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**SITTING DAYS—2018**

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FORTY-FIFTH PARLIAMENT
FIRST SESSION—SIXTH PERIOD

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

Senate Office Holders
President—Senator Hon. Scott Ryan
Deputy President and Chair of Committees—Senator Susan Lines
Temporary Chairs of Committees—Senators Bernardi, Fawcett, Gallacher, Ketter, Kitching, Leyonhjelm, Marshall, McCarthy, O'Sullivan, Reynolds, Sterle, Whish-Wilson and Williams
Leader of the Government in the Senate—Senator Hon. Mathias Cormann
Deputy Leader of the Government in the Senate—Senator Hon. Mitchell Peter Fifield
Leader of the Opposition in the Senate—Senator Hon. Penny Wong
Deputy Leader of the Opposition in the Senate—Senator Hon. Don Farrell
Manager of Government Business in the Senate—Senator Hon. Simon Birmingham
Manager of Opposition Business in the Senate—Senator Jacinta Collins

Senate Party Leaders and Whips
Leader of the Liberal Party in the Senate—Senator Hon. Mathias Cormann
Deputy Leader of the Liberal Party in the Senate—Senator Hon. Mitchell Peter Fifield
Leader of The Nationals in the Senate—Senator Hon. Nigel Scullion
Leader of the Labor Party in the Senate—Senator Hon. Penny Wong
Deputy Leader of the Labor Party in the Senate—Senator Hon. Don Farrell
Leader of the Australian Greens—Senator Richard Di Natale
Acting Deputy Leader of the Australian Greens in the Senate—Senator Rachel Siewert
Chief Government Whip—Senator David Christopher Bushby
Deputy Government Whips—Senators David Julian Fawcett and Dean Anthony Smith
The Nationals Whip—Senator John Williams
Chief Opposition Whip—Senator Anne Elizabeth Urquhart
Deputy Opposition Whips—Senators Jennifer McAllister and Christopher Ronald Ketter
Australian Greens Whip—Senator Rachel Siewert

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

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<th>Territory</th>
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</table>

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

\(^{(2)}\) Chosen by the Court of Disputed Returns to fill a disqualification (vice B Day), pursuant to section 44(v) of the Constitution.

\(^{(3)}\) Chosen by the Court of Disputed Returns to fill a disqualification (vice R Culleton), pursuant to sections 44 and 45 of the Constitution.

\(^{(4)}\) Chosen by the Court of Disputed Returns to fill a disqualification (vice C Back), pursuant to section 15 of the Constitution.

\(^{(5)}\) Chosen by the Court of Disputed Returns to fill a disqualification (vice S Ludlam), pursuant to section 44(i) of the Constitution.

\(^{(6)}\) Chosen by the Court of Disputed Returns to fill a disqualification (vice L Waters), pursuant to section 44(i) of the Constitution.

\(^{(7)}\) Chosen by the Court of Disputed Returns to fill a disqualification (vice F Nash), pursuant to section 44(i) of the Constitution.

\(^{(8)}\) Chosen by the Court of Disputed Returns to fill a disqualification (vice M Roberts), pursuant to section 44(i) of the Constitution.

\(^{(9)}\) Chosen by the Parliament of South Australia to fill a casual vacancy (vice N Xenophon), pursuant to section 15 of the Constitution.

\(^{(10)}\) Chosen by the Court of Disputed Returns to fill a disqualification (vice S Parry), pursuant to section 44(i) of the Constitution.
Chosen by the Court of Disputed Returns to fill a disqualification (vice J Lambie), pursuant to section 44(i) of the Constitution.

Chosen by the Court of Disputed Returns to fill a disqualification (vice S Kakoschke-Moore), pursuant to section 44(i) of the Constitution.

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

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

Chosen by the Court of Disputed Returns to fill a disqualification (vice K Gallagher), pursuant to section 44(i) of the Constitution.

PARTY ABBREVIATIONS
AG—Australian Greens; AC—Australian Conservatives; ALP—Australian Labor Party;
KAP—Katter's Australian Party; CA—Centre Alliance;
CLP—Country Liberal Party; DHJP—Derryn Hinch's Justice Party;
IND—Independent; LDP—Liberal Democratic Party;
LNP—Liberal National Party; LP—Liberal Party of Australia;
NATS—The Nationals; PHON—Pauline Hanson's One Nation;
UAP—United Australia Party

Heads of Parliamentary Departments
Clerk of the Senate—R Pye
Clerk of the House of Representatives—D Elder
Secretary, Department of Parliamentary Services—R Stefanic
Parliamentary Budget Officer—J Wilkinson
# Turnbull Ministry

<table>
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<tr>
<td>Prime Minister</td>
<td>Hon. Malcolm Turnbull MP</td>
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<tr>
<td>Minister for Indigenous Affairs</td>
<td>Senator the Hon. Nigel Scullion</td>
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<tr>
<td>Minister for Women</td>
<td>Hon. Kelly O'Dwyer MP</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for Digital Transformation</td>
<td>Hon. Michael Keenan MP</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for the Public Service</td>
<td>Hon. Kelly O'Dwyer MP</td>
</tr>
<tr>
<td>Assistant Minister to the Prime Minister</td>
<td>Senator the Hon. James McGrath</td>
</tr>
<tr>
<td>Deputy Prime Minister and Minister for Infrastructure and Transport</td>
<td>Hon. Michael McCormack MP</td>
</tr>
<tr>
<td>Minister for Regional Development, Territories and Local Government</td>
<td>Hon. Dr John McVeigh MP</td>
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<tr>
<td>Minister for Urban Infrastructure and Cities</td>
<td>Hon. Paul Fletcher MP</td>
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<tr>
<td>Assistant Minister to the Deputy Prime Minister</td>
<td>Hon. Keith Pitt MP</td>
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<tr>
<td>Minister for Foreign Affairs</td>
<td>Hon. Julie Bishop MP</td>
</tr>
<tr>
<td>Minister for Trade, Tourism and Investment</td>
<td>Hon. Steven Ciobo MP</td>
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<tr>
<td>Minister for International Development and the Pacific</td>
<td>Senator the Hon. Concetta Fierravanti-Wells</td>
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<td>Assistant Minister for Trade, Tourism and Investment</td>
<td>Hon. Mark Coulton MP</td>
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<tr>
<td>Minister for Finance</td>
<td>Senator the Hon. Mathias Cormann</td>
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<td>(Vice-President of the Executive Council)</td>
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<tr>
<td>(Leader of the Government in the Senate)</td>
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<td>Special Minister of State</td>
<td>Senator the Hon. Mathias Cormann</td>
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<tr>
<td>Assistant Minister for Finance</td>
<td>Hon. David Coleman MP</td>
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<tr>
<td>Treasurer</td>
<td>Hon. Scott Morrison MP</td>
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<td>Minister for Revenue and Financial Services</td>
<td>Hon. Kelly O'Dwyer MP</td>
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<tr>
<td>Assistant Minister to the Treasurer</td>
<td>Hon. Michael Sukkar MP</td>
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<tr>
<td>Minister for Defence</td>
<td>Senator the Hon. Marise Payne</td>
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<tr>
<td>(Leader of the House)</td>
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<tr>
<td>Minister for Defence Industry</td>
<td>Hon. Christopher Pyne MP</td>
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<tr>
<td>Minister for Veterans’ Affairs</td>
<td>Hon. Darren Chester MP</td>
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<tr>
<td>Minister for Defence Personnel</td>
<td>Hon. Darren Chester MP</td>
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<tr>
<td>(Deputy Leader of the House)</td>
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<tr>
<td>Minister Assisting the Prime Minister for the Centenary of ANZAC</td>
<td>Hon. Darren Chester MP</td>
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<td>Minister for Home Affairs</td>
<td>Hon. Peter Dutton MP</td>
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<td>Minister for Immigration and Border Protection</td>
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<td>Minister for Citizenship and Multicultural Affairs</td>
<td>Hon. Alan Tudge MP</td>
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<td>Minister for Law Enforcement and Cyber Security</td>
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<td>Hon. Christian Porter MP</td>
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Wednesday, 15 August 2018

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

MOTIONS

Migration

Senator WONG (South Australia—Leader of the Opposition in the Senate) (09:31): I seek leave to move a motion relating to the dismantling of the White Australia Policy.

The PRESIDENT: Is leave granted?

Senator Hinch: Mr President, a point of order: I understand what Senator Wong is going to do. I seek leave to make a very brief personal statement before she does that—I support what she's doing.

The PRESIDENT: I need to put the question about whether Senator Wong is granted leave to move the motion first. Is leave granted?

Leave granted.

Senator WONG: I thank the Senate for the courtesy. I move the following motion:

That the Senate—

(a) acknowledges the historic action of the Holt Government, with bipartisan support from the Australian Labor Party, in initiating the dismantling of the White Australia policy;

(b) recognises that, since 1973, successive Labor and Liberal/National Party governments have, with bipartisan support, pursued a racially non-discriminatory immigration policy to the overwhelming national, and international, benefit of Australia; and

(c) gives its unambiguous and unqualified commitment to the principle that, whatever criteria are applied by Australian governments in exercising their sovereign right to determine the composition of the immigration intake, race, faith or ethnic origin shall never, explicitly or implicitly, be among them.

Yesterday in this chamber we saw a speech that was not worthy of this parliament. We saw a speech that did not reflect the heart of this country. We saw a speech that did not reflect a strong, independent, multicultural, tolerant, accepting nation that we are. We saw a speech that did not reflect a nation which has been built by people from every country, every part of this world—a strong independent multicultural nation. Instead, we saw a speech that sought to divide us. We saw a speech that sought to fan prejudice. We saw a speech that sought to fan racism. I say again—and I know this is a statement that so many in this country support—that a nation that is divided is never safer. A nation that is divided is never stronger. Making others lesser, fanning prejudice and discrimination, has never made a nation safer.

It is so important that we in this chamber express our view, our positive view, about what values matter to us. We have built this country, a country that is the most multicultural nation on the face of the earth, not because we have allowed prejudice to persist, not because we have allowed discrimination to exist, not because we have accepted division but because we have stood against it. We have built this country because we have stood for unity, for a collective, for community and for values of acceptance and respect, values that are intrinsic to who we are. What we must do as a parliament, and that is what this motion does, is assert those values again.
There are many times in this chamber—and we saw them in question time yesterday and no doubt we'll see them again—when we have a bit of a barney, when the partisan system is at its finest or perhaps at its least fine. But the times in our history that have been of most importance on these issues have been when our parties have worked together, when our parties have stood for the values that have built modern Australia, when our parties have stood for the values of acceptance and respect and have stood against discrimination and prejudice. That is the history of Australia, and it is your history as much as it is ours. Today let us demonstrate that again. Let us demonstrate again that bipartisan support for those Australian values of inclusion, acceptance and respect; a belief in equality; the rejection of racism; the rejection of prejudice; and the rejection of division. Let us support tolerance, acceptance, respect and equality. Let us stand for that because that is the best of this country.

I want to say something on a human level. Think of what might be happening in some of the schoolyards in Australia today. Those of us who've been on the receiving end of racism know what it feels like and know that what leaders say matters. To be prejudiced against a group the first thing you have to do is diminish them, to say that they are somehow lesser and not deserving of the empathy that you would want for yourself and your family. That is the worst thing about the speech that we saw last night—because it sought to make one part of Australia less worthy of empathy. That is the first step in prejudice.

So I ask this chamber to support this motion and I ask us to reflect on what is the best of who we are and why it is so important that we do not allow any of our fellow Australians to be as diminished as they were in yesterday's speech and, more importantly, why we must go forward, particularly the parties of government, adhering to the central values that are at the heart of the Australian nation: tolerance, respect, acceptance and equality.

**Senator CORMANN** (Western Australia—Leader of the Government in the Senate, Minister for Finance, Special Minister of State and Vice-President of the Executive Council) (09:37): The government will be supporting the motion moved by Senator Wong. Australia is a great migrant nation. Australia is a country which has welcomed people from all corners of the world. Australia is a country where, whatever your background, you will have the opportunity to contribute, to reach your full potential and to build a life for yourself and your family. Ours is a nation where all Australians, whatever their background, should be judged by the content of their character and their actions and not by the colour of their skin, their religious faith or any other consideration. It is in that spirit that, on behalf of the government, I'm speaking in support of this motion.

This chamber in many ways is a true reflection of what a great migrant nation we are. We have in this chamber representatives of our Indigenous community. We have in this chamber representatives of Australians whose families have been here for generations. They are the descendants of migrants who came to Australia more than 100 years ago. We have in this chamber first-generation migrants from Kenya, Malaysia, Belgium, Germany and Scotland. What a great country we are where first-generation Australians can join First Australians and those Australians whose families have lived here for more than 100 years and all work together to make our great country an even better country.

I very much support the sentiment in the motion that says that, since the Holt government, with the support of the Labor Party at the time, initiated the dismantling of the White Australia policy, Australia has become a better country. It has served us well as a country.
domestically and it has served us well as a country internationally. Let's continue to build on what makes us strong. Let's not go back to something that we made the right decision to dismantle some decades ago.

Senator DI NATALE (Victoria—Leader of the Australian Greens) (09:39): The Greens will absolutely be supporting this motion. We are a proud nation of immigrants. The things that bring us together are far more important and far more significant than the things that divide us. We should be very proud of the multicultural story here in Australia. Multiculturalism is often framed in language around people from multicultural communities needing to accept Australian values, but there's something much deeper going on. What it means is that people who come here from right around the world actually enrich our values. They make us better. They make us think more deeply about our national character. They help us to reflect on those things which we can learn from those communities that come here, make a contribution and make Australia a better place.

Of course, we know that, despite the fact that multiculturalism is embraced by the wider community, it's something we never have to stop fighting for. If recent events have shown as anything it's that we as a parliament have to redouble our efforts to continue fighting for that great multicultural experiment that began several decades ago and has made us the most successful multicultural nation on earth. That's why that speech yesterday was just so disappointing. It meant that Australia was forced to confront the fact that there are individuals who will seek to exploit questions of race, ethnicity and religion for base political motives. We are very pleased that we are coming in here today and recommitting to the notion of a multicultural Australia. It has never been more important.

Senator HINCH (Victoria) (09:41): The Justice Party totally supports all the comments by Senator Wong, Senator Cormann and Senator Di Natale. I just want to place on record an action I took last night in this august chamber that I sincerely regret. Out of respect for this establishment I sat through the whole 30-minute diatribe, categorised as a first speech, from Senator Fraser Anning. I did not walk out, as one senator did during my first speech. At the time, I criticised the Greens for ostentatiously walking out on camera during Senator Hanson's first speech. I believe in free speech, especially in these houses of parliament, but there are limits. That is why I voted in favour of the censure motion yesterday of Senate Leyonhjelm, who made disgusting personal comments about Senator Hanson-Young.

I listened to Senator Anning's speech in full. It was one of the most disgraceful, racist, homophobic, divisive, misogynistic, spiteful and hateful speeches I have ever heard anywhere in 50 years in journalism. It was Pauline Hanson on steroids. As I said on the ABC today, I felt like I was trapped at a Ku Klux Klan rally. I want to apologise to the Senate and the Australian people that, after that vomitus poison last night, I then stupidly, recklessly and unthinkingly—no, I did think about it—followed Senate protocol and dutifully lined up here and shook this unworthy man's hand. I want to go on record and say I then went home and I washed my own.

