. It pushes up our exchange rate. As well, even if we have fixed rates, it puts upward pressure on our exchange rate and makes our industries less competitive.

I think the experience of the last few decades, where we had largely removed such subsidies and freed up our economy, has shown that, when we do that, those resources flow into export industries. It has been a great boon to Queensland and Western Australia in their development and we have created jobs. Indeed, we have been an extremely strong economy over this period. We have not had a recession for 25 years. It is the second longest period of economic growth that any developed nation has had in world history. We have done that right through a process where both sides of politics have reduced subsidies to manufacturing industries, including the car industry, and notwithstanding that, we have maintained a strong economy.

Our challenge going forward will be to maintain that record and it will not be easy. As soon as you get to the top, it is harder to stay there, as the North Queensland Cowboys next year I am sure will find out. It was a great achievement for them to win the premiership but it will be an even bigger achievement to back it up and win it again because they will be a target...
next year and everybody will be out to beat them. It is going to become harder for us to maintain this economic performance because we are at the frontier in an economic sense and in a global sense. That is why we do have to keep sharp. That is why we do have to develop policies which support competition, innovation, productivity and tax reform through our economy. And that is why the government is focused on an industry growth centre policy, which tries to back our strengths. We have identified a few areas where we want to invest particular resources in developing food, mining, energy, medical services and advanced manufacturing. That is why the trade agreements we have signed are incredibly important.

One of the attributes of any business decision to invest in innovation or developing new products is the size of the market in which you can sell those products. Any business investment or decision to develop something new is almost, by definition, a fixed cost. The research and development must be done before you actually start producing the product. So if you are going to be competitive, if you are going to be able to produce that new product at a competitive price, you are going to have to be able to sell it to lots and lots of the people. In my view, that is one of the reasons the United States is a remarkable innovation machine. It has a massively wealthy market of more than 300 or more million people, it has generally good market access in other countries as well. Therefore, there are very big incentives for its businesses to invest in product innovation because it can make a return on those investments by spreading those costs among hundreds of millions of consumers.

We do not have that size of market; we have a much smaller market. So it is harder for our firms to invest in innovation and to make a return, but if we can get access to the emerging middle classes of Asia—the billions of people, not hundreds of millions—who are coming into some form of wealth in Asia, that will put our businesses in an incredibly lucrative position to innovate and to make the kinds of investments which will pay off. To do that, we have to become better too because, while there are some good things about our innovation system as a country, there are certainly some shortcomings as well.

I want to end on a positive note and give some credit to Senator Carr, who has, I know, devoted a lot of attention to this policy area over his time. I have done some travel with Senator Carr and had lengthy discussions with him. He is clearly someone who has tried to get across and to grapple with the issues that face innovation. It is a very difficult area. He has also brought forward a Senate Economics Committee inquiry, one of the few economics inquiries which, I would argue, is devoted to a real policy outcome, different from some of the other inquiries the Labor Party have put up through the Economics Committee of recent time—I will not mention names. Senator Carr, I will say, is committed to finding good policy outcomes, albeit we may disagree over the details.

The Economics Committee has come to some useful conclusions about how we are very good at research in this country but we are deficient in commercialising the research in ways which make money and create jobs and investment. We do have to do things to get better at that. That is why the government is developing a new innovation policy to release perhaps some time this year, hopefully. The new minister, Minister Pyne, has already focused on this issue is something we have to target. It is something which has come up in the Senate Economics inquiry. I look forward to the government developing more policies which will support growth and jobs in this economy.
The DEPUTY PRESIDENT: Order! It being 6 pm, the time for this debate has now expired.

DOCUMENTS
Consideration
The following orders of the day relating to government documents were considered:
Civil Aviation Safety Authority (CASA)—Report for 2014-15. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Smith the debate was adjourned till Thursday at general business.
Australian Research Council (ARC)—Corporate plan 2015-16 to 2018-19. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Smith the debate was adjourned till Thursday at general business.

COMMITTEES
Select Committee on Health
National Broadband Network Select Committee
Membership
The DEPUTY PRESIDENT (18:01): The President has received a letter requesting changes in the membership of various committees.

Senator SINODINOS (New South Wales—Cabinet Secretary) (18:01): by leave—I move:
That senators be discharged from and appointed to committees as follows:
Health—Select Committee—
Appointed—
Substitute member: Senator Ketter to replace Senator McLucas on 17 November 2015
Participating member: Senator McLucas
National Broadband Network—Select Committee—
Discharged—
Senator McAllister
Appointed—
Senator McLucas
Participating member: Senator McAllister.
Question agreed to.

Rural and Regional Affairs and Transport Legislation Committee
Report
Debate resumed on the motion:
That the Senate take note of the report.

Senator STERLE (Western Australia) (18:02): As the Deputy Chair of the Rural and Regional Affairs and Transport Legislation Committee, I wish to report to the Senate that we held a legislative hearing in Canberra on 7 September, a Monday afternoon, and we had a number of witnesses. What came out of this inquiry is absolutely frightening. I have just sat through, as you have too, Mr Deputy President, general business when we were talking about
the loss of Australian jobs. What we have here will be the loss of an Australian industry. All those Australians out there need to be very aware of what the government is trying to do with this legislation. To put it in a nutshell—this is a no-brainer—we are an island nation. I believe we have the fourth largest shipping task in the world. But through the intelligence of this government, being led by Mr Truss—I know that is an oxymoron, putting those two words together—the Shipping Legislation Amendment Bill proposes to do away with, exterminate, get rid of, the Australian shipping industry.

Those out there listening to this debate might think, 'What has this bloke been on at lunchtime?' I am not making this up. It is absolutely frightening what they want to do. They want to get rid of Australian flagged ships and they clearly want to get rid of Australian seafaring jobs. It is well known that there is a lot of coastal shipping, shipping that moves between the states, between the capital cities, and no-one is more reliant on that than our friends and colleagues down in Tasmania because, lo and behold, they are also an island like we are. They do not have a highway running between the top end of Tassie and Melbourne where we can truck everything across.

What really highlighted the problems with this bill was the evidence of one of the witnesses, a Mr Bill Milby. Mr Milby heads up North Star Cruises. North Star Cruises are on the top end of that great half of Australia, the western side. They run the Northern Star—I think it is called the Northern Star—ship out of Broome. Its crew are all Australian. I tell a lie: there might be one Kiwi on there. They are all young Aussies, captained by a very experienced Australian captain. They run tours and cruises between Broome and Darwin and back and that beautiful part in between.

Mr Milby attended a function or a seminar or something which was attended by Minister Truss and his officers from the Department of Infrastructure and Regional Development. Mr Milby raised concerns and said to them—not to the minister but to his officials—'If we are going to get rid of Australian jobs and Australian ships and allow foreign seafarers to come in and foreign flagged vessels, how the heck can I compete? How can I keep my 52—'I think the figure was 52—'employees employed who are all Australians, bar maybe one Kiwi, who predominantly live in Western Australia, down the south, but head up to Broome'—and there are a number of people that live in Broome—'and work the dry seas and tours?'