Senator CAMERON (New South Wales) (09:43): As a migrant who came to this country in 1973, I had the opportunity to emigrate from Scotland to a number of countries. I chose Australia because Australia was a multicultural country and Australia was a country that had decent rights for working people and treated people fairly. I took the view that for my family it was better to come to Australia. I have been so fortunate in this country as a migrant. But
my fortune has not been matched, certainly in recent times, by new migrants coming to this country who don't have a command of the English language and who come here to make things better for their families. I don't think running an argument about free speech, as in what we saw yesterday, was an appropriate response to what I witnessed in here last night.

I have sat through most of the first speeches since I have been in this place—for nearly 11 years now. Some of them I have completely disagreed with in the context of what has been said, but I have shown the respect that people deserve when they stand up to do their first speech. Yesterday was the first time that I have walked out of a first speech. I walked out on Senator Anning's speech because I thought it was absolutely despicable. I thought it was race baiting. I thought it was the worst racist thing I have witnessed in here. I've witnessed some terrible things in here, with some of the nonsense we hear from One Nation, but this took it to another level. My concern is that, as long as we sit in this place and say nothing about that type of race baiting, then we weaken democracy in this country.

I have taken the view that free speech is important. But I did follow one senator on the doors this morning who was arguing that this was free speech in action. This was not free speech. It was race hate. It was racism of the worst kind. A reporter asked that senator, 'What would you do if that was put against you?' I just don't accept his argument that people would argue back and stand up for themselves. It's okay for a highly educated, Australian-born person with a command of the English language, with all the power and privilege you get from being a senator, to say that you would stand up for yourself. But that's not what most people in this country have. They don't have that education. They don't have that power. They don't have that privilege. To stand up and excuse what Senator Anning did here yesterday as simply being free speech, and to say that someone who is offended by that should stand up for themselves, shows how far backwards we have gone in this country since I took the view that Australia was the best place for me to emigrate to as a skilled tradesperson and to bring my family.

We have gone backwards. We have gone backwards a long way. When Senator Hanson stands up and does her race baiting, we think that's a normal part of debate in this country. It's not a normal part of debate in this country. It's not a normal part of debate in this country when Senator Anning stands up and uses his first speech to divide this community. I don't feel the least bit intimidated by anyone in here. I left school at 15. I'm a working-class guy. I can stand up for myself. I've got a great deal of power. I've got a great deal of privilege by being a senator in this place. But even I, because of my accent, have been told that I've been unintelligible in this place by those opposite. I've been told to 'speak Australian' by those opposite. We must get away from that. We must treat this place with the respect it deserves. We are leaders in this place, and everyone who comes to this country should be judged by the contribution they make—not their race, not their religion. It's about the contribution they make to this country.

Many, many migrants make a contribution—a contribution that is harder for them to make than it is for white, highly educated Australians. They come here with no money, but they come here with lots of hope. I had $80 when I came here, the equivalent of a week's wages. I've come a long way from that. But, for many in this country, they'll be the ones that are cleaning Woolies, they'll be the ones that are pushing the trolleys at Woolies, they'll be the ones that are digging the holes to keep this country going and they will be getting ripped off.
And yet we've got a senator that would come in here and denigrate their contribution to this country. I'll tell you: if I were on an operating table and I had a Muslim surgeon fixing my problems, I wouldn't be worrying about what religion they were or where they came from. It's the contribution that people make that is important in this country. I thank Senator Cormann for the contribution he made. He is a first-generation migrant himself. But I would say to Senator Cormann: make sure the rest of your senators, the rest of your MPs, understand how difficult it is for migrants when they come to this country. They are faced with huge challenges, and they don't need Senator Anning or Pauline Hanson trying to rip them down. It's just unacceptable.

We are a better country than this, and we need to stand up for the issues that are important to this country—treating everyone fairly, treating everyone equitably. I support this motion. I support it because it's the right thing to do. If we allow racism to run unchallenged in this place, if we can't deal with it at the apex of our constitutional operation, then what happens out in the streets will become even worse. We all have an obligation to treat people fairly and equitably and to treat them on the basis of their contribution to the country, not where they come from, not what their religion is, not what the colour of their skin is. We need to change that now, and we need to stand up for every Australian, for our fellow Australians, because that's what's important in this place.

Senator STORER (South Australia) (09:52): I would like to formally add my support to this motion. I'm a strong supporter of the bipartisan immigration policies backed by successive parliaments in the years since Liberal Prime Minister Harold Holt, at the head of a government in coalition with the then Country Party, started to end the White Australia policy, not Gough Whitlam, as stated by Senator Anning. I found much of what Senator Anning said yesterday to be incendiary, offensive and factually incorrect. It is Senate practice to shake the hand of senators after they have delivered their first speech. As I see myself as a courteous and polite individual, that is what I did, but I want to make sure that this act was not an endorsement of the contents of Senator Anning's speech, just a common courtesy and in line with Senate protocol. I want to make very clear that I strongly believe that we are a better multicultural country as a result of the ending of the White Australia policy, as noted before. I will always stand up for generous, non-discriminatory immigration policy in Australia. The Senate here today reflects this and indicates strongly the strong contribution that migrants have made to our nation. We should always defend that to the hilt.

Senator STEELE-JOHN (Western Australia) (09:54): I entered the chamber last night and was immediately assaulted by a phrase which will live in my memory forever: a 'final solution to the immigration problem'. I sat transfixed. My blood ran cold, as hate poured forth into this place and brought it low. I felt myself sullied, and I sit here this morning dismayed. It is right that we now move to condemn Senator Anning for his disgraceful words, but it is also critical that we here recognise and reflect upon the fact that Senator Anning's words were not an aberration but were, in fact, a culmination. They were the final opening of a door that has been gradually prised ajar by every single person in this place who made the decision to play on people's fears for their personal gain. It is an indictment of every single one of us who has given credence to the language of assimilation, who has spoken of the dangers of our cities and our towns being swamped by immigrants and who has given any semblance of credit to the idea that those who come across the sea do so with anything other than the intent to build
a life, to love and to experience the freedom that we here have so enjoyed and so prospered under.

It is our responsibility to show leadership in our roles, to move the debate in this nation to a higher plane, and last night I was reminded not only of this individual's profound failure but of our collective failure and of the urgent need for us to do better in the future. I thank the chamber for its time.

Senator HANSON (Queensland) (09:57): Let me make it quite clear that I was not in the chamber yesterday for Fraser Anning's maiden speech and also the fact that I did watch it from my office and I was appalled at his comments and his remarks. To actually hear people say now, as Senator Hinch said, that it is like hearing Pauline Hanson on steroids, I take offence to that, because why relate it back to me? I think that's questionable. I have raised issues in this parliament, but I'll get into that.

Fraser Anning, I can assure you, did not write that speech. But he delivered it and he is responsible for it. The speech was written by Richard Howard, straight from Goebbels's handbook from Nazi Germany. Richard Howard worked for a military propaganda specialist. He was one of the staffers—Richard Howard actually did work in Senator Malcolm Roberts's office and was sacked out of that office. He did ask me for a position in my office, after Senator Roberts lost his position in this parliament, and I refused to take him on. He got a job with Senator Anning when he was elected to the parliament under the banner of Pauline Hanson's One Nation, yes, but at no time has he ever held a seat in this parliament under Pauline Hanson's One Nation. From day one when he was sworn in, he was an Independent. Richard was one of the staffers that I warned Fraser Anning not to take on; he disregarded my warning and took him on. So that was his decision.

As I said, I'm appalled by Fraser Anning's speech. I have always spoken up on issues with regard to our country and I will stand by those views that I have. We are a multi-racial society, and I've always advocated you do not have to be white to be Australian. We have called for people coming here to give their loyalty, their undivided loyalty, to this country, that you be Australian and proud of this country and abide by the laws. I suggest that you actually go and have a look at the immigration policy of One Nation and read it thoroughly.

Might I also bring to your attention that our candidates standing under One Nation come from all different ethnic backgrounds. Our member for Mirani, Stephen Andrew, is the first South Sea Islander to hold a position in parliament as an MP in Queensland, or, as a matter of fact, in Australia. So I think you need to direct your criticisms elsewhere.

You say that you sat here through the speech and you are now appalled at the fact that you actually went up and shook Fraser Anning's hand—especially in light of the speech. You sat here and you listened to it. Well, how gutless are members in this parliament? If you were so appalled then you should have got up and walked out of the place. And the thing is: now that it has turned and the public are having a say about this, you're here on the floor of parliament—well, congratulations!

I do support the censure. The words said should not have been said, because it is not what we want in this country, and I don't agree with them either.

When Senator Cameron makes comments about my racist comments in this parliament, what are the racist comments? There were no racist comments. Criticism is not racism. To
make comments about our immigration—that we have a right to a say on where our country's headed and the numbers that we have in Australia—is very important to our future and the wellbeing of this country. And I will continue to stand by it.

So what I would say to the people of this parliament is: while you may have your grievances on what Fraser Anning has said, don't direct them at me because it's got nothing to do with me. Go and talk to Bob Katter. Last I knew, Fraser Anning had joined the Katter party. I haven't heard one of you mention Katter's party. I would like to ask the Labor Party: do you intend to put Bob Katter's party last on your how-to-vote cards now?

The PRESIDENT: Senator Hanson, please refer to Mr Katter by his title.

Senator HANSON: Sorry, President.

The PRESIDENT: He is 'Mr Katter' or 'the member for Kennedy'.

Senator HANSON: Sorry—Mr Katter. So you want to go and ask: where are you going to put your preferences now? Is the Labor Party going to put the Katter party last on their how-to-vote cards? This is going to be quite interesting, to see how they're going to put out their how-to-vote cards. Let's just see.

As I said to you, I have always advocated for equality, right across the board, for everyone in this country. I have my views about different things, and I've made them quite clear on the floor of parliament. A lot of Australians support my views. But I do believe that Fraser Anning, Senator Anning, went too far in his speech yesterday, and it's unacceptable. It is not One Nation policy. We do not stand by this. I do not stand by it. I was the one who was not in the chamber. I was the one who never shook his hand. And I support the censure motion.

Senator PATRICK (South Australia) (10:03): I will make it very clear that the Centre Alliance wholeheartedly supports Senator Wong's motion. We're fully supportive of multiculturalism. Those comments made yesterday don't reflect how Australians think or feel. Senator Griff and I did sit in the chamber, out of politeness. We were offended by what we heard. Australia is a much, much better place because of our multiculturalism.

Senator McKENZIE (Victoria—Minister for Rural Health, Minister for Sport, Minister for Regional Communications and Deputy Leader of The Nationals) (10:04): On behalf of the National Party: we'll be supporting this motion, and we'd like to recognise the contribution of successive waves of immigrants and their families—the contribution they have made to building a very strong and resilient regional Australia and to building our industries. Think of the Italian community along the Murray, and its involvement in horticulture and wine making; there are the Yazidis, the Sikhs, the Karen in Nhill—I could go on and on, on the strong contribution that a diverse immigrant population has made by coming here, coming to the regions and working incredibly hard, shoulder to shoulder with our communities in regional Australia, to build a strong, diverse and open community.

I think it's a great privilege to be here today to see Senator Wong and Senator Cormann, both from migrant backgrounds, together, standing as one and championing not just what is great about our nation, at this point in our history, but also what is great about this place. This is the Senate working at its best and it is senators working at their best in the contributions they've made today, and I really look forward to voting for the motion.
**Senator RICE** (Victoria) (10:05): I want to acknowledge that we're here today on the lands of the Ngunnawal and Ngambri people and that sovereignty was never ceded and that all of us, other than the First Australians, are migrants to this country.

Over the 200 years of settlement of this country there's been a lot of hatred, there's been a lot of prejudice, there's been a lot of hurt and there's been a lot of harm. But we have been building a country, we have been striving for a country, that acknowledges and celebrates people regardless of who they are, regardless of their background. It celebrates people for what they contribute. It celebrates our common humanity. We have been building that country.

I grew up in Altona, a highly multicultural suburb with many postwar migrants from all over the world. I live in Footscray, where almost half the population were born outside Australia or have parents born outside Australia. It is a country, a suburb and a community that is thriving. We have been building this sense of 'We are all together as Australians.' We are all together as citizens of the world but we are all together as Australians building a peaceful, harmonious society. That's what we have been working towards. We have been striving towards that.

In supporting this motion today, I want us to recognise how precious that is, this striving towards a country that does recognise and celebrate people—regardless of their background, their race, their religion, their sex, their sexuality or their abilities—that does recognise we are all humans, that we can all contribute and that we are all working together to be furthering a better, more tolerant and more celebratory society for all of us. That's what we've been striving for. But I also want to acknowledge that over the last decade, and certainly in the four years that I have been in this Senate, we have been moving away from that.

Up until about a decade ago, there was the sense that we were still making progress, that we were still making progress towards a more equal society, where everybody is celebrated regardless of their background. But over the last decade we have been moving away from that. There has been this rising racism in our society, this rising intolerance of people and division and hatred because of the differences between people. So I am hoping that debating this motion today, and the reaction to the awful hatred in Senator Anning's speech last night, can be a pivotal moment for us to recognise that we have something precious here in Australia—our multicultural society—to show that we can exist harmoniously. But we've got to work at it and we've got to totally reject the hateful racism that was on show last night and is on the rise in our society today.

We have got to work together. We have got to redouble our efforts to work together to overcome that racism so that we can continue to strive for the society that we know is what we really want to have: a society that really, truly, respects everybody, regardless of their background.

**Senator GICHUHI** (South Australia) (10:08): Today—and, precisely, last night—is a very sad day for me. For me, I'm evidence that this is multiculturalism at work. But I keep wondering: how on earth do we have a public leader, with the status of senator, in Australia, in the First World not the Third World, use those kind of words in a public forum? What do we think is happening in kindy, in primary schools and at work today? And yet we are the house that makes the law.
I have been in this country for nearly 20 years—20 years in February. I've gone through a lot of questions like, 'Where do you come from originally?' and that's okay. I take it. But it is in this Senate that my appearance provoked 'Where do you come from?' We all went through the citizenship issues, culminating with 15 or however many of us in the elections that we finished last weekend, so at what point are we going to say: 'You are Australian. You are Australian, full stop, period, finished.' I don't have to be born here; all I have to do is hold that citizenship certificate. Mine has been questioned so many times. I happen to be Briton. I happen to be Kenyan. I happen to be Australian. That's my history and, because Australia is Australia, because of the multicultural system it is, I find myself in the Senate.

Nobody put me here in the Senate except the High Court. Why? Because Australian systems work and they support multiculturalism. What I'm asking the Senate, whether I'm here for a day, two days or longer, is to deal with this hard right, hard left. What do you mean by hard right, hard left? I heard those words in this place. I grew up in a civilised society. Call it that or Third World, but it was civil enough to prepare me enough to serve Australia in this Senate.

I appeal to all our leaders—by all our leaders I mean Liberal, Labor, and everything. In that bipartisan state of affairs, can we deal with our own prejudices? I don't have to be asked where I came from. I know we are first generation or third generation. And guess what. We still have issues to deal with First Australian generations. Something has to rise up and do this and deal with it. We are the leaders. Senator Anning is a leader. What happened to diversity training? What am I going to say to my daughter, trying to apply for a job, coming to me to saying, 'Mum, I don't think I can get this.' I'm tired of that. It's not going to work for Australia 2018. Take it or leave it. It doesn't matter who gets into power next; somebody has to deal with it. I'm Liberal Party by choice. I'm here and I have to tiptoe about being a woman, about being black, because the hard right doesn't like it. Hey; this is Australia. This is the First World. It's not the Third World. Can we do leadership for the First World? Thank you.

Senator SINGH (Tasmania) (10:12): This morning I joined hundreds of Canberrans as we braved the cold in Canberra at the Indian High Commission to recognise today as India's Independence Day. They were Canberrans of Indian origin and they have made Australia their home. As I stood there with them, I was thinking of what was going through their minds as they opened the papers, as they reflected on the speech that was given in this place last night. What did it mean for them, as new Australians now building their lives here, raising their children here, sending their children to school, ensuring they have decent education, a career for themselves, an income for themselves to build their lives here but at the same time recognising where they came from? That small group of, say, 100 people this morning here in Canberra is a small sample of the some 700,000 Australians, people of Indian origin in this country who have chosen to make Australia their home and build the multicultural fabric that we know is the great country that we are, the country of the fair go. But I know that it would hurt them very much to hear the words that Senator Anning shared in this place last night.

I say, on behalf of all of those who have spoken today and are supporting the motion, that Senator Anning does not speak for us, that we stand with them. We stand with all people of various backgrounds that make Australia such a great country. We are an inclusive country.

When I was born in this place, in 1972, it was the end, thank God, of the White Australia policy. Some 46 years later, I am happy to say that this is a very successful multicultural
nation, where we do welcome people from various backgrounds. No matter what your background, your race, your ethnicity, your religion, you can indeed be just as successful as the next person. You can have very much as decent and fulfilling a life as the next person. That is because of the policies that have passed this parliament—the multicultural policies, the policies of inclusiveness and the policies that deal with racial discrimination.

Unfortunately, though, there is someone in this place who is giving licence to hate speech, and we must call it out. That is what this is about today. It is about calling it out, ending it, putting a stop to this awful, divisive, hateful type of language that one would have thought went out of this nation 50 or more years ago. On this very sober morning in our Senate, after the incredible contributions that have shown how bipartisan we can become when we talk about our Australian identity, inclusiveness and the importance of what it is that makes Australia so successful—our multiculturalism—let's hope that this is the end of that sort of language. Let us hope that, through our actions in coming together in this place today, we ensure that we simply do not hear again the type of language that we heard last night from Senator Anning, because we simply do not tolerate it.

Senator HANSON-YOUNG (South Australia) (10:17): I just want to add my support to this motion. The contributions from across the chamber today have been incredibly sobering but also incredibly heartening, because a line must be drawn. Enough is enough in relation to the hate speech, as Senator Singh has called it out and named it. Enough is enough when it comes to the race baiting that has been called out. It is time for us in this place, as leaders in our communities, to call it out, stand up and say: the line must be drawn.

We will all have debates about what are the best policies to support a multicultural nation, to protect and embrace the fabulous community we have. They are debates that are not going to go away. We cannot be complacent when it comes to multiculturalism and protecting tolerance, understanding and acceptance in our community. We must always fight against racism and bigotry. The job is never going to be done, but it will never be done if we sit back and say that it's too hard to name it and call it out. So I think it's incredibly sobering today to see so many people from across the chamber standing up and speaking out, including those members of this place who feel it very deeply, who've experienced racism firsthand in this place and outside this place.

My daughter goes to a small primary school in Adelaide. It's a new arrivals school. New migrant children, when they come to Australia, spend the first six to 12 months at this school. When I go into the playground in the afternoons, when the school bell rings, to pick her up, it's a fabulous demonstration of multicultural Australia. There are kids from all parts of the world, and children are so good at tolerance and respect. I have great faith that this country is in very good hands with the next generation. Children, when it comes to understanding, embracing difference and having compassion and tolerance, are often much better than adults. We have a responsibility in this place as political leaders to match that—to promote and protect what a fabulous multicultural society we are, and to condemn and call out racism and hatred whether we see it on the streets, in our media or in our chambers of parliament. If our children can be tolerant, understanding and blind to difference, then we too must match that.

Often when we're in this place, there are children from various schools around the country sitting up here and watching. I hope any of the kids who were here yesterday watching Senator Anning's speech walked away knowing that it was wrong. We must set a better
standard. When a member of this chamber or the other place denigrates an entire group in our community—our history, our values as a nation—they must be called out and they must be condemned. I support this motion, and I also support us strongly condemning Senator Anning for his words. I don't believe he deserves to be in this place.

Senator DODSON (Western Australia) (10:21): I wasn't intending to say anything, and I won't say anything that will be better than what my leader has said on this side of the house, but I am impressed by the fact that Australians can come together when we see things not up to the standard that we expect and that we try to inculcate into our society, and we ask others who carry the banners forward on our sporting fields and other places to stand up against ignorance, racism, bias and bigotry. It's a gratifying moment to see the parliament, and particularly this chamber, come as one, as it were. My recollection of this was previously when Senator Brandis was in here and spoke very strongly against an action taken by one of the senators.

We are a democracy. It is important that people say what they want to say in this place. But they've got to have responsibility. They are leaders; we are leaders. What we say is critical. It can hurt other people or influence the behaviour of others towards others. Our focus should definitely be on the respect for diversity and difference, and we should work to reconcile our differences with the First Nations. I believe that will help us as a nation go forward. It will resolve some of the residual remnants of racism and bigotry and hatred and misperception.

As you all know, I co-chair a joint select committee that is trying to find a way through that challenge. I would hope that our parliament, in fact, rises to the same tenor and calibre that we are exhibiting today when we come to those debates. Let's put ourselves beyond fundamental prejudices, and send a message to the world that we are a mature, modern democracy, capable of diversity and difference, welcoming diversity and difference, and using that to build our futures.

Let's not think of us not having achieved. We have achieved a great deal in this country—a great deal. We have yet more to achieve, and we will build on that achievement by reconciling with the First Nations. I support the motion and I congratulate those who have spoken before me.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (10:24): Mr President, there have been a lot of speakers from the Greens Party, and I understand there's a subsequent motion. If we—

Senator Di Natale: You don't make that decision!

Senator WONG: Will you be very brief? If we could close it—frankly, it would have been nice to close on Senator Dodson's contribution, I would have thought.

Honourable senators interjecting—

The PRESIDENT: Senators! Senator Wong has graciously ceded the call to you, Senator Whish-Wilson.

Senator WHISH-WILSON (Tasmania) (10:24): I will be quick. While this chamber and people in this parliament are calling out the speech by Senator Anning yesterday, I want to make the point that there's one person especially in this parliament who needs to call this out, and that is Bob Katter. Bob, expel Senator Anning from your party. That would be a message that all Australia wants to see.
The PRESIDENT: Please address a member of the chamber appropriately.

Senator WHISH-WILSON: Mr Katter, expel Senator Anning from your party. If you want to send the strongest possible message that racism and divisiveness won't be tolerated in this national parliament and you don't support his sentiments, you need to do that now. You need to do that today. It might surprise some people that I have actually worked very closely with Bob Katter in recent years around trying to get a banks' royal commission, on marine plastics and on issues that I care about—and we violently disagree on many other things. I was quite shocked yesterday that someone like Mr Katter would associate himself and his party and his family's reputation—whatever it may be—with the likes of Senator Anning. That's all I have to say.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (10:26): I thank all senators for their contribution to this debate. I restate the importance of making a positive statement in response to the comments that we've been discussing of Senator Anning. I thank senators for and acknowledge and reflect to all Australians the overwhelming support across the chamber for this motion.

We have no intention of making Senator Anning a victim. We have the absolute intention of both condemning his remarks and taking on his arguments because they are wrong. Today, the Senate has shown that the best way to deal with division is to come together; that best way to deal with prejudice is to assert acceptance and tolerance; and the best way to deal with people going low is to go high. And, today, I think this is a chamber in the parliament of which Australians can be proud.

Question agreed to.

DOCUMENTS
Tabling

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

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

COMMITTEES
Meeting

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

Community Affairs References Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 10.30 am.

Education and Employment Legislation Committee—

private briefing today, from 10.15 am.

private meeting otherwise than in accordance with standing order 33(1) today, from 11.30 am.

Education and Employment References Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 11.30 am.

Intelligence and Security—Joint Statutory Committee—

private briefing on Thursday, 16 August 2018, from 9.30 am.

public meeting on Thursday, 16 August 2018, from 4 pm.
National Broadband Network—Joint Standing Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 4.25 pm.

Royal Commission into Institutional Responses to Child Sexual Abuse—Joint Select Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 12 pm.

The PRESIDENT (15:22): I remind senators that the question may be put on any proposal at the request of any senator.

MOTIONS

Anning, Senator Fraser

Censure

Senator DI NATALE (Victoria—Leader of the Australian Greens) (10:27): I seek leave to move a motion proposing the censure of Senator Anning.

Leave not granted.

Senator DI NATALE: Pursuant to contingent notice, I move:

That so much of the standing orders be suspended as would prevent the Leader of the Australian Greens moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion of censure of Senator Anning.

Senator Anning's racist hate speech has no place in a decent society, let alone in the Australian parliament. These are comments that not only offend Jewish people, Muslims and immigrants but also attack the very essence of who we are. Just look at the language which was used here. Senator Anning chose to attack Muslim immigrants, using the language that the Nazis used to justify the extermination of Jews in Europe. That was unthinkable only a few short years ago, and yet here we are in the nation's parliament with those deeply offensive anti-Semitic views expressed and with the support of members of the crossbench. If it's hate speech outside the parliament, it's hate speech inside the parliament.

Mr President, I just want you to put yourself in the shoes of a young Muslim woman on her way to work this morning, being told that as a Muslim Australian she is not welcome here. Put yourself in the shoes of a holocaust survivor, where the actions of the Nazis were used to justify an attack on Australian immigration. Put yourself in the shoes of anyone who has directly experienced racism. I take this really personally. As a 12-year-old kid, when a schoolmate comes up to you and spits at you and calls you a wog and tells you to go back to where you come from, that's a memory that is burnt into your consciousness and never leaves you. We, as a party, are about to welcome a Muslim woman to this chamber. When we meet again, we will be welcoming Mehreen Faruqi, a proud Muslim Australian who has made an enormous contribution to this country, and yet she'll be entering into an environment where a member of this place has expressed those hateful views.

We're at a dangerous place in Australian history right now. We agree absolutely with the sentiments of the Race Discrimination Commissioner. Race politics is on the rise and it's being exploited for base political gain. Race baiting is alive and well right now in the Australian parliament. Let's ask ourselves some hard questions about why it's happening. When a nationally syndicated television outlet gives a platform to neo-Nazis, it makes it easier for the speech we heard yesterday. When the Prime Minister of this country starts flaming tensions around so-called African gangs, he makes it easier for the speech we heard yesterday. When the immigration minister says that refugees are dole bludgers or that
Lebanese Muslims shouldn't have been settled here in Australia, he makes it easier for the speech that we heard yesterday. He gives it permission.

The question for us is: what are we going to do about it? We heard some heartfelt speeches about why those comments have no place in a decent society. We heard broad condemnation about those comments—about the race hate, as it was named by many speakers—from Senator Anning. The Greens will be moving for a code of conduct. We think it is long overdue that, in this chamber, we set a standard for what we believe is acceptable when it comes to racism, sexism and other discriminatory behaviour. We've seen too much of it over recent days and weeks. It's about time we came together and worked as a Senate to codify a set of behaviours that we think are acceptable and a set of unacceptable behaviours that deserve some sort of sanction. That is why we believe that it is absolutely critical that we now come together as a parliament and censure the speech that was made yesterday and censure Senator Anning for that behaviour.

We are at a very critical point in our history. We saw the power of people coming together and condemning the views that we heard yesterday. But speeches and hand-wringing are not enough; we need to do more. I call on all members of this place to make it very clear that the speech that we heard yesterday is condemned in the strongest possible terms. While we don't do this lightly, we believe a censure motion is the most appropriate tool for us to do that. We call on the Labor Party, the Liberal Party, the National Party and the crossbench to support it.

Senator BIRMINGHAM (South Australia—Minister for Education and Training and Manager of Government Business in the Senate) (10:33): There are times and days in this place when we must be our better selves. There are times and days in this place when we must put the positive ahead of the negative and when we must speak clearly as one, and that is precisely what this chamber just did. It is with some disappointment that, having made such an unqualified and unambiguous statement of support that was unanimously carried without a single dissenting voice in this chamber, we now find ourselves moving from such a positive declaration of the principles that have built the successful country that Australia is straight back to the negative.

I condemn the speech that was given by Senator Anning yesterday. I condemn the hate that was within aspects of that speech. I condemn the language that was used within that speech. I know that it is hurtful to Australians.

But what is most important to Australians is to know what this Senate just did. What this Senate just did was to speak very clearly for the respect and regard that we should all have for each and every Australian whatever their background. It said that in this place—from Senator Dodson and Senator McCarthy, who are First Australians, through to Senator Gichuhi, one of our most recent Australians—we respect the contribution of all. We acknowledge that, throughout Australian society, that diversity of Australians has built a country that we should all be incredibly proud of.

We should be proud of the fact that we continue to run an immigration program and policy that continue to welcome people from all corners of the globe. We as a country should be proud of the fact that the major parties and indeed all of the minor parties, it seems, bar one, acknowledge the fact that we should continue to have an immigration policy that is non-discriminatory and is based firmly on the principle of merit.
Senator Steele-John: Rubbish!

The ACTING DEPUTY PRESIDENT (Senator Bernardi): Order!

Senator BIRMINGHAM: I'm not sure why those in the Greens would say that it's rubbish that we should have and should continue to have an immigration policy that is non-discriminatory, based on the principle of merit and based on the principles of ensuring that we continue to build the successful country that we are.

Senator Wong and others have spoken about their schooling experience. I reflect back on my years at high school, and the high school I attended was very much a melting-pot high school on the northern fringes of Adelaide, with second-generation Italian and Greek migrants and first-generation Vietnamese migrants working hard in the market gardens that exist to the north of Adelaide. They were ensuring that they were building better futures for their children, for their families. Today, those people I went to school with are in a whole range of occupations and professions. They are migrants who came to this country, were welcomed to this country and were given the opportunities of the education available in this country. They secured the opportunities of employment available in this country and are now in third- and fourth- and fifth-generation families that some are supporting—or second and third in the case of others.

I also reflect on the fact that, at the time that I was finishing school, I know that some of the debates at that stage, particularly around Asian migration, were wrongly reflected and played out in this place and elsewhere around the country. But the positive of that was that governments have ensured that they have continued, to this day, to apply non-discriminatory policies and that we now have such very successful, bigger communities from different Asian nations who've helped us to be stronger, 20-plus years later, than we were then. They have helped us to be better connected to our region and to be able to enjoy the opportunities that that stronger connectedness makes.