He was told something by the department, by an official, Ms Judi Zielke—and Ms Judi Zielke and I are no strangers to each other for a number of reasons, but particularly through Senate estimates and this inquiry—who is the Executive Director of Surface Transport Policy, ably backed up, Mr Milby told us, by Mr Michael Sutton, the General Manager of the Marine and Shipping Branch. They did not deny it. They tried to do the weaselly little bit about, 'We didn't really say the words that might have been reported in the paper.' But they did.

In the end, this is what came out: when Mr Milby asked, 'How do I compete; what do I do?' he was told by these officials, 'De-register your Australian vessel; go offshore, get a foreign flag and get rid of your Australian crew and employ foreign seafarers.' That is just one tiny little bit. As part of the inquiry, we actually got on record from the department—the government itself clearly said—that over 1,000 seafaring jobs will be gone: no Australians. That raises a number of issues. One is the environmental problems that may result because of the Great Barrier Reef. We have had a couple of incidences where foreign vessels have tried to take a shortcut across the reef. We know that happens.
But one of the biggest issues for me, apart from that mob over there saying they are glad to get rid of the Australian shipping industry, is national security. Mr Deputy President, you and I and my colleagues on this side of the chamber and in that other house over there, on the opposition benches, have had to listen to the national security beat-up at certain times coming from the former Prime Minister and ably backed up by every senator in this place, every minister—the whole lot of them. Sometimes it was warranted, but, by crikey, they were really pulling out the dog whistle: to actually think that there are Australian vessels that were carring fuel between our cities, between our refineries, from Brisbane down to Melbourne and wherever, and that we are prepared to not have a clue, to not have any Australians, just foreign seafarers. Do we think this is a good idea as a nation? Do we honestly believe that it is a brilliant idea to say to the Australian shipping industry, 'Go away; get lost', all in the name of delivering cheaper freight rates for maybe the cement industry, or maybe some of the miners? Let me tell you, I am supportive of the mining industry, but they do give me the screaming abdabs when they go out there and start screaming about how they want to be more productive, and what it means is just turning over more for their shareholders, but they are happy to do away with Australian jobs.

Not only that, but we talk about training, and our masters and our captains. These are not degrees that are obtained—you have a listen over there—you do not find them in a Weeties box; you actually have to have years and years of experience, you actually have to be out there and know what you are doing. You do not go to a pastel-coloured classroom in some TAFE for three weeks and say, 'Look, I've got a couple of hundred bucks to spare; I think I want to be a master.' We are going to kill off every opportunity we have created for this island nation to sustain itself and employ our own ships, running in and out of our ports, so we eliminate a lot of the problems. Some people out there may think I am being racist or—what do they call it, with all this nonsense; is it homophobic?—xenophobic. I knew it was one of the 'ophobics'! Call it what you like, but I will stand up for Australian jobs.

And the United States of America, that great aircraft carrier of freedom floating between the Pacific and Atlantic oceans: not even they would do that, because they have the Jones Act. The Jones Act says very clearly that, for national security, all shipping between US ports is done by United States flagged vessels and United States crews. So, I am really dying to listen to the argument coming from that side. Just one of you out there in fairyland, I am pleading with you: come and give me all the reasons in the world you think it is a fantastic achievement to get rid of—I was going to say 'sink', but I do not think it is the right word!—an Australian industry that we are so reliant upon, because we may have a couple of industries, being mining or cement, that do not even own any ships but just want to make a few more bucks. Are we prepared to watch over 1,000 jobs go?

I just want to give you a breakdown of those jobs. I asked the MUA, and the reason I asked the MUA is that they know where all the seafarers are. I said, 'Give us a quick breakdown,' and they told me. Very quickly—I do not have a lot of time—I am going to go through that, so those opposite can come and try to challenge me or whatever they want to do. In the Bass Strait, 382 Australian jobs will go—and these are the government's figures; they have said over 1,000; they are not disputing it. In LNG, in my fantastic part of the world, and of course Queensland and Victoria, 176 jobs will go. In the petroleum and gas trade, 72 jobs will go. In the dry bulk trade, it will be no fewer than 226 seafaring jobs, mainly in the eastern states of...
Victoria and New South Wales. In the bauxite and alumina trade, 136 jobs will go, mainly in Queensland and New South Wales. In the Northern Territory, servicing remote Aboriginal communities and other communities, it will be 302 jobs. In cruise shipping, with 17 Australian operators—and I talked about Broome and the Top End—it will be approximately 150, and we know what states they will be from. Also, approximately 500 jobs will go from Carpentaria Management Services, Paspaley Pearling Company, Port of Brisbane, V.Ships, Gardline and P&O Maritime Services, mainly in the Northern Territory and Queensland. The MUA has actually come back and said that it is closer to 1,980.

So, I extend that invitation once again: can someone please come and challenge me, take me on, show me where I have got it wrong? If you vote for this, I will make sure that every Australian seafarer gets your name from my mail.

The DEPUTY PRESIDENT: Order! Senator Sterle, your time has expired.

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

Leave granted; debate adjourned.

Community Affairs References Committee
Report

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

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (18:13): I rise tonight to add some comments on the Community Affairs References Committee's report from its inquiry into the availability of new, innovative and specialist cancer drugs in Australia. As a member of this committee, a brain tumour survivor and the co-convenor of the brain tumour and brain cancer parliamentary group, I obviously have a particular interest in this subject. And it is an extremely complicated subject area, where treatments are changing rapidly as a result of recent advances in medical research. As such, it is vital that this place and this parliament as a whole ensures that our bureaucratic frameworks keep up with scientific developments to provide the best outcomes for Australian citizens.

I am pleased to say that this report reached a consensus regarding recommendations. The committee included senators from Labor, Liberal and the Greens as well as Senator Xenophon, a participating member of the committee who proposed this reference in the beginning, and I would like to thank him for that. I would also like to thank my fellow committee members and the ever-hardworking secretariat for their work on this issue. The report was over 100 pages, so it is a very significant report. I would also like to thank all those people who gave evidence at the inquiry. I know at least one of them had had the experience of their own child dying, from brain cancer, in fact. I thank, most specifically, all those people who gave evidence of a personal nature.

Sadly, Australia is often described as the cancer capital of the world, with the highest age-standardised incidence of cancer. Half of all Australians will develop cancer in their lifetime and one in five will die from it. It is estimated that 45,780 people will die from cancer in 2015. That is an average of 125 deaths every day. This figure represents approximately three out of every 10 deaths registered in Australia. Unfortunately, it is 84 per cent higher than the number of deaths reported in 1982. Cancer is one of nine national health priority areas,
NHPAs, and accounts for 19 per cent of the total disease related burden, making it the highest disease related burden on Australian society.