That's why we so strongly supported the statement of principles that was made, the clear statement that ensures that Australia continues to give unanimous, unqualified, unambiguous commitment to immigration intakes regardless of race, faith or ethnic origin and that we will continue to stand shoulder to shoulder across this parliament in support of those principles.

Senator JACINTA COLLINS (Victoria—Manager of Opposition Business in the Senate) (10:38): Labor will be opposing this suspension motion for the reasons outlined eloquently by Senator Wong in the earlier debate. I too stress that we reflect on what this Senate just did at the conclusion of that debate.

Senator McKIM (Tasmania) (10:38): I rise proudly to support this motion. Senator Anning's despicable comments were a new low in what has been a terrible term of this parliament for race-based hate speech. His speech has rightly been condemned across the political spectrum. But anyone following politics closely could hardly be surprised that we have reached this point. Senator Anning's speech last night was the inevitable result of toxic elements in politics and the Australian media that have fed each other in a downward spiral of hatred, xenophobia and pure and blatant racism.

This coalition government has embraced race politics at its core. It continues to push policies that are designed to exclude and ostracise migrants and people of different race and culture from Australian society. You've got a Prime Minister and Minister Tudge who very
gently rebuked Senator Anning last night, but those gentle rebukes belie the fact that they have deliberately and systematically embraced the hatred of One Nation's world view and are now pursuing it with great vigour. The truth is that, in 2018, the only way that the Liberal and National parties differ from Senator Anning is in presentation. The pretence that Mr Turnbull and Mr Tudge are critical is an attempt to con Australia, because, remember, they are trying to introduce mandatory dictation tests for Australian citizenship, and they are trying to introduce the White Australia policy version two. Mr Turnbull supported amending section 18C of the Racial Discrimination Act 1975 to make it easier to be a racist in Australia. And Mr Dutton and many of his colleagues want to give preferential treatment to white South African farmers.

Victorian opposition leader, Matthew Guy, has made the racial vilification of African migrants the cornerstone of his election campaign. He's been aided and abetted by Mr Jason Wood MP, whose Facebook page is chock-a-block full of racist scaremongering about foreign criminals. He chortles in glee about potentially deporting people. In days gone past, Mr Wood would have been kicked out of the Liberal Party, but Mr Turnbull has made him chair of the parliamentary Joint Standing Committee on Migration.

We've got the con—the bipartisan pretence—that Australia has a non-discriminatory migration policy. That is untrue. That is categorically untrue, because we have a policy of immigration that does discriminate based on mode of arrival, which has the effect of discriminating on the basis of country of origin, which has the effect of discriminating on the basis of race and culture. There are no white people locked up on Manus Island or Nauru. We have a bipartisan policy of banishing people of different races and cultures who arrive by boat to island prison camps where they are tortured and deprived of basic liberties.

It's not just the Liberal Party and the Labor Party who should be examining their consciences today. Sunrise resurrected the career of now Senator Pauline Hanson and indirectly helped Senator Anning get his Senate seat. It's just days since Sky News hosted a violent neo-Nazi for a friendly chat. It's worth pointing out that that same neo-Nazi was given a friendly platform on Triple J, the ABC and Channel 7 in the past. Racist rantings in News Corp pamphlets are now so common they're too numerous to mention. Yes, we should be angry about Senator Anning's comments. In fact, we should be bloody furious about them, but we certainly should not be surprised.

The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson): The question is that the motion to suspend standing orders be agreed to.

The Senate divided. [10:48]

(The Acting Deputy President—Senator Whish-Wilson)

Ayes ....................12
Nees  ....................47
Majority ................35

AYES

Bartlett, AJJ
Griff, S
Hinch, D
Patrick, RL
Siewert, R (teller)

Di Natale, R
Hanson-Young, SC
McKim, NJ
Rice, J
Steele-John, J
AYES

Storer, TR
Whish-Wilson, PS

NOES

Abetz, E
Anning, F
Bilyk, CL
Birmingham, SJ
Brockman, S
Brown, CL
Burton, B
Bushby, DC
Colbeck, R
Collins, JMA
Cormann, M
Dodson, P
Duniam, J
Farrell, D
Fawcett, DJ
Fierravanti-Wells, C
Fifield, MP
Gallacher, AM
Georgiou, P
Hanson, P
Hume, J
Keneally, KK
Ketter, CR
Leyonhjelm, DE
Liness, S
Macdonald, ID
Marshall, GM
Martin, S.L
McAllister, J (teller)
McCarty, M
Molan, AJ
Moore, CM
O'Neil, DM
O'Sullivan, B
Paterson, J
Payne, MA
Pratt, LC
Ruston, A
Seselja, Z
Singh, LM
Smith, DA
Smith, DPB
Sterle, G
Stoker, AJ
Urquhart, AE
Wong, P
Watt, M

Question negatived.

BILLS

Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015

Second Reading

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

Senator DODSON (Western Australia) (10:53): At present the constitutional framework of Australia divides legislative responsibilities between the states and the Commonwealth. The states are therefore different to territories. The residents of territories are therefore subject to a different legislative process than the residents of states. Under the United Nations Declaration on the Rights of Indigenous Peoples, article 24.2 states:

Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

We know that Australia's attempt to achieve the realization of that right, through the Closing The Gap campaign, has been an abysmal failure. First Nations people do not enjoy the same quality of life in this country at every stage of their existence, as shown in the national
figures. In the womb, a First Nations child is at higher risk of contracting life-threatening bloodborne diseases. Last year, six First Nations babies died of syphilis. Our children are more likely to be diagnosed with chronic health conditions such as type 2 diabetes. They are at greater risk of contracting meningococcal and rheumatic heart disease. As teenagers, they watch their friends, their cousins and their siblings prematurely end their own lives. These facts are true of the Northern Territory and nationally. In the Kimberley region, where I come from, the suicide rate is the highest in the world.

By what most Australians call middle age, many First Nations people are already living with kidney failure, without sufficient access to dialysis. The burden of disease and disability in First Nations communities is far higher than it is in the general population. First Nations people are more likely to live with a severe or profound disability. They also die younger. On a national basis, First Nations men can expect to live to an average age of 69, while non-First Nations men can expect to live to 80. First Nations women can expect to live to an average age of 73, while non-First Nations women can expect to live to 83.

All governments—state, territory and federal—have failed to enact the necessary action to close the gap. The government is currently undertaking a refresh process, with the Minister for Indigenous Affairs announcing at Garma earlier this month that some two dozen new targets would be added as part of the refresh process. That seems a drastic amount of new targets, and only emphasises how we've failed to address the health issues suffered by First Nations people to date. With so many of our people suffering complex health conditions at an early age, there is a desperate need for culturally appropriate palliative care services in regional and remote areas. A review recently commissioned by the Australian government confirmed that more needs to be done to ensure that First Nations people are receiving palliative care within their communities. Where First Nations people are already overrepresented at every stage of our health system, it is irresponsible to vote in favour of another avenue to death. Paving the way for euthanasia and assisted suicide leaves First Nations people even more vulnerable, when our focus should be on working collectively to create laws that help prolong life and restore their right to enjoy a healthy life.

During the debate on the Voluntary Assisted Dying Bill 2017 in Victoria, former Labor Prime Minister Paul Keating argued:

No matter what justifications are offered for the bill, it constitutes an unacceptable departure in our approach to human existence and the irrevocable sanctity that should govern our understanding of what it means to be human.

... ... ...

It is a mistake for legislators to act on the deeply held emotional concerns of many when that involves crossing a threshold that will affect the entire society in perpetuity.

In Yawuru we have three concepts that guide our experience of life. They shape our ways of knowing and understanding, and are the collective approach to our existence on this earth and, to that extent, any afterlife that may come. They are: mabu ngarrungu(nil), a strong community—the wellbeing of all is paramount; mabu buru, a strong place and a good country—human behaviour and needs must be balanced in their demands and needs of what creation provides; and mabu liyan, a healthy spirit and good feeling. Individual wellbeing and that of our society not only have to be balanced but be at peace with each other within the context of our existence and experience.
This concept of interconnectedness is one that transcends across many First Nations groups. It is grounded in our understanding that human resilience is based on our relationships with each other and our connectedness with the world around us. The quality of life for individuals and for our communities are intertwined, not limited to the wellbeing of an individual. We are fundamentally responsible for honouring our fellow human beings. We are called to carry responsibilities, to exercise duties and to honour those who are in need, who are ill, who are elderly, who are dependent and those of the next generation to value life with love, respect and responsibility. This is true of family members and unknown individuals. Moving away from such principles and values begins to reshape the value of human beings and our civil society, in my view.

We exist not as solitary individuals; we exist within a family, a community, our cultures and ethos, and in the kinship landscape. I'm a great admirer of those who have cared for loved ones and made personal sacrifices to do so. Not everyone is able to do this, I know, and I do not condemn them for the choices that they make. In the broad sense, we are part of a common humanity. If we give one person the right to make that decision—that is, to assist in committing suicide—we as a whole are affected. If we give one family that right, we as a whole are affected. If we give one state or territory that right, we as a country are affected. If we give one nation the right to determine life, our common humanity is affected. I cannot support this legislation.

**Senator COLBECK** (Tasmania) (11:00): I rise to make my contribution to the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015. I acknowledge the contributions made by others in this debate, regardless of their perspective. I understand fully that there are very strongly held views on this matter. I congratulate Senator Dodson on the contribution that he's just made, particularly from the perspective of the First Nations people. It was a quite profound presentation. I think it typifies the issues, particularly for the more disadvantaged in the Australian community. The bill is portrayed simply as returning rights to the territories to enable them to legislate for euthanasia. It's portrayed as being quite simple in that context and therefore, effectively, an issue of territories' rights. But one thing I have learnt in my time in this place is that, when you believe in something, you need to utilise your entire toolkit to ensure, to your best ability, that your beliefs are reflected. The reality is that, in this circumstance, the Commonwealth does retain some oversight with respect to territory law. Therefore, part of the toolkit of this place rests in that context.

I'm not a supporter of assisted dying. I understand that, as I said earlier, there are strongly held views with respect to people who view that as their right, but I can't sanction or support what I see as, effectively, state-sanctioned killing. I don't support the death penalty, so I can't support what's termed assisted suicide or euthanasia legislation. I understand perfectly the difficulties that exist for some people towards their end of life. I think we all understand that, and that's reflected very much in the way that this debate has been conducted. In that sense, I congratulate my colleagues for the sobriety of the debate and also the arguments that they've made in support of their relative perspectives. But, because I don't support assisted dying, assisted suicide, euthanasia, I can't support any legislative measure that might promote that. So I put on the record my opposition to the legislation and say that I will not be supporting this bill.
_Senator CAROL BROWN (Tasmania) (11:04):_ I also rise to speak on the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015. I would like to place on the record my appreciation of the contributions that have been made, regardless of the positions that senators have taken on this bill. The intention of the bill before us is to undo the restrictions brought into effect by Mr Kevin Andrews's private member's bill in 1997. These restrictions limited the ability of the territories to decide for themselves how and when terminally ill people should be allowed to die. Such restrictions removed the democratic rights of territorians. I listened carefully to Senator Colbeck's contribution, and I can understand where he's coming from. But I do disagree that we should use the powers that we have as a federal parliament to take away the right of territorians to decide matters that they would normally be able to decide for themselves. The territories should have the same opportunities that the states have in Australia.

For those who don’t support assisted dying, I understand that position. It is a difficult issue for many, and unfortunately there are many in this parliament who have had loved ones who have gone through agonisingly painful deaths. I have myself, and there are many others in this parliament who have witnessed their loved ones passing away in those conditions. It’s not easy to see your loved ones passing away, especially when they do so in such pain and with a wish to die with dignity and in the manner they wish to. This is denied of many Australians. It is very hard to then come in here and have a position where we will not allow territorians the same right to debate the issue within their communities and in their parliament and to decide to legislate for it or not. But for a federal parliament to come over the top of the rights of that community, to even have that debate—I don’t think we should be supporting that.

I had the opportunity to listen to a couple of contributions made last night on this bill. Both Senator Catryna Bilyk and Senator Claire Moore talked about good palliative care, and I absolutely agree with the content of their statements. Senator Bilyk said:

> Having good palliative care available is not a reason to deny the option of assisted dying. Similarly, providing patients with the option of assisted dying is not a reason to ignore the need to invest in quality palliative care.

Senator Moore's contribution went to the very heart of investment in palliative care. I think we do have across-the-board support from senators and members in this place for investing in palliative care, but the action isn’t there. There is not enough investment in palliative care, and both those contributions articulated the need for this investment.

But, as I was saying, restrictions that were placed on the territorians not only removed the democratic rights of territorians to create their laws for themselves but overturned properly constituted legislation. They also prevent legislators from having that debate, despite such laws—in the case of the Northern Territory—having already been passed.

The people of Australia overwhelmingly support the freedom of terminally ill Australians to decide on this matter. Approximately 75 per cent of Australians polled answered that the terminally ill should be able to legally end their lives with medical assistance. This is a very sensitive subject, and opinions are sincerely and strongly held on this matter. Many feel that Australians deserve the right to choose to die with dignity and that euthanasia is the most effective way of safeguarding this. Others, however, have closely held religious or personal beliefs which mean that they oppose euthanasia. I personally believe that there are, unfortunately, some people living with terminal illness for whom there is no other way to
avoid suffering than dying with dignity. That is why voluntary euthanasia laws have been adopted in parts of Europe and the USA and, of course, in the state of Victoria.

Regardless of your position on euthanasia, it is clear that a single private member's bill removed the right for territorians to do so. The legislation was passed over two decades ago. To me, this is a matter of local representation and the right of citizens to elect, at a local level, people who can legislate on territory matters that they are legally able to. As many senators have said in their contributions, just because the federal parliament doesn't like what a state or territory does, that isn't sufficient justification to trample over its right to do it.

Critically, this bill reinstates the rights of territorians. It allows local representatives in the ACT and the NT to legislate for themselves. It goes to the very heart of our federal system. We live under the federal system of government, where state and territory parliaments are ordinarily allowed to debate and legislate these matters for themselves, and this is the system that we seek to uphold in this legislation that we are debating here today.

Recently, the Victorian parliament passed legislation to see voluntary euthanasia legalised. This is a path that the Northern Territory had followed as well, over 20 years ago. But, regardless of their legislative ends, what both the ACT and the NT governments want is the right to decide for themselves. This is something that they have called for—they put a full-page ad in *The Australian*—and it is something that other states are afforded. The right to decide for themselves, through their elected representatives, in these jurisdictions is something that I believe all territorians deserve.

As the architect of Victoria's assisted dying bill, Professor Brian Owler, suggested, discussions should be had at a national, state and territory level in order to ensure that the needs of Australians at all levels are met. As a medical doctor and former head of the Australian Medical Association, Professor Owler is well placed to comment on the needs of the terminally ill. He chaired an independent panel on the matter that provided 66 recommendations to the government on assisted dying.

I believe it is our duty as elected officials to consider the advice of experts on such matters and to respond to the needs of the terminally ill in the light of the recommendations of an expert such as Professor Owler. Now is the time to listen. It is the time to signal a willingness to participate in local grassroots democracy and to allow territorians to decide for themselves whether euthanasia most appropriately meets their needs.

This bill brings together a coalition of parties; it brings together a coalition of viewpoints. The Labor Party is holding a conscience vote on the matter, as indeed is the Liberal Party. I and some of my Labor colleagues would have differing views and opinions as to whether or not voluntary euthanasia should be legislated. But I sincerely believe that, fundamentally, that is not what is being considered here. What is up for consideration is whether or not people living in the ACT and the NT should be allowed to vote for themselves on voluntary euthanasia. This is a question of democratic enfranchisement and it is a matter that has been removed from Territorians for far too long. I am proud to support this bill and to recommend to all senators to vote for this bill, so that we can allow states and territories to have an equal say through their parliaments on whether the terminally ill should have the right to die with dignity.
Senator FARRELL (South Australia—Deputy Leader of the Opposition in the Senate) (11:15): I rise to speak on the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015. I would like to start by recognising that many, if not all, in this place, and those watching will have experienced the suffering and the loss of someone dear to them. It's natural to be saddened by a loved one's suffering and passing, and it's natural to want to help to ease their pain. I think we all understand that it is a very sensitive issue and a very personal one. This debate will no doubt be a difficult and emotional one for many of us. In recognition of that, I hope this will continue to be a debate that is conducted respectfully and with the awareness of the emotions it will no doubt bring for many of us.

This bill does not of itself legalise assisted suicide and euthanasia. But it's very clear from its title, Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015, and from Senator Leyonhjelm's public comments, that this bill's objective is to pave the way for the legalisation of assisted suicide. That's why it is important that this bill, as it should be, is being treated as a conscience issue. Speaking on the bill today, I'd like to address two main points: firstly, the core issue of the conscience matter, of assisted suicide; secondly, the circumstances that have brought us to this debate today. As I've just outlined, the bill's core objective is to facilitate the legalisation of assisted suicide, so I do not intend to address the issue of territory rights, other than to say that this is one of many issues in which the Commonwealth has sought to regulate the territories.

It is, however, the issue at the heart of the bill that I wish to address—assisted suicide. As I mentioned in my opening remarks, the suffering and passing of loved ones is something that most, if not all, of us in this place are likely to have experienced. We're all acutely aware that with life comes death. Obviously it's an extreme emotional experience and it is human nature for our emotions to influence our thoughts on such matters. I'm sure everyone in this place can sympathise with those who have had to witness and deal with loved ones towards the ends of their lives. While I expect much debate on this issue will focus on details, as has been the case with previous debates in state parliaments, my view is that we must not avoid addressing the fundamental realities of assisted suicide.

Paving the way for the legalisation of assisted dying would be an irreversible step over a major ethical threshold. As a society, we should give very serious consideration to the potential impacts of taking such a step—as former Prime Minister Paul Keating described—as abandoning the golden principles. It's also pointed out in typically blunt fashion what is proposed when we talk about euthanasia or assisted dying, which, in his words, would be 'permitting physicians to intentionally kill patients or assisting patients in killing themselves'. Unsurprisingly, whilst there is a range of views within the medical profession, as there is in society in general, the Australian Medical Association has serious concerns. The Australian Medical Association is against the legalisation of euthanasia and assisted suicide. In its position statement on the issue, the AMA says:

The AMA believes that doctors should not be involved in interventions that have as their primary intention the ending of a person's life.

It's my view that governments, too, should not be involved in interventions that have as their primary intention the ending of a person's life.

The comments of Paul Keating that I referred to earlier come from a piece he wrote following the approval by the Victorian lower house of the Voluntary Assisted Dying Bill
2017. That piece by the former Prime Minister summed up the key issues very succinctly. In that piece, he said:

… the advocates support a bill to authorise termination of life in the name of compassion, while at the same time claiming they can guarantee protection of the vulnerable, the depressed and the poor. No law and no process can achieve that objective. This is the point. If there are doctors prepared to bend the rules now, there will be doctors prepared to bend the rules under the new system.

He goes on to say that his opposition to the Victorian bill was not about religion, and that his concerns were shared by people of any religion and no religion; it is the principles that matter in public life. He says of those principles:

They define the norms and values of a society and in this case the principles concern our view of human life itself. It is a mistake for legislators to act on the deeply held emotional concerns of many when that involves crossing a threshold that will affect the entire society in perpetuity.

This is an emotional issue, but we must not let emotion cloud fact. It's also an issue of conscience, and for some people, that conscience may be informed by their faith. But, at its core, as Paul Keating alluded, it's an issue of principles—the ethics rather than the morals.

This is the point that former South Australian Attorney-General Michael Atkinson also made during a debate on this issue in the South Australian parliament. He said:

If my opposition to AVE is based on ancient wisdom, it is not that of Jesus of Nazareth but Hippocrates of Kos, who lived some 350 years before.

He was of course referring to the Hippocratic oath, that well-known early expression of medical ethics, the principles of which remain of significance today. I'm told that one of the earliest surviving copies of the Hippocratic oath includes the words:

I will use treatment to help the sick according to my ability and judgment, but never with a view to injury and wrong-doing. Neither will I administer a poison to anybody when asked to do so, nor will I suggest such a course.

In Australia, the modern expression of medical ethics is in the Australian Medical Association's code of medical ethics. I would like to read from the section of the code that deals directly with assisted suicide. The AMA's code of ethics says:

It is understandable, though tragic, that some patients in extreme duress—such as those suffering from a terminal, painful, debilitating illness—may come to decide that death is preferable to life. However, permitting physicians to engage in assisted suicide would ultimately cause more harm than good.

Physician-assisted suicide is fundamentally incompatible with the physician's role as healer, would be difficult or impossible to control, and would pose serious societal risks.

Instead of engaging in assisted suicide, physicians must aggressively respond to the needs of patients at the end of life. Physicians:

(a) Should not abandon a patient once it is determined that cure is impossible.
(b) Must respect patient autonomy.
(c) Must provide good communication and emotional support.
(d) Must provide appropriate comfort care and adequate pain control.

The section on euthanasia is similar but goes even further, warning that the practice would be 'difficult or impossible to control, would pose serious societal risks' and could readily be extended to incompetent patients and vulnerable populations.
Advocates of assisted suicide often highlight patient autonomy as a reason. But, in the broader context of the code, that point refers to things like a patient's right to decline medical intervention or to ask that intervention be stopped, even when that decision is expected to lead to his or her death. Indeed, the code makes it very clear that respect for a patient’s autonomy does not extend to providing for assisted suicide or euthanasia. It’s important to note that the Australian Medical Association’s code of medical ethics warns that assisted suicide and euthanasia would be difficult or impossible to control and could be extended to patients for whom these practices are not intended.

In recent days, I’ve seen reports that question the idea that paving the way for assisted dying would be a slippery slope. But I’ve also read with concern the comments of Australian bioethics professor Margaret Somerville reported in The Sydney Morning Herald yesterday. The Sydney Morning Herald reports that Professor Somerville, who has spent decades observing euthanasia in Canada, has said that the international experience demonstrated that ‘euthanasia was being used as a cheaper alternative to psychiatric and palliative care’. The professor is quoted as saying that it would be a 'societal tragedy if we allow this', and I agree with her. The article goes on to say that, in a paper published in the Journal of Palliative Care, Professor Somerville and nine of her international counterparts argued that voluntary assisted dying has gone beyond the aims of relieving pain and suffering and is now being misused.

What is very concerning is that Professor Somerville says that assurance by the 'proponents of euthanasia that it would not lead to a slippery slope have been proven wrong, with research showing that safeguards are routinely violated.' The professor was quoted in the article as saying:

In one study in Belgium, they surveyed doctors and found that 32 per cent had gone outside of the regulations. That should ring huge alarm bells for anybody, because it implies that not only have safeguards failed through human error but also that some doctors may be choosing to ignore them. Professor Somerville also says:

… in many cases, pain and suffering were not the primary motivator for an assisted suicide request, with a fear of being a burden on relatives a more common reason in patient surveys. She has also argued that 'in most cases pain or discomfort could be remedied through proper palliative care’. I'm sure many in this place have personal experience of loved ones who, approaching the end of their lives, have struggled with the idea they may be a burden on their families. This is not a belief that should be encouraged through the provision of legalising assisted dying.

In the course of the broader debate on this issue across the nation, we've heard stories of people whose personal feelings on the issue of assisted dying and euthanasia have changed when they've been approaching their own end of life. A decision to make use of assisted dying made while a person is suffering and at a low point and may believe themselves to be a burden cannot later be undone. Some in favour of assisted dying argue that we can never achieve safeguards in any area of the law that work 100 per cent of the time, but the very obvious difference in this case is that the failure of the safeguards can result in death, a failure that is irreversible. The report I mentioned earlier—that 32 per cent of surveyed doctors in
Belgium had gone outside the relevant assisted dying guidelines in that jurisdiction—only adds to these concerns.

Outside of debate on this issue, we've also heard many sad stories of elder abuse. Unfortunately, there are those who would seek to exploit vulnerable people who are terminally ill and suffering. Under the model proposed in Victoria, patients would have to administer the lethal drug themselves. What safeguards can ensure that once those drugs are provided, they will not be misused by others? I'm not insensitive to the hurt that can be caused by seeing a loved one in pain and suffering, but there is no way to provide adequate safeguards against the extension, misuse or abuse of legalising assisted dying.

It is not acceptable to put people at risk of dying against their wishes, be it through accident or malicious intent, when we can address the problems of pain and suffering through better provision of palliative care. We know it's common for patients to say that they don't want to be a burden on their families, but we must not legislate in ways that are likely to make the chronically ill, elderly, disabled or dying feel they are a burden. It is society's duty to provide appropriate health care to those who need it, not to devalue lives by classifying groups of people as less worthy of living because they meet an arbitrary set of criteria that make them eligible to seek assisted death.

Having made my position on the real objective of this bill clear, I'd like to now talk about how we got to this point. Malcolm Turnbull brought this bill on for debate this week in exchange for Senator Leyonhjelm’s support for the re-establishment of the Australian Building Construction Commission. The democratic rights of workers in the building and construction industry were sold out so that this bill could be debated. The Law Council said this about the ABCC bill:

… a number of features of the bill are contrary to rule of law principles and traditional common law rights and privileges.

Dr Nicola McGarrity and Professor George Williams from the faculty of law at the University of New South Wales said:

… the ABC Commissioner's investigatory powers have the potential to severely restrict basic democratic rights such as freedom of speech, freedom of association, the privilege against self-incrimination and the right to silence.

Senator Leyonhjelm says that the Prime Minister gave him a guarantee that Liberals would be given a free vote on the bill and that it would proceed for consideration in the lower house. Former Prime Minister Tony Abbott reckons that deals like this one are wrong and says that Malcolm Turnbull has ignored proper internal process. Mr Abbott told 2GB:

I am a little worried about secret deals and I am a little worried that undertakings might have been made which weren't brought to the party room and the prime minister likes to talk about due process—I am very concerned about lack of due process.

On this, I agree with Mr Abbott. In other words, this bill is tainted.

To sum up, I oppose this bill because, at its heart, it's about facilitating assisted suicide. I oppose assisted suicide because I don't think any safeguards could guarantee the protection of the lives of the vulnerable. I oppose assisted suicide and euthanasia because experts, including the Australian Medical Association, have warned that it will be difficult if not impossible to control and is the wrong way to deal with the issue of pain and suffering. I cannot support
something that I believe will ultimately lead to people dying against their wishes. I would like to again quote former Prime Minister Paul Keating, who said on Victoria's assisted dying bill: Once this bill is passed the expectations of patients and families will change. The culture of dying, despite certain and intense resistance, will gradually permeate into our medical, health, social and institutional arrangements. It stands for everything a truly civil society should stand against.

Senator BERNARDI (South Australia) (11:34): I rise today with the intention of detailing two important principles that have led me to oppose the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015. Senator Farrell quite rightly raises an important third principle, and that is the principle of doing dirty deals in order to achieve particular outcomes. I say 'dirty deals' because I can't think of anything worse than trading off a life-and-death issue in favour of a political outcome against the wishes or knowledge of your own party room. It is, I think, a gross misuse of process. It is deeply disturbing not only that Senator Leyonhjelm maintains that the Prime Minister promised a vote in the House of Representatives—and promised to facilitate that—but also that the Prime Minister himself denies it. If you can't believe a Prime Minister or a senator, it brings this entire process and this parliament into some element of question. I have enormous reservation about how we come to this point, because I believe there are many more important and critical issues that need to be resolved in this country than whether the Northern Territory and the ACT should have the right to legislate for state-sanctioned killing.

That brings me to my first point. The Commonwealth Constitution makes it very clear that the states have certain rights and responsibilities and the Commonwealth has certain rights and responsibilities. One of those responsibilities applies to the territories. We have the right to make laws that affect the territories and will overturn their own laws—that will disallow them, if I can put it like that. Such an event took place in 1997 with the passage of the Andrews bill, which prevented the Northern Territory from having a state-assisted suicide regime. It's a regime, I might remind you, that was endorsed by, I regret to say, a neighbour of mine—when I say 'neighbour', I mean he lived in the neighbourhood that I lived in and I used to see him at the coffee shop, but we didn't mix very much—the disgraced Dr Nitschke, who was quite happily putting to death people who didn't have a terminal illness but just got sick of living. This is the same Dr Nitschke that professes to have a brewery now so he can import lethal gas and sell lethal suicide kits over the internet, or whatever it does. It makes me ill to think of how this callous man, in the name of compassion, likes to exploit the vulnerabilities of people, who perhaps need assistance, and put them to death rather than help them to enjoy life.

Nonetheless, we know the Northern Territory assisted suicide regime was misused. We know that. We also know that the states have the role and the responsibility to introduce assisted suicide regimes if they want to. We've seen that happen in Victoria. I don't agree with that either, but it is entirely within the remit of the Victorian parliament to make that determination. If you want to change it, you should elect different people. But the territories are not states. If you look at the population of the Northern Territory, it's 200,000 people. It's got a large land mass and it's had a series of relatively dysfunctional governments but, in terms of population, it's not even the size of a number of South-East Queensland councils. It wants states' rights, yet it has none of the responsibilities, or the ability to take responsibility, for some of the processes that go along with that. A case in point is the misuse of the assisted dying legislation that they introduced. Importantly—I'm interested in this—they voted against
becoming a state. They actually voted against becoming a state, because they themselves knew that they weren't capable of taking on that responsibility.

In the ACT, it's even worse. If you want to give the ACT states' rights and if you want to empower it to make euthanasia legislation, the ACT is the most left-leaning government, if you can call it that—it's a council administrator—anywhere in the country. If you were to question how it will end up should you empower the ACT with euthanasia legislation or state-assisted dying legislation, look no further than what is happening in some of the most radical regimes around the world. These are the figures from a chap called Paul Russell, another South Australian, who's got the HOPE initiative.