On a positive note, Australia also has cancer survival outcomes that are equivalent to the best in the world. Australia's one-year survival rate for all cancers combined is 81 per cent, and overall five-year relative cancer survival rates are more than 66 per cent. But I am sure everyone in this place will agree with me that we would like to see these survival rates increase further.

Cancer poses a complex challenge for the Australian healthcare system because cancer is not one disease. It is many hundreds of diseases, each of which can manifest differently in each cancer patient. Just five cancers—prostate cancer, colorectal cancer, breast cancer, melanoma of the skin and lung cancer—comprise approximately 60 per cent of all expected diagnosed cancers. Consequently, there are hundreds of cancers where there are only dozens, or fewer, cases in Australia each year.

Brain cancers, in particular, have a large number of different types, which makes it difficult and expensive for drugs to be developed or to gain approval in Australia. The overall incidence of brain tumours is low, but the tumours are most likely to be lethal. I am one of the very rare exceptions to the rule, I am very pleased to say. It is the equivalent of a car crash each day somewhere in Australia that involves almost four fatalities—that is just for brain tumours. Brain tumours and cancers are also the only cancer to directly affect both the mental and physical capability of a patient. In Australia, more children die from brain cancer than any other disease and more people under 40 die from brain cancer than from any other cancer.

The committee heard that advances in the treatment of cancers are frequently incremental and increasingly targeted at small patient populations. Cure Brain Cancer, in their submission to the inquiry, refer to a 'personalised medicine' approach, whereby tumour genetics are established early on and high-throughput screening of existing medications occurs, and, if any of the screened drugs show activity against an individual tumour, this information is conveyed to the treating oncologist to be used for treatment. More targeted medicines and therapies have the ability to increase the range of treatment options for cancer patients, resulting in improved quality of life and survival for many patients.

At the same time, cancer is an area of high clinical need, meaning that, even with access to subsidised medicines, many cancer patients face significant financial hardship. These challenges are exacerbated for patients with rare or less common cancers, particularly children and young people and those who live in rural and remote communities. These factors pose a significant challenge for all governments as they seek to facilitate affordable cancer care while maintaining the sustainability of the overall health budget.

Current trends in cancer research can be expected to continue, meaning that there will be more drugs to treat additional types of cancer which will need regulatory approval. Currently, the Australian government employs a range of processes and mechanisms to assess the quality, safety, efficacy, effectiveness and cost-effectiveness of health technologies and procedures. Collectively, these processes and mechanisms are referred to as health technology assessment—HTA. Through its HTA system, the Australian government seeks to ensure the sustainability of the Australian government's health-financing arrangements. In order to gain approval and reimbursement of medicines in Australia, sponsors are required to demonstrate the merit of the medicines against five critical requirements: quality, safety and efficacy, as
assessed by the TGA; clinical and cost effectiveness, as assessed by the PBAC; and financial feasibility and acceptability as assessed by the Minister for Health and the cabinet. The committee noted that the processes for assessing applications for registrations and listing are appropriately rigorous and are based on clear cyclical time lines. At the same time, though, the committee notes the concerns raised by sponsors and other stakeholders regarding the potential for inefficiency and uncertainty in the system.

The committee considers that Australia should strive to achieve world's best practice in the approval of medicines and should, therefore, maintain a commitment to continuous improvement of its assessment processes. The committee also noted that the pharmaceutical industry has a significant role to play in achieving timely listing of cancer medicines. The committee received evidence pointing to fast-track processes used by overseas regulators and notes that key features of such processes are early and frequent interactions between the regulator and the sponsor and a process of rolling review. These mechanisms ensure collaboration in the design of trials to collect data that will support registration, together with the flexibility to submit sections of the application for review as they are ready.

The committee considers that some of the suggested avenues for streamlining the assessment process, particularly in the case of resubmitted applications, merit further consideration—for example, pre-application planning meetings to assist sponsors and other stakeholders to better tailor their applications to the requirements of the PBAC. Consequently, the committee made three recommendations to improve access to cancer drugs for Australians. Firstly, the committee recommends that the Australian government initiate a comprehensive review of the system for the registration and subsidisation of medicines. Secondly, the committee recommends that the Australian government commission a review of current data collection mechanisms for cancer medicines, including identification of obstacles to the integration of existing databases and potential avenues for addressing these; opportunities to incorporate data from post-market evaluations; and avenues for capturing data relating to the off-label use of cancer medicines. Finally, the committee recommended that the Australian government establish a steering committee to examine the feasibility of establishing a national register of cancer medicines.

The committee hopes that this report will go some way to improve access to new and innovative cancer drugs to improve outcomes for all Australians. We hope to see a comprehensive and timely response to this report by the government. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Community Affairs References Committee Report

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

Senator POLLEY (Tasmania) (18:23): I want to make some remarks following the tabling of the Community Affairs References Committee's report on its inquiry into out-of-home care. The reason I want to make a contribution tonight is that yet again this week we have unfortunately had the Turnbull government refuse to rule out an increase in the GST to 15 per cent. They have also failed to take off the table that they are going to apply the GST to
those people who are most vulnerable in our community, among them our older Australians. Aged care and out-of-home care services will be affected by an increase in the GST. This is going to have a significant disadvantage for older Australians in this country.

When we were in government we brought about many changes to make ageing and aged care better with the Living Longer, Living Better policy which set the framework for the next decade in this country. As I have said many times in this chamber, it is unfortunate that the assistant minister was unable to even oversee the rollout of that policy. With that, what we asked for was that older Australians who could afford to make a contribution to their care do so. At that time, we believed that was necessary for the Australian economy and to ensure that we kept having the world's best facilities and services. But we never foresaw an increase of up to 15 per cent in the GST.

Mr Turnbull talks about being Prime Minister of a government of the 21st century and being nimble and innovative. He has fallen for the old trap: 'Let's tax working families. Let's increase the GST so it has an impact on fresh food.' Everyday Australians are going to be far worse off. But when it comes to aged care and out-of-home care, this is a really serious issue. It is very unfortunate that, for some reason, those on the government benches do not like older Australians. It is quite clear that they do not like older Australians. They do not want to provide those services. They have done nothing in terms of ensuring that our policy was rolled out in a timely fashion.

The assistant minister, as I said, took his eye off the ball completely. We have seen what they have done with the rollout of the NBN since the Prime Minister was the Minister for Communications. We put into practice very good social policy when it comes to aged care and ageing. For their first two years in government, they did not even have a minister with responsibility for ageing and aged care. And now they have a Minister for Health who has responsibility for aged care but does not even want to enter the debate about the increase in the GST and including that on fresh food such as vegetable and fruit. She does not want to 'muddy the waters'. I find it quite astonishing that a health minister does not want to make any contribution to the current debate about increasing the GST to 15 per cent. We should be doing all we can as legislators to ensure that we have the healthiest population we can. We know there has been an increase in obesity—and this is the health minister! When all else fails, those on the other side slug the worker; they slug those who are the most vulnerable in our community. It is amazing. It is astonishing.