In Belgium, three children have been put to death under euthanasia laws. They were aged 17, 11 and nine. How are those safeguards looking now? Seventy-seven people have been killed because of mental disorders and behaviour. That is the sixth most common reason for doctor-assisted suicide in that country. Think about that for a moment. Once you break the taboo that it's all right to help someone kill themselves, the only question is: what should be the limiting factors? If someone no longer wants to live, who are you to deny their right to kill themselves? It brings into question: why do we have suicide prevention things? Why do we have mental health support services? Why do we talk about the tragedy of farmers who contemplate this final act out of desperation? Supporting legalised, state-sanctioned assisted suicide is to say, 'We no longer value your worth at any level.' Just because someone has a temporary mental health disorder, just because someone is suffering from depression or just because someone feels they no longer want to live is not justification to support them in ending their own life. Quite the contrary: we should be looking to assist them.

What would you say if it were a 17-year-old? Perhaps you'd argue they don't have legal standing, that they're a minor, and so someone else should be able to make that decision for them. What if they're 18? They're an adult. They can go off to war and they can do a whole range of things. If it's okay for an 80-year-old to say, 'I want my doctor to kill me,' why can't an 18-year-old or a 28-year-old or a 38-year-old? That is the important principle here. To all the people who say, 'I've got the right to end my own life when I can,' where are you going to end that? In Belgium, we know a 17-year-old, an 11-year-old and a nine-year-old—all children—have been killed under this. Seventy-seven people have been killed because they had a mental disorder. I'm sure they were making a full and frank decision for themselves and the checks and balances had gone on there! In Belgium, more than half of the suicides occur within just three months of the request being made. They can just go to their doctor and a three-month process takes place for more than half of them. We also know that, in places like the United States where assisted suicide regimes are in place, there's actually been an increase in the number of suicides. Doesn't it fly counter to everything that we profess to value in the human dignity, in the innate worth, of every individual? We're now encouraging them to take their own lives because that's what they feel like doing. It's the ultimate in liberalism or in libertarianism, except it has a profound effect on so many others as well.

The suicide rate in the US, where it's been legal, has increased in the over-65s by 14½ per cent. There is the impact on other people. About a fifth of family members who actually witnessed an assisted suicide in places like Switzerland subsequently formed a post-traumatic stress disorder—another mental health issue, if I can couch it like that, which could be used to justify them ending their own life too. It truly is a slippery slope. It is a ride from which
society cannot return, as soon as you start to measure someone's worth by whether they want to live.

Then there's the argument, of course, about pain. People, quite compassionately, understand and argue that, in insufferable pain, they should be able to choose to end their lives to prevent that. Palliative Care Victoria states that, in rare cases where all methods of palliation for pain and other symptoms fail, palliative sedation therapy is available to provide adequate relief from suffering. If we can accept that we can mitigate or limit this insufferable pain, the reality is that the justification used for assisted suicide is not actually about the pain itself but concern about the person in pain becoming a burden. In Oregon in the US, assisted suicide occurs primarily due to a loss of autonomy, for life being less enjoyable than you want it to be—for incontinence, for example, or for feeling like you are a burden on your family, your friends, your caregivers.

In this country we've had a recent debate and discussion about elder abuse, and quite rightly so. We are seeing ads on buses and elsewhere all around the nation, telling older Australians that, if they're being exploited, beaten or otherwise abused, they should call the hotline. The best statistics I could identify were that between 2½ and five per cent of the older demographic may be vulnerable to elder abuse. What more abusive thing can there be than a manipulative family member or person outside of the family but close to the elderly person, applying pressure—you can call it abuse if you like—that they should end their own lives to stop them being a burden, to relieve those around them of the pain and suffering of having to care for a loved one who is no longer able to care for themselves? It's entirely likely that those events and circumstances would occur. Encourage the elder to move on, whether you are a religious person or not, from the earthly cares, the mortality of this world. It's likely it might be a carer at their wit's end who is more likely seeking to be relieved of the burden of care and placing that guilt trip upon the person they care for.

We also know that, in Oregon, half of those who took lethal medicine under their assisted suicide regime cited that they were concerned about being a burden on their family and caregivers. We also know that around 79 per cent of those in Oregon took the lethal dose without a physician present. The question is: who did administer it? Who provided those checks and balances? Nobody really knows if it was self-administered or not. Surely, if someone's had permission and been provided the wherewithal to end their own life, but they do it without a physician being present, they're vulnerable to someone else doing it, perhaps without their knowledge.

Senator Abetz has quite rightly raised this in an earlier speech, and Senator Colbeck described this as state-sanctioned killing. It's a term that is equally as applicable to capital punishment as it is to assisted suicide. For those who say, 'We know this is very popular, because the polls will say it's very popular,' let me tell you that the death penalty is pretty popular in this country too if you ask the polls. If you say, 'Should we implement that?' they'll say yes, but it's still morally wrong. It's still the wrong thing to do. You'd ask yourself, 'What happens if the Northern Territory wanted to introduce the death penalty?' Do we say that's their right to do that, because we should take a hands-off approach to what is good for this country in the longer term or because it's popular?

Populism is not an excuse for doing something, particularly when it's going to have implications that will be felt for generations and, as Senator Farrell quite rightly pointed out,
affects the life and death of individuals and affects deeply the lives of those around those individuals.

I note that one assisted suicide proponent, a neurosurgeon named Henry Marsh, said:

Even if a few grannies get bullied into it, isn't that the price worth praying for all the people who could die with dignity?

Let me repeat that:

Even if a few grannies get bullied into it, isn't that the price worth paying for all the people who could die with dignity?

The reality is, if you vote in favour of this, you are justifying that sort of comment. You are justifying the fact that maybe a couple of people will get bullied into killing themselves, because that's the price you're prepared to pay, or you're prepared for others to pay, for the cliche slogan 'to die with dignity'.

I make the point that Nembutal, the drug of choice for many suicide advocates, is the same drug used in executions. It's the same drug that massive concerns have been raised about in those countries that have the death penalty, because the drug can cause not only death but also a huge amount of pain along the way. We know that in 10 per cent of cases in the Netherlands, where this drug was used, it took longer than the expected median of three hours for the person to die after taking this drug. In one case, it took the person seven days to die. We know that people are concerned about the pain inflicted upon executed prisoners in the States because they haven't been adequately anaesthetised before taking the drug. Where state-sanctioned killing is allowed with the death penalty, and where it is the same drug as that advocated by some of the proponents of state-sanctioned suicide in this country, they can't even get it right. But, somehow, we think we're going to make all the difference and the problems that have afflicted the rest of the world, where these regimes have been impacted, are somehow not going to occur here.

I put to the Senate that there are many, many reasons why common sense prevailed on this question in 1997. It must prevail again. If the territories want to self-govern in this way, let them put it to a referendum on them becoming states. I know the Northern Territory rejected it. I can't see any justification for the Australian Capital Territory becoming a state—I can only imagine the 12 senators they would elect to this place. Rights come with responsibilities. It's not a party on the parents' purse strings. They need to stand on their own two feet, if that's what they want to do, but right now we have to help them to their feet. We have to guide them in the manner that our Constitution allows, because we have to do the right thing here. We can't fall for trendy cliches and slogans. We've got to think through the consequences of every single action that we take. These consequences were thought through in 1997 with the Andrews bill. To repeal that bill would be a retrograde step, because there is no evidence whatsoever, anywhere around the world, that a regime like the one that is proposed to be introduced or allowed can function sustainably with the adequate safeguards that everyone assures us would be different in Australia.

**Senator SCULLION** (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (11:53): Wow, what a debate this has been. It's been a very, very interesting debate with lots of passion and lots of people who have welded ideologies. I have a great deal of respect for all of the views that have been put in this place. We should remind ourselves what this place is about. We call this the 'states house'. A long time ago we had
Queensland, Western Australia, South Australia and Tasmania and 12 senators were provided as part of the founding fathers' decision in our Constitution to ensure that the states were dealt with equally—that no one state should be discriminated against. I'm actually from a state called the Northern Territory. I don't have statehood per se, but I'm here. On this whole notion of this debate being about ensuring that the states are treated equally, I have to say that I've been a little disappointed that many senators seem to have missed the point. I'll try to bring them back to that point. Fundamentally, it shouldn't matter where you live, in what jurisdiction, this place is a place that ensures that you are treated equally.

We're talking now about restoration. In fact, the legislation is called the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015. In 1995 the Rights of the Terminally Ill Act was voted for in the Northern Territory parliament, a parliament that was properly constituted and democratically elected, in exactly the same way as in every other jurisdiction—in exactly the same way as Western Australia, Queensland, Tasmania and the Australian Capital Territory; their parliaments are constituted in very much the same way. There was a proper debate that went on and there were committees of inquiry. As you would imagine, it was highly controversial. It hadn't happened in Australia before. There was a lot of focus on the process. On 25 May, the Northern Territory Legislative Assembly voted 15 for and 10 against. The act didn't enter into force until 1 July 1996, and, in the period of time in which it was in force, four people accessed the Rights of the Terminally Ill Act to assist their passing.

For all of that to have happened, you have to look at the legitimacy of how that came about. It came about because of the Northern Territory (Self-Government) Act, which was passed on 22 June 1978. The Territorians were then able to 'make laws for the peace, order and good government of the Territory' where the laws related to any matter not controlled by the Commonwealth. That's not inconsistent with other jurisdictions; it's completely the same as the other states, exactly the same. The sorts of things that these laws dealt with were schools, hospitals, utilities, public transport, forests, police, prisons, community services, roads and rail—all of the things that would be dealt with by a state or territory jurisdiction. Nothing too controversial there. We all accept that's exactly as it should be. When the self-government act came out, we all felt equal. We weren't mendicants to the South Australian government or like some backyard nobody could afford. We were a jurisdiction unto ourselves. We had the capacity to raise funds and to do the same things as every state and territory did.

We always understood, as Territorians, that there were some matters that were proscribed as 'matters controlled by the Commonwealth'. Same-sex marriage, for example, has come up. The Australian Capital Territory tried to raise same-sex marriage, but the Constitution said, 'Look, the High Court has struck it down.' Eventually the Commonwealth said, 'Well, it is our responsibility,' and this place recently passed laws on same-sex marriage, which the states and territories had thus far been prevented from doing constitutionally and by the courts. We respected that.

But one thing I want to say about the debate today and over the last few days is that it's been a bit of a Clayton's debate, because we all know that this isn't within the ambit of the Commonwealth government. This is not a matter in the Constitution that we can deal with. We know, in fact, that it's been dealt with by state jurisdictions and will be dealt with by other jurisdictions from time to time—most recently, the legislation was passed in Victoria;
legislation was recently defeated in New South Wales—as appropriate. That's entirely a matter for those jurisdictions. But, unlike those jurisdictions, the Northern Territory was a function of the Kevin Andrews bill, the Euthanasia Laws Act 1997. That bill effectively said: the self-government of all territories—there was no mischief in the ACT; no-one was trying to pass laws about euthanasia in the ACT, but we'll throw them in anyway, to make some sort of consistency—will be revoked so as to prevent them from passing laws on euthanasia. They are quite entitled, as jurisdictions, to pass laws on euthanasia. But, because we as a territory are slightly different, we could pass a private member's bill that would not have stood a chance in hell of getting up in New South Wales or Victoria—or of overturning any of those—and no attempt has been made to control those jurisdictions because of their rights under the Constitution. That bill passed through this place on the 27 March 1997 with a vote of 38 noes versus 33 ayes. So 38 people said, 'No, we want to deal with the matter of euthanasia in the Northern Territory.' I understand that, at that stage, it was a reality and it was an opportunity for people whose fundamental beliefs about euthanasia were probably more impacted than those of the Northern Territory.

But euthanasia is not a matter for us, and that's why I have indicated that, despite plenty of passion and plenty of smarts around this place, it's a bit of a Clayton's debate. I can tell you right now there would be a different sense in this place if we were debating euthanasia as a national piece of legislation. The place would be full of media, there would be people running around, and the back rooms would be full of people, ringing and cajoling. But it hasn't been like that because we know it's not going to change anything about euthanasia nationally—we are not doing anything federally—and it's not within our ambit constitutionally.

I heard there's broad agreement that restoring territory rights legislation is really not going to be impacted. So the Rights of the Terminally Ill Act is not going to be impacted if we pass this legislation. Some legal opinion submitted to the Senate Standing Committees on Legal and Constitutional Affairs inquiry into the Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008 said:

However, there is significant judicial and academic opinion which suggests that laws made by territory legislatures are not merely suspended or dormant for the duration of any inconsistent Commonwealth law and then enter back into force upon its removal …

The authors concluded:

… there are strong grounds for suggesting that item 2 of Schedule 1 is insufficient to revive the Rights of the Terminally Ill Act 1995 (NT). The rights of individuals and interests at stake are too important to allow uncertainty on this score.

Another submission raised concerns that an attempt to revive the bill would:

… provide the basis for an argument that the [NT RTI] Act would be invested with a Federal character that it did not possess prior to the commencement of the Euthanasia Laws Act 1997 (Cth) or would not possess following the mere repeal of that Act. There is a real danger of the Act becoming entrenched and thus leaving the Assembly powerless to amend or repeal it …

In a sense, because it had this Commonwealth flavour.

Professor George Williams of the Gilbert and Tobin Centre told the committee:

… instead of the Northern Territory law being revived, the Legislative Assembly there and in the other territories would be able to pass a new law, should they so wish—

and they should be allowed to do so—
I think that is appropriate given the principles of democracy involved, given the time that has elapsed and also given the constitutional issues [rather] than to attempt to revive something that may not be possible to do and it would certainly be inappropriate to leave practitioners and others in a situation where they may be unclear as to the legality of their actions.

All subsequent federal bills to restore territory powers including the current bill have made it clear they do not attempt to revive the Rights of the Terminally Ill Act.

What remains for us if this is not a matter within the ambit of the Commonwealth or the Senate to decide on? It's not about euthanasia. I haven't talked about my issues with euthanasia and I shouldn't because it is not my right to do so; it is the right of states and territories to deal with that matter, and that is clear in the Constitution. So what remains? This debate is clearly not about euthanasia. The only issue remaining is the territories' rights to make laws that are not controlled by the Commonwealth in the Constitution.

It's been quite a disturbing process. Spatially, by dint of history, if you happen to live here in the Australian Capital Territory or you happen to live in the glorious Northern Territory, you are now a different class of citizen. You don't have the same rights to decide what you want as does every other jurisdiction. In this place, in the Senate, to choose to ignore that fundamental, I find very difficult to swallow.

I've heard so much about equality in this place: 'We're all equal in this place, and we've really got to look after equality.' But this is an opportunity to right the wrong of 27 March 1997, where every person who lived in the Australian Capital Territory and the Northern Territory became a different class of Australian. Are we equal? Well, sort of. We're equal unless the Commonwealth decides that we are not.

This is not a debate about euthanasia. Clearly, it should not be a debate about euthanasia, although I acknowledge and respect those people with strongly held views on those matters. This is only about state rights. I'm not sure why the people who enjoy living in a state don't trust me and don't trust territorians to democratically elect people who will make decisions in the same way as everybody else does in Victoria and New South Wales, Tasmania, Western Australia or Queensland—in exactly the same way. But we can't be trusted! People have said, 'Oh, look, the Northern Territory didn't become a state when it wanted to become a state.' Let me tell you: we had a constitutional referendum about statehood, and it failed because people didn't understand what we were about to get.