We have seen the Liberal government's idea of economic leadership time and time again and it is not a pretty picture. People are contacting my office. They are contacting not only the senators on this side of the chamber; I am sure the crossbenchers would be getting it and if those on the other side were honest—let alone the people in the other place—they would also admit that constituents are raising their concerns with them. The big policy direction the Prime Minister has taken is to increase the GST to 15 per cent, to jack up the GST.

Those on the other side come in here saying current Labor premiers support an increase in the GST. Heavens above, who has ever known a leader of a state or territory who would not want to have more money going into their coffers! Who wouldn't want more money coming into their state! As the government knows, as we on this side know and as the Australian community knows, the only reason the states would be welcoming any increase is that this
government has cut funding to health and education and is trying to put the squeeze on those states to force them to come out in support of an increase in the GST.

The government say, 'We will compensate people.' Let's be realistic: the government are not going to increase the GST or continue to tax Australians so that they can collect less money. They are doing it because they want to shift money from the states, out of their responsibility, so that they can say, 'You're getting more revenue from the GST'—but let's not worry about the everyday Australians who is going to be affected by this.

We have seen in the media today another issue that affects older Australians. I understand from the shadow minister for local government, that the issue is that this government will not rule out an increase of 15 per cent of GST on local government rates. That is a big issue. We know through other cuts that have been made by this government that the assistance that many states used to be able to give to pensioners and those people on low incomes has had to be cut because the states do not have enough money or they provided that on a temporary basis. This GST issue will affect not only those people living at home and needing out-of-home services but also those people who, through an increase in costs, need to go into residential care.

We have had a lot of changes in the area of aged care, and we have experienced the government's failure and the failure of the former assistant minister for aged care to actually explain to and work and consult with the sector to ensure that older Australians were not unduly concerned and confused about the changes that were being rolled out. That job was not done, because the assistant minister had taken his eye off the ball. Quite frankly, health is a huge portfolio, but the government do not have anyone who is focused on ageing. Ageing is an enormous area of responsibility. We can be so much more innovative when it comes to how we assist older Australians to stay engaged and how we provide services to them.

We talk about the benefits of the China-Australia Free Trade Agreement. I am digressing here, but there are some good opportunities. In this country, we provide very good aged-care services, and there will be opportunities for those in the sector to sell their skills—which is a good thing. I acknowledge that we have some fantastic people working in the sector, but it disappoints me that those people working in the sector do not have any career paths and there are no opportunities—because the government have failed that test as well. They have failed the test. So it is disappointing that they have to grapple for some sort of policy and some sort of vision—because they are so nimble and innovative in their 21st-century government!—but they have failed, because all they are about is taxing those who can least afford it. This is a government of unfairness.

The DEPUTY PRESIDENT: Order! Senator Polley, your time has expired.

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

Leave granted; debate adjourned.

Foreign Affairs, Defence and Trade References Committee
Report

Debate resumed on the motion:
That the Senate take note of the report.
Senator GALLACHER (South Australia) (18:33): I would like to take note of the Foreign Affairs, Defence and Trade References Committee's report *Blind agreement: reforming Australia's treaty-making process*. I want to put a couple of remarks on the record about the deliberations of this committee. This is a report into Australia's treaty-making process. It was finalised just as the China-Australia Free Trade Agreement—a major trade deal of some 10 years in the making, and which was negotiated in secret—was signed and tabled in the Australian parliament. It was referred to the Joint Standing Committee on Treaties for inquiry and report within 20 joint sitting days, consistent with the process that has been in place for two decades. The Trans-Pacific Partnership is also entering its final stages of negotiation, with parliamentarians recently told that they can access the draft text, but only after signing confidentiality agreements.

The committee's inquiry has been timely if for no other reason that it shows, in sharp relief, compelling evidence from industry bodies, the union movement, academic experts and other stakeholders in the treaty-making process that the treaty-making process is in need of reform. During the committee's hearing, the Department of Foreign Affairs and Trade—which is responsible for negotiating, consulting on and finalising free trade agreements—was the lone voice in supporting the status quo. This immediately raises the suspicion that not all is right with the current process.

The committee heard consistent evidence that the current process falls short on a number of counts. Also, it is pointless for JSCOT inquiries to begin after the treaties are signed. It is counterintuitive that complex trade agreements, which are years in the making and negotiated in secret, are subject to stakeholder and parliamentary scrutiny for a few short months with there being no realistic capacity for the text to be changed and then the implementing legislation goes through the parliament unamended. This comes very close to making a mockery of the process of the parliament's involvement.

In addressing these problems, the report steers a middle course between doing nothing, which is the entrenched position of the coalition government, and recommending that treaties be subject to parliamentary approval, which is unlikely to garner political support any time soon. The opposition favours incremental change building on the sensible package of reforms introduced by the government in 1996. This is why the report makes practical recommendations aimed at improving the level of transparency in negotiating treaties and the quality of consultations between DFAT and stakeholders, making parliament a real player in treaty making.

That is just a summation of the findings of the inquiry. I have been fortunate enough to have been educated in treaty making by involvement in the Japan-Australia Economic Partnership Agreement, the Korea-Australia Free Trade Agreement and the ChAFTA—the China-Australia Free Trade Agreement. At the outset, it is very clear: there is not a lot of difference between the Labor Party and the Liberal Party. In fact, all Westminster systems prescribe executive prerogative for making treaties. That has been the way for all Westminster parliaments. It is the job of the minister, it is the job of the government and it is the job of the department to make agreements.

But it is also very clear when you look in detail at the Japan-Australia Economic Partnership Agreement that it is fine for the Japanese to protect rice, beef and all manner of sectors of the economy, but we are opening the doors on our side of the fence to zero tariff.
We are far and away the freest economy when it comes to making these agreements. If you look at the Korea-Australia Free Trade Agreement, we allow zero tariff on Hyundais coming into Australia. The awful, short-term reality of that—whether it is, in aggregate, good for the country or not I am not debating—is that you end up with nearly 2,000 workers in my home state losing their jobs, and you face the flow-on effect of 25,000 people in South Australia whose manufacturing jobs are disappearing.

The minister is probably quite right to say the Korean free trade agreement is, in aggregate, a great deal for Australia. We pick up in agriculture. But, when you look at it in detail, in Korea the real competition was with the United States on beef and with Chile on wine, and, in New Zealand’s case, they are in front of us in a number of areas. So when we are talking about these deals, although we call them free trade agreements, we do not get into their countries for zero tariff. We get in on a competitive basis with our competitors in New Zealand, America and Chile. The impetus to sign these agreements was quite often that if we did not sign them on time we would fall behind in our competitive position against United States or Chile or New Zealand.

I am a free trader, but I do not believe that this government can keep trotting out the rhetoric that all free trade is good and that there is no price to pay. I understand competition is good, but competition means someone finishes first and others finish second, third, fourth and fifth. There are plenty of businesses in Australia that are going to benefit from this free trade environment, but there are plenty who are going to be decimated by the competition that they are not even aware of. It is going to push them out of the marketplace and into other sectors of the economy. The Australian Chamber of Commerce and Industry gave evidence which I will paraphrase. They represent 18,000 companies. About 20 per cent of those companies are involved in export. Around about 50 per cent of those people who are involved in export actually understand what they are doing and take advantage of the opportunities. But a whole 100 per cent of companies face the competitive effects of the free trade agreement. So there are plenty of businesses that are operating right now that do not know what is coming for them as the China free trade agreement takes effect in our economy.

I accept absolutely that there is plenty of opportunity for us to go and do some work over there, but I look at this another way. We can recognise the legal system in Japan and Korea. There was evidence to the effect that Korea has a mature legal system. Lawyers in Australia know how to deal with the legal system in Korea. It is the same in Japan and it is likewise between Japan and Australia. But I do not know anybody who is saying that Australian lawyers know what the legal system looks like in China. I do not know anybody who has put evidence about that. If someone does get into a situation where they need to access legal services in China—in what is basically the communist state of China—because they have got a problem with something in terms of export, I do not know anybody who is saying it is all going to be hunky-dory. I do not know anybody who is saying, ‘Yes, it’s not a problem. You just get Minter Ellison. They go over there and do the business, and you get a decision out of a Chinese court in a week or month or a year.’ I think the complete opposite is true.

Despite the hyperbole about all of these great deals—and they will be great for Australia in aggregate over the long term—there will be pain in sections of the economy. Clearly, the manufacturers of motor vehicles are bereft of assistance from this government. The money
that was set aside to transition them into a better place has not been forthcoming. There will
be other areas in the economy that will do equally as badly as manufacturing.

You cannot go into these things without having a degree of scepticism and, dare I say it,
cynicism. When I was in China earlier this year a person told me that if you want to get a
knock-off Mercedes-Benz it is possible. You can actually buy a knock-off Mercedes-Benz
car—not a handbag; not a pen; a car. We know that in their $15 billion spend-up on the
biggest trading day of the year, Singles Day, 40 per cent of the items that they buy online are
likely to be knock-offs—that is what the Chinese media are saying—and we are inviting them
to flood this country with imports and compete against our businesses and we are all supposed
to say, 'It's going to be great. We're all going to win.' Well, I do not think we are all going to
win. We will win in the long term, in the aggregate, but there is going to be plenty of pain and
there are going to be plenty of companies who suffer.

I suggested that we have an assessment of how valuable these trade agreements are
prospectively and retrospectively. Then I thought, 'What will that do? That will actually
crystallise the losers who will know who to blame—the people who signed the treaty. No
politician is going to agree to that.' We are not going to have a list of companies we put out of
business through these free trade arrangements, because, in aggregate, the truth is Australia
will be better off. But we can make improvements in our transparency and in our due
diligence and we can be more honest in our presentation of these agreements to the Australian
people. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

COMMITTEES

Consideration

The following orders of the day relating to committee reports and government responses
were considered:

Procedure—Standing Committee—Third report of 2015—Ministerial statements; Publications
Committee. Motion of the chair of the committee (Senator Marshall) to take note of report agreed to.

Education and Employment References Committee—Getting our money's worth: the operation,
regulation and funding of private vocational education and training (VET) providers in Australia—
Report. Motion of Senator Carr to take note of report called on. On the motion of Senator Bilyk the
debate was adjourned till the next day of sitting.

Trade and Investment Growth—Joint Select Committee—Inquiry into business experience in
utilising Australia's free trade agreements—Report. Motion of Senator Smith to take note of report
agreed to.

Education and Employment References Committee—Australia's temporary work visa programs—
Interim report. Motion of the chair of the committee (Senator Lines) to take note of report called on.
On the motion of Senator Bilyk the debate was adjourned till the next day of sitting.

Foreign Affairs, Defence and Trade Legislation Committee—International Aid (Promoting Gender
Equality) Bill 2015—Report. Motion of Senator Fawcett to take note of report agreed to.

Health—Select Committee—Australian Hearing: too important to privatise—Third interim report.
Motion of the chair of the committee (Senator O'Neill) to take note of report called on. On the motion
of Senator Bilyk the debate was adjourned till the next day of sitting.

Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in
Nauru—Select Committee—Taking responsibility: conditions and circumstances at Australia's regional
processing centre in Nauru—Report. Motion of Senator Gallacher to take note of report called on. On the motion of Senator Bilyk the debate was adjourned till the next day of sitting.

Economics References Committee—Future of Australia’s naval shipbuilding industry—Interim report. Motion of Senator Canavan to take note of report called on. On the motion of Senator Smith the debate was adjourned till the next day of sitting.

Finance and Public Administration References Committee—Domestic violence in Australia—Report. Motion of Senator Gallagher to take note of report called on. On the motion of Senator Bilyk the debate was adjourned till the next day of sitting.

Economics References Committee—Future of Australia’s naval shipbuilding industry: Long-term planning (part 3)—Report. Motion of Senator McEwen to take note of report called on. On the motion of Senator Bilyk the debate was adjourned till the next day of sitting.

Foreign Affairs, Defence and Trade References Committee—Use of unmanned air, maritime and land platforms by the Australian Defence Force—Report. Motion of the chair of the committee (Senator Gallacher) to take note of report called on. On the motion of Senator Bilyk the debate was adjourned till the next day of sitting.

Community Affairs References Committee—Adequacy of existing residential care arrangements available for young people with severe physical, mental or intellectual disabilities in Australia—Report. Motion of the chair of the committee (Senator Siewert) to take note of report called on. Debate adjourned till the next day of sitting, Senator Bilyk in continuation.

National Broadband Network—Select Committee—Second interim report—Government response. Motion of Senator McEwen to take note of document called on. On the motion of Senator Bilyk the debate was adjourned till the next day of sitting.

Legal and Constitutional Affairs References Committee—Ability of Australian law enforcement authorities to eliminate gun-related violence in the community—Report. Motion to take note of report called on. On the motion of Senator Smith the debate was adjourned till the next day of sitting.

ADJOURNMENT

The DEPUTY PRESIDENT (18:44): Order! There being no further consideration of committee reports, government responses and Auditor-General’s reports, I propose the question:

That the Senate do now adjourn.

Burma

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (18:44): I rise tonight to reflect on something that is very dear to the heart of everyone in this place and to all Australians. Without it none of us would be here in this chamber this evening. Of course I am speaking about the power of democracy.

Last night I returned from several days in Myanmar—or, as some people still prefer to call it, Burma—where, along with Senator Ludlam and the member for Bendigo in the other place, Lisa Chesters, I was privileged to witness that nation’s first fully-contested democratic election in 25 years. As part of Australia’s official observer mission, we three parliamentarians were joined by an official from the Australian Electoral Commission, Mr Pablo Carpay, as well as staff from the Australian Embassy on the ground in Yangon.