But can you imagine, even if it had passed, people coming into this place and saying, 'Thanks very much, and where are our extra 10 senators?' What a bloody joke that would be, because this place, I can tell you, after what I've heard over the last few days, is not a place of equity. It's not a place that respects everybody who lives in this country. For those people who are voting this down, I genuinely respect their views on the fundamentals of euthanasia, but that is a Clayton's debate. That is a Trojan Horse that just doesn't cut it.

There's an opportunity today to put right something that went wrong on 27 March 1997. Territorians for 19 years were okay. Territorians for 19 years were okay to get on with their own business because it was consistent with some of the views of people in the Commonwealth government. But, on the day it wasn't, they sent a clear signal—and to the ACT, who hadn't had the temerity to introduce legislation of their own. Even they would be caught up because it would somehow be consistent. What a lot of rubbish!
Nobody in this debate needs to be anything but absolutely clear about what this is about. This is about entrenching two types of citizens in this country, one who comes from a territory and the other who comes from the Commonwealth. And I can tell you that introducing 20 new senators in this place is not going to happen in my bloody lifetime. So the notion of, 'Oh, why don't you just become states, and then you'll be the same as us,' is complete garbage. There were those glorious 19 years when we were treated as equals around this country. There's an opportunity today to ensure that we are returned just simply to being equals. Territorians aren't asking for any more than that. We are simply asking in this place, in this house, to be treated as equals.

Senator POLLEY (Tasmania) (12:08): I rise to speak on the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015. It may be argued that the only question being asked of us within this bill is whether the federal parliament should permit the territories to legislate in this space. However, I believe that this is a misguided view and that it is not the only question being asked of us here. The broader purpose of this bill is to allow the territories the legal right to legislate for euthanasia and assisted suicide. But firstly I want to address that question briefly.

Under the Constitution, territories have a different status to states. Territories are not provided the same rights and responsibilities. Our founders did this for a reason. The Australian parliament is provided the right under the Constitution to make laws for the territories. We need to have a broader discussion about the rights of territories in comparison to states and their place in our federation.

The law dictates that government must protect all individuals and govern in the interest of all Australians, and the previous speaker said we have no right to have this debate. Well I believe, even though we can't legislate for assisted suicide and euthanasia, we do have a right, as Commonwealth senators and as members in the other place, to put on record our views in relation to the issue. We exist as a parliament to provide for good government and to protect the most vulnerable at all cost.

Let's not forget why this bill is here, being debated right now. The answer is because Malcolm Turnbull, the Prime Minister, is willing to horse trade on such legislation. This is legislation that is so important to those who support the rights of the territories and to those of us who are ensuring that we put on record our view in relation to assisted suicide. But he is prepared to horse trade on this sort of legislation to ensure he stays Prime Minister of this country—although Senator Leyonhjelm, who is the one that the deal was made with, has said the Prime Minister has reneged on that commitment.

The question for this parliament and the broader community is: should we be giving doctors, or anyone else for that matter, the right in law to end the life of another person? And if we do, how do these laws affect society over time? The issue of voluntary euthanasia affects the entire community, and our emotions through lived experiences with our own loved ones often hamper the ability for reasoned debate on this issue, which is why this subject deserves the time of this place for a considered and lengthy debate. The issue of voluntary euthanasia and assisted suicide is one of the most emotional, challenging issues that politicians, whether it's at a Commonwealth level or at a state or territory level, will have to deal with.
Social regulatory policy, which acts to make a considered change in the way we view life and death, deserves the most serious of considerations, and should not merely be rushed through under the guise of territory rights. Legislation that allows a third party to end or to assist in the ending of another person's life is, without question, the most difficult space to legislate. For the state to codify in law circumstances to authorise the ending of a human life may be viewed as an impossibility because of the inability to ensure it's not abused. Let's be clear here: this is not a legislative space that allows for individual freedom or autonomy; it is actually outsourcing individual freedom to the state and a third party.

This is my major concern: I don't believe that it can be safely legislated. And once we legislate in this space and we end the lives of people within the community, it will erode the value and importance we place on life. We enter this place to make assessments and form judgements about our respective states, territories and fellow Australians. We must take that responsibility with the honour and humility it deserves. We must be acutely aware of the fact that our decisions are not binding for all time, and can be amended. Such proposed legislation in this space will never be able to guarantee that a human life will not be prematurely ended due to abuse or flaws within such a legislative framework, or the social, cultural and medical ramifications of such laws as time moves on. This reason alone should ensure that no such legislation should exist in any state or territory. No legislative framework can account for every individual and unique circumstance, and no amount of safeguards can take into account all variables in a person's life or particular circumstances.

Unfortunately, the Victorian parliament has been successful in this space and has legislated for this reform, and that's been referred to by many speakers in this debate. But that legislation will not take effect until May 2019. I would have thought that we need to take the time to see how that legislation is enacted, and whether or not the safeguards that are being proposed by those who supported that legislation will stand the test of time. As the former Prime Minister Paul Keating said during that debate in Victoria, 'No law and no process can achieve that objective.' We know that legislation gets amended all the time and we know there are social changes within the community, so I don't think you can use the fact that the Victorian bill has not been implemented as justification for supporting this bill.

It should be noted that, although divergent views exist on this issue within the medical profession, the Australian Medical Association believes that doctors should not be involved in interventions that have as their primary intention the ending of a person's life. Withholding and withdrawing treatment is ethically distinct from physician assisted suicide or euthanasia. We hear in this place on so many debates that we should be adhering to the experts' advice. Well, I don't think there are any experts that are more informed when it comes to assisted suicide and euthanasia than doctors. When the AMA is opposed to it—on the grounds they have articulated—then I think we should be adhering to that advice.

I do sympathise with anyone who is suffering with terminal or life-limiting illness or people who live with permanent pain. I do not question your right to argue for voluntary euthanasia, nor do I question your ordeal or your suffering. I cannot possibly understand your individual circumstances. However, my own lived experience—without such legislation—is that pressure can be put on older members of our community when entering the acute health system such that they feel that maybe they shouldn't be asking for a second opinion. I've had that life experience with my own mother. I know what it's like when you're told: 'There's
nothing more we can do for you. We don't believe that surgery is going to give you quality of life.' My mother was able to demand that she have a second opinion. That second opinion was still that the chances of surgery were limited, but that surgeon was in fact prepared to proceed with the surgery that she needed. We were fortunate at that time, because my mother had her faculties; she was strong and opinionated. The surgery did take place and my mother had an additional 3½ years to enjoy her life, her grandchildren and her great-grandchildren. With the overseas experience, as I will talk about further, there is not always that option for people.

We've heard many of my colleagues talk about palliative care—and that there should not be a choice between palliative care and end of life, or assisted suicide. The reality is that we have the power in this place—and governments have failed over too many years—to adequately resource palliative care so that people have the support that they need, whether that's in their own home, in an aged-care home or in acute care. What we need to do is not just talk about the need for greater resources; we collectively need to ensure that the government of the day and future governments resource palliative care, because that in itself can assist with ensuring that people have the end of life that they want, with their loved ones. My concern is that legalising voluntary euthanasia and, effectively, allowing the state to legislate to end human life is a fundamentally flawed answer and not an adequate answer in a society where human life should be viewed as paramount. As I said, palliative care needs to be available to people in their homes, in hospices and in aged-care facilities.

In my own home state, in northern Tasmania, we have been fighting for a standalone hospice to assist people with their end-of-life issues so they have the support they need. My colleagues from my home state have not supported that view; they didn't put pressure on the former Labor government to fund such a hospice. So I would like people, instead of just giving the words and talking, to actually walk the walk and ensure that a hospice for northern Tasmania is going to be funded by a future state government.

Quite frankly, until we have adequate services to support all people who are dying, why are we even considering this option? Bioethics professor Margaret Somerville, who has observed voluntary euthanasia in Canada for decades, argues that euthanasia is being used as a cheaper alternative to psychiatric and palliative care. Public policy is not infallible, but often public policy and law changes are in fact flawed. A law that would allow voluntary euthanasia is fraught with potential for abuse and medical malpractice. It's better that voluntary euthanasia does not become law, because if one person's life is extinguished prematurely and wrongly, then the state would be responsible for the killing of that human life. Such laws, as a matter of public policy, are not worth the risk to people's lives.

When considering the necessity and practically of new laws, it's best to look at overseas jurisdictions that have already introduced similar laws and see what has happened with those laws and how they have changed. One may argue that such legislation in those jurisdictions is operating effectively if individuals are being granted their wish to end their life on their terms. However, I argue that the legislation which has been instituted in other jurisdictions is flawed because human life has been extinguished prematurely and without the consent of the person. Effectively, in many jurisdictions the state is killing people where voluntary euthanasia laws have been established.

Belgium and the Netherlands have legislated euthanasia and we have seen the decline from the initial legislation that was introduced there. The Physician-assisted deaths under the
**euthanasia law in Belgium: a population-based survey** study demonstrated that 32 per cent of euthanasia deaths recorded in the Flanders region of Belgium occurred without explicit consent. The research found that this was occurring because the groups were vulnerable and because there had been a change in the way that citizens and the medical profession viewed end-of-life measures since the inception of voluntary euthanasia laws. Many of the people who were euthanised were either terminally ill or suffering from dementia or other neurological diseases. Euthanasia in Belgium and the Netherlands is being used to end life prematurely when in fact voluntary euthanasia is supposed to control the way and conditions in which a person wishes to end their life.

Switzerland has also passed voluntary euthanasia laws. The Swiss statistics office reported that there were 965 reported assisted suicide deaths in 2015, up from 742 in 2014 and 86 in 2000. The number of assisted suicide deaths in Switzerland nursing homes via the Exit suicide clinic increased from 10 in 2007 to 92 in 2015. They reported that the Swiss association for ethics in medicine found this trend alarming, and stated, 'To end lives in this way gives the practice of assisted suicide an institutional seal of approval.' In August 2015 a healthy, depressed British woman died by assisted suicide the Switzerland. In 2014 a Swiss assisted suicide study found that 16 per cent of people who died at Swiss assisted suicide clinics had no underlying illness. In May 2014 the Exit suicide clinic extended assisted suicide to healthy elderly people who lived with physical or psychological pain. In the last two years 77 people suffering from mental health issues and 173 people who had no physical suffering, but who suffered from addiction and loneliness, were euthanised.

The definition of an illness is expanding, with the Netherlands now considering euthanasia for people who are satisfied with their time on earth and have completed their life. The Netherlands legislated for euthanasia in 2001, and now the age of eligibility for euthanasia is 12 years of age. In 2015, Belgium extended the right of voluntary euthanasia to children. In September 2016, a 17-year-old was euthanised and recently it was revealed that two children, aged nine and 11, were euthanised. We must realise that, once someone is diagnosed with depression, they are not in the correct state of mind to make a life-and-death decision. For most people suffering from a terminal illness, depression is likely. If such a bill were to pass in the territories or any state in Australia, there is no reason why the experience of Belgium, the Netherlands and Switzerland would not be replicated. Over time, legislation will be amended, and there is no reason at all that we wouldn't consider that what's happened internationally wouldn't happen in Australia.

I often say that greed and self-interest are almost as certain as the sun rising in the east. The potential for the abuse of voluntary euthanasia laws is stark and is a major concern to any state which is considering legalising voluntary euthanasia. This is not about religion. The concerns I have are shared with agnostics and atheists. This issue is about the ethics of civilisation and the importance of a person's life. We need to balance individual rights with what is in the public interest. It's not in the public interest to provide doctors carte blanche on what constitutes a worthwhile life. Any change to the Hippocratic Oath places a dangerous amount of power in the hands of a third party, taking away individual rights. Where voluntary euthanasia has become law, choice is an illusion and the laws are open to abuse. People have come forth with stories of elder abuse and coercion by family members, doctors and nurses. Some of these stories are about death by lethal injection or assisted suicide. We've all heard
the stories about people with disabilities whose quality of life was deemed unworthy by doctors. Voluntary euthanasia and assisted suicide at a state or federal level is not the correct legislative action for a government to take in the care of the terminally ill and the most vulnerable people in our communities.

I admire the contributions to the debate by both sides, whether they support euthanasia or not. This is the place where we should have the opportunity to voice our concerns. My concern is ensuring that we are protective of those who are most vulnerable in our communities and that we continue to value the sanctity of the life of every Australian.

Senator STORER (South Australia) (12:28): I welcome the opportunity to speak in the chamber and indicate my support for Senator Leyonhjelm's private member's bill, Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015. I support the ability of the territories to control their own legislative agenda. Their elected representatives should be fully answerable to their voters for the decisions they take. I would be disappointed if the Turnbull government did not allow this bill, should it be carried in the Senate, to be debated in the House of Representatives. I see here a fundamental question that the Senate is being asked to address: the ability of the Commonwealth to override the legislative will of the ACT and the Northern Territory on the specific question of assisted dying. This bill, if passed, would give the territories the same legislative rights as the states, specifically on assisted dying, overturning a 20-year-old federal law which prevented the territories from legalising assisted dying. This bill, simply put, provides the territories with the opportunity to introduce and debate assisted dying legislation, should they wish to do so. It is important to note that it does not enable the Northern Territory to reinstate the original assisted dying legislation, which gave rise to the decision of the parliament of the Commonwealth to overturn that law. This is a matter of the democratic right of the territories and the people in them. It's a states' right matter, as passionately discussed by Senator Scullion earlier today. Voters in the ACT and the Northern Territory should have the same right as voters in South Australia and the other states to vote for or oppose politicians who pledge to legalise assisted dying.

Other senators here have discussed the question of assisted dying itself. I shall not do so. I simply want to deal with the legislation before me. Should I be asked to consider legislation on assisted dying itself, I would apply myself to considering, deeply, the details of what is being proposed and especially the safeguards contained in the measure. But that is not the case right now.

That said, I have noted the processes that have occurred in other jurisdictions when legislators have been asked to consider bills. The legislation passed by the Victorian parliament at the end of last year, for example, followed a 10-month crossbench parliamentary inquiry set up after that state's legislative council agreed on such an approach in 2015. The relevant committee tabled its final report a year later. The government released its response six months after that. A ministerial advisory panel was then established and its 66 recommendations, informed by the work of the parliamentary inquiry, were completed a further six months later, in the middle of last year. Those recommendations were the building blocks for the legislation itself, which came into law at the end of last year, but not before an exhaustive debate in both houses of the Victorian parliament. As we have heard, the legislation will not be in effect until June 2019. So the reports and the decisions taken in Victoria have taken more than two, nearly three, years. From the outside, this appears to have
been a thoughtful and measured way of gathering all the evidence for and against before any parliament makes a decision on a matter of such importance. Therefore, discussion of palliative care and related public policies with regard to assisted dying is admirable but is not being considered here today. Similarly, the discussion of the Victorian legislation and the findings from other jurisdictions, based on their legislation, is also not being considered here today. Again, this is a matter of the democratic rights of the territories to have the same rights as voters in South Australia and other states to vote for or oppose politicians who pledge to legalise assisted dying. Therefore, I will be supporting the legislation before the Senate today, Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015, on that basis.