Australia had a significant stake in the success of this election process, having provided over $4 million to help the Union Election Commission, the body charged with running the election, to build its capacity, train polling staff and undertake voter education campaigns. It
is also a matter of intense interest for the 21,760 Myanmar-born people in Australia, the largest group of whom live in my home state of Western Australia, which, at the last census, reported 7,546 residents originally from Myanmar.

It is very, very easy here in Australia, with our long tradition of peaceful, democratic stability, not to mention compulsory voting, to take for granted our electoral process and the right we all share to participate. I think this is sometimes doubly the case for those of us who live and breathe the political process, as do most of us in this Senate chamber. My suggestion, for anyone who catches themselves feeling cynical about the democratic process, is that they spend time amongst people who have been denied democratic rights, because the opportunity to be with people as they exercise democratic rights that had been denied to them for decades was truly inspiring. Australians should count themselves very fortunate to live in a country where the biggest danger most of us face when we go to a polling booth is not being able to get a car park or perhaps burning our fingers on the sausage we might pick up from the traditional polling-place sausage sizzle.

As I arrived in Yangon last Thursday, the local media were filled with reports about the security preparations that were being made and the huge numbers of additional police being recruited to work at polling places across the nation. This is not something that we have had to contend with here in our own country. But I was especially pleased that I had the opportunity to spend polling day in a relatively small place and witness firsthand the real grassroots enthusiasm for democratic reform. On the day before polling day, we drove close to six hours from Yangon to a town near Hpa An in the south-east of the country to observe Sunday’s election. After an early 4 am start on election day to witness the opening of the poll at 6 am, we visited seven polling booths across the town and adjacent rural villages. We started and ended the day in the same place, a very small rural village outside Hpa An, where we watched the prepoll preparations and returned late in the afternoon for the closing of the poll at 4 pm and then to witness the vote counting. It was a small place by our own standards, with a total of just 800 votes being cast there.

For those who have been watching the results come in and have wondered about what seems to be the slow pace of the count, the following explanation of the process may be illustrative. This being the first democratic election in a quarter of a century, everyone involved has been eager to ensure the results truly reflected the will of the voters, and thus the process of counting has been a painstaking one. In the polling place that I attended, it took some six hours to count just 800 votes, a task performed under a very dim light bulb, which was powered by a small generator which had in fact been donated by one of the political parties. Every individual ballot paper was held up for careful examination by each scrutineer, was declared accordingly for a candidate, checked for informality and then placed in a basket. This was done for every vote in each of the three contests I witnessed: the upper house, lower house and regional assembly. In some polling places across the country, there were added ballots to elect ethnic minority representatives.

It has been encouraging to see the comments from official observers from the European Union that the elections ran better than expected and the congratulations to all involved from UN Secretary-General Ban Ki-moon when he spoke of their patience, dignity and enthusiasm. As most of us will be aware by now, the result of the election has been a sizeable victory for the National League of Democracy, the party of long-term pro-democracy campaigner Aung
San Suu Kyi. Of course, as the constitution currently stands, Aung San Suu Kyi will not herself be eligible to occupy the office of President. The President is elected by members of parliament rather than through a direct vote of the public, so this element of the process is yet to play out. Whether that aspect of the constitution is amended will now also be a matter of the people's democratically-elected representatives.

Australians should of course be pleased that the elections have proceeded in a peaceful and orderly manner. It is also pleasing to hear reports over the last 48 hours that the military regime has said it will honour the election results and cooperate with the peaceful transition to democracy. One hopes these commitments are indeed honoured and honoured in full.

That said, and historic and happy as this experience has been, I think we need to remain vigilant, because the form of democracy that has been instituted is not perfect. The fact that 25 per cent of the seats in parliament are automatically assigned to the military continues to be of concern. It is a structural feature of the Myanmar constitution alien to a true democracy. Continuing regional conflicts and restrictions on citizenship mean the franchise was not universal, and certainly not as wide as it could and should have been. But I hope that this is something the newly-elected government will work to address in no short time.

These concerns should not detract from this moment, however, because it has been achieved peacefully. It was and has been a historic and significant event.

I would like to express my sincere appreciation for Australia's ambassador in Myanmar, Nicholas Coppel, and for Andrea Cole, an official at the embassy who accompanied me on my travels, and to the locally engaged staff that support her, Khaing Aye Nyein and Nguwar Zan. Their professional and exceptional support was much appreciated.

Of course, Myanmar's democracy is not perfect—but then, whose is? The United Kingdom has significant malapportionment issues. The United States continues to experience issues with voting equipment and voter registration in some cases. In Western Australia, indeed, we had our own issues late last year, when the entire state was forced to return to the polls and rerun the 2013 Senate election, thanks to the AEC losing ballot papers during the original count.

All of these things are unfortunate and can be improved, but my point is that democracy is imperfect. It calls to mind the observation attributed to Winston Churchill:

Democracy is the worst form of government, except for all the others.

Yesterday, we marked the 40th anniversary of what I think was the most tense and testing time in Australia's own democratic experience: the dismissal of the Whitlam government by Governor-General Sir John Kerr, on 11 Nov 1975. I am not going to reflect on this at length, but I want to record my concern at some of the revisionism that seems to be creeping into coverage of this event, particularly over recent days. The Labor Party and others have long been fond of claiming that the events of 1975 were an affront to democracy. The Leader of the Opposition was at it again yesterday in the House when he said that what had occurred was a conspiracy that showed disrespect for the democratic rights of the Australian people and will rightly stand condemned by all Australians.

I think it is worth quoting from the statement of reasons issued on that day by the Governor-General, which I think places these matters in some context. It said:
The result is that there will be an early general election for both Houses and the people can do what, in a democracy such as ours, is their responsibility and duty and theirs alone. It is for the people now to decide the issue which the two leaders have failed to settle.

That is precisely the point. The parliament was completely deadlocked and the government could not obtain supply. In all the outrage and hand-wringing we heard then and still hear today, I have not heard any sustainable argument from opponents of what occurred as to how they would resolve the matter. How the Leader of the Opposition makes the case that the calling of an election amounts to disrespect for the democratic rights of the Australian people, I do not understand. It is not as though the Governor-General's actions were without scrutiny at the time. Labor's entire campaign in 1975 urged people to 'maintain the rage' and 'right the wrong' by re-electing Gough Whitlam. Instead, the Australian people administered to him the biggest defeat in Australian electoral history.

Forty years on, it is time for people to be less hysterical and tribal about these events. In our system the people are sovereign and the people made their choice, and Australians have been forever in their debt for the decision they made in 1975. (Time expired)

**Domestic and Family Violence**

**Senator LINES** (Western Australia) (18:54): I want to talk tonight about the issue of domestic violence in Australia. In Australia, almost two women every week die at the hands of a current or former partner. One woman in three has experienced physical violence, and that physical violence starts to come into play once that young woman turns the age of 15. One in five women has experienced sexual violence. One woman in four has experienced emotional abuse by a current or former partner. Women in Australia are three times more likely than men to experience violence at the hands of a partner. More than half of the women who experience violence had children in their care when the violence occurred. Young women between the ages of 18 and 24 years experience significantly higher rates of physical and sexual violence than women in older age groups.

There is growing evidence that women with a disability are more likely to experience violence. Some say 90 per cent of Australian women with an intellectual disability have been subject to sexual abuse. And, of course, Aboriginal and Torres Strait Islander women experience disproportionately high levels of family violence. These women are our daughters, our sisters, our mothers, our grandmothers, our great granddaughters and our nieces. They are women in this place. They are women who are politicians. They are women who work in the Australian parliament.

Physical and sexual abuse of children is also more common in households where there is domestic violence. Intimate-partner violence is the leading contributor to ill health and premature death in women under 45—more than any other well-known risk, including high blood pressure, obesity and smoking.

There is a cost to the economy, which I will go into a little later. But ultimately it is about gender inequality. It is about social norms, it is about social practices and it is about the structures of our communities. When we start from very early on to socialise young girls and young boys, young girls are always pretty but are never smart, and young boys are always tough and strong. All around them these images are portrayed.
One of the areas that I am really pleased about is Our Watch, Changing the Story. Yes, it is critical that we have the services on the ground—refuges where women can flee. We need to make sure that our law enforcement agencies respond much more quickly and appropriately. We have some good models in Australia, but not nearly enough. But we necessarily need to change the culture. That is one of the roles that White Ribbon plays in trying to change the culture of men in how they behave towards women.

But we all have a responsibility to change the culture, if we are to stop domestic violence in our society. It is not as if these statistics are new. They are not. Those statistics I read out have been published since the early 2000s. In fact, in some of the publications I looked at, those statistics have not changed—they have not improved and in fact they have worsened—since a major report in 2009.

We have had a Senate inquiry into domestic violence. What I want to see us do in this place is set targets. Having almost two women killed every week in Australia at the hands of the person they love, at the hands of the person they trust in their family home, is simply not good enough. We have to stop that violence.

When I board a plane, I look down the plane and I know that most of the women on that plane have been victims of domestic violence, because the rate is so high—it is one in three. We also know that men are perpetrators of that. When you are in a closed environment, they are the sorts of issues that I certainly start to look at.

What happens when Rosie Batty is no longer the Australian of the Year? What a tragic event it was that brought Rosie Batty into the spotlight—an ordinary woman living in rural Victoria raising her son; a woman who was proud to be a mother and thought it was the best and most blessed thing that had ever happened to her. She had a history with a partner who was violent toward her, and yet, ultimately, the system let her down when her son Luke was murdered by her ex-partner. That is what put Rosie Batty in the spotlight. Despite being an amazing and articulate woman, no-one in this place, not any woman in this chamber or anywhere in Australia, would want to swap places with Rosie Batty. What will happen when her tenure as Australian of the Year ends? This is something that the chair of the Senate inquiry, Senator Gallagher, raised. What will happen then? Right now, Rosie Batty is keeping this issue at the forefront. She has set up a foundation and she has set up the website Never Alone, and that is contributing a well.

This is the year when we as a community and we as a country said, 'Rosie Batty is our Australian of the Year.' This is the time for us to really act together, to be bipartisan, on this issue, in the same way that we have been on Close the Gap. We do need a similar approach to stopping violence. This is where we really need to focus. Everyone in this parliament needs to join together and start saying, 'We are going count. We are going to really evaluate, as a parliament—as parliamentarians in this place—together. We are going to take the party politics out of it, and we are going to act collectively.' Wouldn't it be a good start to begin to publish what happens in terms of domestic violence in Australia and to set ourselves some achievable goals? What are we able to achieve in the next year? What tribute and what lasting effect can we put in place to ensure that what has happened to Rosie Batty and women like her never happens again, so they are free of domestic violence and their children are safe?

The other horrible statistic is that children witness a lot of this violence. We have known for a very long time that when children grow up in violent homes that is how they respond,
because that is all they know. Those of us in here who have children would never want them to be subjected to that sort of violence, yet we know it goes on in many homes. In homes in the streets that we live in there are very high levels of domestic violence.

I would urge the parliament, the Senate, to adopt the recommendations supported by all members of the committee that looked into domestic violence in Australia and to start to say, 'Let's put aside our political differences.' Domestic violence is an issue—like Close the Gap—that we can be bipartisan on and that we can all sign up to. There is enough common ground out there now that we can all get behind our watch and cultural change. We can start to measure that. We all get behind White Ribbon Day and some of us here are ambassadors. So we are all able to get on board with that. Let's really make it count. Let's focus as a parliament on the issue of domestic violence. Let's start to evaluate what matters and get those deaths down. There are almost two deaths a week. Somebody loses a loved one—a mother, a sister, a grandmother, a niece—who is killed each week because of domestic violence at the hands of their partner or their ex-partner. That is clearly not good enough. That is an appalling statistic. I urge those opposite and those on this side to look at that report and to work out what we can do together—and let's really start to stop domestic violence in this country.

**Workplace Relations**


The ACTING DEPUTY PRESIDENT (Senator Back): Until the documents have been sighted—

Senator McKENZIE: The documents have been sighted.

The ACTING DEPUTY PRESIDENT: If you could commence, Senator McKenzie—

Senator McKENZIE: I am seeking leave for my documents to be tabled.

The ACTING DEPUTY PRESIDENT: At the moment leave is not granted until colleagues have had a look at them. So would you like to pause or proceed?

Senator McKENZIE: I will pause.

The ACTING DEPUTY PRESIDENT: Pause the clock.

Senator Urquhart: The point I want to make is that it would have been helpful for us to have had the documents much earlier to be able to have a good look at them. I want to make that point to Senator McKenzie.

Leave granted.

Senator McKENZIE: I thank Senator Urquhart for that, and I appreciate it. It has been a back-to-back day. Tonight I want to talk about bad bosses: bad bosses who treat their employees like dirt; bad bosses who let bullies, thugs and criminals control their workplace and do nothing; bad bosses who fail to take action against workplace bullies who intimidate their staff; bad bosses who ignore victims of bullying when they speak out; and, even worse, bad bosses who take the side of the bullies and then victimise, sack and smear the victims. There are two bad bosses I wish to focus on. They are responsible for the construction division of the CFMEU. They are the national construction division secretary, Dave Noonan, and the national CFMEU secretary, Michael O'Connor.
Today I wish to draw the Senate's attention to the recent sackings in the CFMEU of three officials who blew the whistle on the corrupt culture within the union. In response, they were intimidated, threatened, vilified and driven out of the union. They have recently commenced proceedings in the Federal Court against the union, and tonight I was able to table the affidavits from those three individuals and draw the Senate's attention to some of the most disturbing evidence that they contain.

Andrew Quirk, Brian Miller and Brian Fitzpatrick are all former CFMEU officials who have recently been purged from the union. This followed soon after they raised concerns within the union about corrupt behaviour by senior officials of the union and its apparent infiltration by, amongst others, the organised crime figure George Alex. Mr Quirk first raised concerns in 2011 regarding the union's New South Wales secretary, Brian Parker, whom he alleged was corrupt, with a lifestyle that was out of sync with his income. According to the affidavits, soon after Brian Parker became New South Wales state secretary in 2012, George Alex began to be regularly seen in the union's headquarters and was closely associated with its leadership. Evidence to the Heydon royal commission last year showed that senior CFMEU officials Brian Parker and Darren Greenfield were regularly seen at George Alex's house. According to the evidence, Mr Alex's house was regularly full of men described alternatively as 'bikies' or 'bodybuilder' types.

The affidavits go on to state that, soon after one of George Alex's companies went bust, leaving CFMEU members employed by the company out of pocket, an alleged phoenix company was started by Mr Alex. Brian Parker agreed to an EBA with the company that had been negotiated by Darren Greenfield. When concerns were raised about Mr Alex by Mr Fitzpatrick, he received a death threat from Mr Greenfield, who said words to the effect: You've gone too far this time you fat c**t. Your're dead. I'm going to come out there tomorrow and f**king kill you. I don't care how many police you have around you.

When Brian Parker was informed of this threat, he refused to take action.

As the influence of Mr Alex grew and Mr Greenfield continued to cover for him, Mr Quirk raised his concerns with Dave Noonan in mid-2013. He informed Mr Noonan that he had concerns over the safety of himself and his family. Noonan took no action. Noonan in fact replied that he was 'busy with the federal election' and never got back to him. Soon after, Mr Quirk raised his concerns with Michael O'Connor, who also did nothing. Mr O'Connor contacted Mr Quirk several days later from an overseas airport stating that he had gone on holidays in the aftermath of the federal election.

There is a consistent theme here. It seems that for Messrs O'Connor and Noonan their priorities as Labor Party powerbrokers are far more important than their duty of care to their staff or protecting their union from the infiltration of criminals. Mr Quirk finally met with Mr O'Connor late in 2013, where he spelt out his concerns. In particular, Mr Quirk states that he asked Mr O'Connor to investigate why the Victorian branch of the CFMEU was entering into an EBA with a George Alex company and whether this was as a result of corrupt behaviour. Mr O'Connor responded that he would not.

Andrew Quirk previously revealed on the 7.30 program on 16 October 2014 that O'Connor had ignored his concerns about corruption. Mr Quirk said:

I gave Michael specific information that George Alex and a organised crime figure from Melbourne had co-invested in a Sydney company. Right? And I'm saying to Michael, "Look, you've got a problem here.
You've got a problem in Melbourne here and you've got a problem in Sydney, mate." Right? "There's no good running away from this. We're not talking about, you know, stealing the tuckshop money here." Right?

7.30 reported:
Quirk left the meeting believing O'Connor wasn't prepared to take action.

If Michael OConnor's response was to do nothing, then what was Dave Noonan's response? Star chambers and sackings.

Following the 7.30 story on 16 October, Dave Noonan issued a media release smearing the whistleblowers. Noonan's release absurdly claimed:
... there is a faction operating within the NSW branch of the CFMEU that is attempting to destabilise the current leadership and is using the Royal Commission as a vehicle to pursue their political objectives.

Noonan also issued a so-called summons to the whistleblowers for them to attend a star chamber meeting of the CFMEU divisional executive to answer a so-called charge under the union's rules. This charge was that the whistleblowers were charged with 'gross misbehaviour' in that they had spoken to the media 'without authorisation of the union' and made comments 'adverse to the union'. Noonan's letter also tried to intimidate the whistleblowers into silence, warning them that:
... the Divisional Executive has directed that you make no comment to any journalist or any media outlet about matters pertaining to the union until the charge of gross misconduct is dealt with.

All three affidavits that I have tabled tonight also show how they were fitted up with false claims of workplace misconduct as part of the CFMEU bosses' campaign of vilification and intimidation against them. Of course, none of this would have been possible if not for Michael O'Connor's tacit approval.

In contrast to the fate of the three whistleblowers, numerous notorious CFMEU officials continue to hold office. The CFMEU's hall of shame—and I have spoken about it in this place numerous times—now includes the following office holders. John Setka, recommended by the royal commission for criminal charges, still runs the Victorian branch, in my home state. Setka's deputy, Shaun Reardon, found to have engaged in a prolonged campaign of stalking and harassment of a female public servant, still holds his office in the branch. Brian Parker, found by the royal commission to not be a fit and proper person to hold such an office, still runs the New South Wales division. His sidekick, Darren Greenfield, found to have made death threats against another official who blew the whistle, is still in his position. And Luke Collier, reported to have seriously bashed his female partner and recently charged with a separate criminal offence of intimidating a female public servant, remains on the CFMEU payroll as an organiser in WA.

Meanwhile, those who did speak out against corruption and thuggery, such as Brian Fitzpatrick, Brian Miller and Andrew Quirk, have been ruthlessly purged by Dave Noonan whilst Michael O'Connor stood by and did nothing.

The CFMEU's motto includes the words 'Stand Up. Speak Out.' I commend Senator Lines on her previous adjournment speech. It is difficult to imagine a more dishonest slogan for this union, given the fate of those who have had the courage to stand up and speak out. For this, the national leadership of the union must bear responsibility. Those responsible are the two
bad bosses, Dave Noonan and Michael O'Connor. Michael O'Connor is now the Sepp Blatter of the union movement—he presides over an organisation that is a crooked farce. His attempts to cover up the corruption in his organisation, and his attempts to downplay his own responsibility for them, are as laughable as those of Mr Blatter. But they are more than just laughable. For those who are aware of the criminality and bullying that he has condoned, they are downright sinister.

Senate adjourned at 19:16

DOCUMENTS

Tabling

The following documents were tabled by the Clerk pursuant to statute:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]

Corporations Act 2001—
ASIC Corporations (Amendment) Instrument 2015/963 [F2015L01767].
ASIC Corporations (Amendment) Instrument 2015/999 [F2015L01772].
ASIC Corporations (Division 4 Financial Products) Instrument 2015/1030 [F2015L01771].
ASIC Corporations (Repeal) Instrument 2015/1031 [F2015L01770].

Currency Act 1965—Currency (Royal Australian Mint) Determination 2015 (No. 9) [F2015L01766].


Radiocommunications Act 1992—
Radiocommunications (Class of Services) Amendment (Removal of 27 GHz Band) Determination 2015 [F2015L01773].