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (12:33): Life must trump all. All in this chamber have come to this debate on different paths. All have family and friends who have fought for life and who have shifted from life to come what may. This bill, Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015, will allow a territory government to introduce a government sanctioned right to death or right to kill. Those most at risk will be now at risk of a sometimes morally nebulous society. I oppose this bill. I oppose euthanasia.

This bill socialises death, not as a last resort, but as a means for society to avoid the dignity of life, often when life is drawing to a close. This is a bill that effectively places the dignity of death ahead of the dignity of life as a means for society to allow, indeed promote, the state-sanctioned killing of the old, the infirm, the unwanted, the dying, the depressed and the forgotten. No human being has the moral authority to decide when another should die.

We are inherently fallible. We make mistakes. We commit monstrous acts in anger. We become overtaken by greed. We oppose the death penalty because we know it is wrong and will always be wrong. To take another human being's life in revenge, even for the most heinous of acts, is wrong. And yet we can somehow rationalise the killing of the sick and the elderly. The fact that such rationalisation is possible says enough about the inescapable weakness of human beings and our inherent unsuitability to make decisions so serious and irreversible as whether someone should live or die.

As a society, we should be asking not how to make it legal for people to be killed but how to build upon the dignity of life for all, dignity for life when it is at its hardest. I will not and cannot support this bill. Life must trump all.

Senator O'Neill (New South Wales) (12:35): I rise to speak today to make a contribution to the debate on the bill introduced by Senator Leyonhjelm to this Senate chamber as a private member's bill entitled Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015. I acknowledge the grief, the loss and the personal truth of every recount by senators sharing their life experiences of losing someone that they love. I respect the diversity of views that have been put respectfully on the record in the course of this debate. I have my own history, as others do, of grief and loss, and it's a lens that colours what I feel about this issue. But we're called on in this place to combine that journey of the heart with the intellectual endeavour to interrogate the legislation that comes before us, and I will endeavour to do that in my contribution.

I know that there have been many earnest contributions to this debate that, no doubt with good intent, call on us to avert our eyes from the substantive issue at the heart of this bill. Many will say, and indeed have said, that this bill is just about legislative rights of the
territories. But that is only one small element of this bill. The greater, substantive, part deserves consideration. Let me say clearly that history will show that this bill is about giving territories of this nation the green light to go ahead with enacting legislation that will make it legal for physicians to terminate the lives of their patients and to assist patients to take their own lives.

I think a review of the contributions of those who will support the bill will show that, as much as they declare it is not so, they do indeed know that enabling state-sanctioned suicide in the ACT and the NT is in fact exactly what they're seeking to achieve today. The legislation that passed this parliament in the form of the Euthanasia Laws Act 1997 was about euthanasia. This bill, no matter what political magic dust may be thrown over it, is about euthanasia. But it does use the new lexicon of ‘assisted suicide’. Let us also be clear that, despite its complexity, this matter of life and death will be determined by unicameral parliaments, where there is no house of review.

Senator Dodson last night made a very important contribution about the nature of the territories and the rejection of statehood by the Northern Territory. He also made important remarks about the particular vulnerability of First Nations people, who make up so much of the population of that territory.

Last year in the context of the Victorian state debate, 105 of Australia's 148 palliative medicine specialists—that's 70 per cent of the profession—wrote an open letter in which they stated that euthanasia advocates actively and deliberately undermine confidence in palliative care. At the time the vote passed the Victorian parliament, Victoria had the lowest rate of palliative medicine specialists per capita in the country. That is, in my view, instructive. It reveals that the one state that has delivered legislation to allow assisted suicide is the least well served in terms of expert palliation advice and access.

Much has been made of the pain of death in the course of this debate. I do not doubt for a moment that senators have authentically revealed their own perceptions of witnessing that pain in their own personal encounters with the death of a loved one. Indeed, I recall one day in the course of my father's dying when palliation failed him as an aggressive brain tumour progressed. He was very much in pain, and we were very much distressed. Seeing that sort of thing makes you question everything. But his palliation was adjusted, and he continued his farewell to us with very little pain over the following weeks. He reached his 49th birth day not long before he passed. That was 30 years ago. There's no doubt amongst palliation specialists that there has been a marked improvement over that time in the field of palliation. I acknowledge the powerful contributions of many senators that call attention to the need for an increase in the level of resources and the enablement of ever-improving palliation practices, including quality mental health and psychological supports that ameliorate the challenges of the journey to death.

In response to many claims about pain management made in the course of this debate, I want to make a few remarks about claims that pain management is the most pressing reason for advancing to legal assisted suicide. Just how significant is pain as a factor in the decision-making of those who actively seek assisted suicide in jurisdictions where it is currently enabled? In the Oregon public health report of 2016, of the 1,127 patients in that state who had died from ingesting a lethal dose of medication, the data revealed, somewhat surprisingly, that neither pain nor fear of pain was the main reason cited by those who sought assisted
suicide. It was, in fact, some 296 of those 1,127 people—or 26.3 per cent—who indicated that pain control or concern about pain control was a factor for them.

To be fair, let me put on the record that the most often cited reason for assisted suicide in the Oregon study, at 91 per cent, was the steady loss of autonomy. Being less able to engage in activities making life enjoyable was a reason cited by 89.7 per cent. For 77 per cent, it was the loss of dignity that motivated their assisted suicide. Loss of control of bodily functions, such as incontinence and vomiting, was the reason cited by 46.8 per cent. It's important to note that the two reasons most cited by people who died by assisted suicide in Oregon reveal that it was their feelings about their lives, and their concerns about others' views of their lives, that prompted them to take action. That worries me.

Let me speak to the statistic that is of greatest concern to me—that is, the fact that, of the 1,127 people who chose assisted suicide as reported in the study in Oregon, 42.2 per cent indicated that their reason for seeking assisted suicide was concern about being a physical or emotional burden on family, friends or caregivers. It's here that I want to put on the record my recollection of attending a public meeting in the lead-up to the 2001 federal election. Labor's leader, Kim Beazley, and our candidate for the seat of Robertson, Trish Moran, arrived at Kincumber High School. It was a well-attended meeting. Many residents from the local retirement villages that surround it were in attendance. I do believe that most of the audience that evening were in favour of assisted suicide, and that was pretty clear to Mr Beazley as he was addressing them.

When he was asked the question, Mr Beazley spoke about his experience of taking evidence in hearings—and I point out that the Senate is not going to have the opportunity to do that. A young brother and sister came to the inquiry that he was part of and insisted that assisted suicide should be enabled because their mother was a perfect example of someone who was spending her children's inheritance on her health care, and they should have access to it. Mr Beazley rightly pointed out that people who want assisted suicide—people who have argued passionately for it here in this chamber—do not have a motivation of that kind at all. But those motivations do exist in our community, and we are wise to heed them as we make law for the country. We make it for all people, and we have to cover those who have malintent. Mr Beazley finished by saying, 'I don't know what kind of a mother you had but there's very little my mother wouldn't have done or given up in order to give me a better life.' I've never forgotten that.

That brings me to the very real threat of assisted suicide legislation advancing at a time in this nation when recent reports are urging us, as legislators, to give serious consideration to developing legislation, social leadership and agencies to curb increasing elder abuse—undue influence of one family member over another. Similarly, fears of the exploitation of the disabled were well articulated by Senator Steele-John last night in his contribution. I note Senator Steele-John indicated his support for the legislation, but he quite powerfully described the reality of living with disability, about which he perhaps has the greatest insight of all in this chamber. As he put it, four million Australians with disabilities are denied adequate access to the services they need and want, and violent abuse and neglect is still endemic. It is in this context, some fear, that euthanasia enters.

The ACTING DEPUTY PRESIDENT (Senator McCarthy): The debate is interrupted. Senator O'Neill, you will be in continuation.
STATEMENTS BY SENATORS

North Queensland

Senator IAN MACDONALD (Queensland) (12:45): I am a senator for Queensland. I represent the whole state of Queensland and am a very proud Queenslander. I hope that, over the years, I've done things in this place that will help my state. But I am passionate about northern Australia, and particularly North Queensland—the part of my state where I live and have worked for all of my long years in this parliament. I'm proud to say, although a bit unhappy to say, that I am now the only senator of any political party currently residing and working in North Queensland.

So, it is perhaps fortuitous that this week, in this parliament, I am helping to host over 80 people from the capital of North Queensland, which is Townsville, who are in the building at the arrangement of Townsville Enterprise Limited to promote Townsville to those here in Canberra who have power over the money. I'm delighted that that group of community and civic leaders from Townsville has been able to meet with a wide range of ministers who are able to assist in their portfolio areas with some of the desires and aspirations of Townsville—including the Townsville region, I should emphasise.

I'm delighted that the delegation has been led by some old friends of mine, the five mayors from that area: Alf Lacey, mayor of Palm Island Aboriginal Shire Council; Ramon Jayo, mayor of the Hinchinbrook Shire Council; Jenny Hill, mayor of Townsville; Liz Schmidt, mayor of Charters Towers Regional Council; and Lyn McLaughlin, mayor of the Burdekin Shire Council—a council that I spent 11 years on as an elected member before I came to this parliament almost 30 years ago. It was great to hear the mayors and their passion, and the passion of all of those who came with them. I've been delighted that Mr Phillip Thompson has joined me and the delegation in meeting with any number of ministers, including the Prime Minister later today. Phillip Thompson is the LNP's candidate for the electorate of Herbert at the next election and is an Afghanistan veteran. He was blown up in Afghanistan and has spent the last few years helping those with mental trauma—particularly those who have suffered in the way he suffered—as a result of wars that Australia has been involved in. For that, Phillip Thompson was selected as the Queensland Young Australian of the Year this year. Congratulations to Phillip on that particular award.

It's great to have these people here who are passionate about the north. As I often point out, northern Australia has less than five per cent of the population of Australia but already contributes about 50 per cent of Australia's export earnings to our nation. As the theme of the Townsville delegation states, a stronger north means a stronger Australia. I totally support them in what they've done.

As part of my passion for the north, just last week I jumped into my car and, with Mr Frank Beveridge, the LNP candidate in the electorate of Kennedy, drove for 2,500 kilometres around the electorate of Kennedy, first of all going to Charters Towers, where we met up with Mayor Liz Schmidt again. We were able to make an announcement on behalf of the Turnbull government of a $4 million grant to cattlemen and pastoralists in the north-west who are doing it tough with the drought and other difficulties, to help them better manage their properties.
From Charters Towers we drove up the Douglas Development Road to the Goldfield's Tavern at Forsayth. We stopped in there for a beer, but really it was to see some of the locals. The Goldfield's Tavern is always a good place to meet the locals. Then it was on to Georgetown and my old mates in the Latara Motel. The next day we went to Normanton and out to Karumba, where all of the local authorities in the north-west were meeting at their rock meeting at Karumba. It was great to catch up with all of those mayors, with Frank Beveridge, to hear their concerns and to again offer my assistance for the good work they are trying to do in those remote parts of Australia.

Then we went back to Normanton. One of the purposes of going out there was to join Normanton during its 150th year anniversary. Normanton is nowadays a very small town, about 500 people on the Norman River up in the Gulf Country, originally established in Burketown a bit further west. There was a disease there—they went over to Mornington Island and eventually came back to Normanton, where they set up what was 150 years ago the entree into the rich agricultural Gulf Country and gold mining area at Croydon.

They had a wonderful party. We joined them in the street party that day. I was privileged to join Mayor Jack Bawden and the deputy mayor, Ashley Gallagher, to bury a time capsule in Normanton, which will be opened in many, many years time—long after I’ve departed this earth, I'm afraid. It was good to be part of those celebrations and to have the honour of helping to bury the time capsule.

It was also good to catch up with people there. I had been in Normanton not all that many weeks previously, opening the Gulf Christian College up there because the Turnbull government is very keen on promoting education—quality education—even in places as remote as Normanton. That's a great school. I was delighted to catch up with people I'd met a couple of weeks before at the opening of additional buildings at the Gulf Christian College in Normanton.

After that, we went down the road through Charters Towers and on to Mount Isa, where I had the honour of opening, on behalf of the Prime Minister and the minister for regional development, the Mount Isa Rodeo Hall of Fame, which recognises the heroes of the Rotary rodeo in its 60th anniversary rodeo event. The rodeo was started 59 years ago but it was celebrating its 60th rodeo. Why? Because one year they had two rodeos. The acceptable reason for that was that Queen Elizabeth II was able to attend a rodeo that year, and already in those earlier days the rodeo was recognised as the biggest rodeo in the Southern Hemisphere, so obviously Queen Elizabeth had wanted to see it. And the rodeo continues today. Congratulations to the Rotary Club who have run it for the last 59 years. With our work done on the Thursday, with Frank Beveridge I was able to go along to the rodeo as the guest of the rodeo committee. We really enjoyed some of the fabulous sporting events at the rodeo. It's a unique sport and very, very exciting to watch.

As we moved around, there were two questions that were always asked of me. One was, 'Senator Macdonald, how can we vote for you at the next election?'—more about that some other time, some other place. But the other question was, 'How can we encourage people to move to these remote parts of Australia?' They are aware that I've promoted to the Prime Minister and the Treasurer a proposal to review and upgrade the zone tax rebate scheme, which, when introduced in 1945, actually compensated people living in remote parts of Australia a little bit for the additional costs of living remotely, far from our capital cities.
They're very keen to look at that, and I'm going to be urging my government and the parliament to seriously review the zone tax rebate scheme.

Aged Care

Senator POLLEY (Tasmania) (12:55): Last month, I was in Townsville with the Labor Medicare Caucus Committee. We met with locals—and I'm sure Senator Macdonald will be interested in this issue—aged-care providers and Friends of Dementia to hear about their concerns for aged care and home care in regional Queensland and what's been happening under the Turnbull government. I thank the member for Herbert, Cathy O'Toole, for hosting the Medicare Caucus Committee in Townsville. I'd also like to acknowledge my Labor colleagues Sharon Claydon and Dr Mike Freelander for the work they're doing in this space. I want to thank those I met in Townsville for sharing their stories and for being vocal about what the government's cuts to aged care actually mean on the ground. It's their stories and their conversations which are helping to change the way aged care is talked about in Australia.

Frankly, I don't blame people for being worried about aged care. The Liberals have dropped the ball on the Living Longer Living Better aged-care reforms that the former Labor government introduced in a bipartisan manner. Labor did the heavy lifting. The only thing those opposite had to do was implement that legislation, but it's been obvious that they've found it too difficult. On the whole, the Liberals have shown disinterest and inaction in this portfolio responsibility. We have now had three ministers for aged care and there's still no minister for ageing. There's still no-one at the cabinet table who is representing this important social issue for all Australians. Every single budget under the Liberals has seen a cut to aged care, and people are seeing the effects of those cuts locally. They completely bungled the changes to home care packages introduced last February. As a result, we've got over 105,000 older Australians waiting in limbo for home care. These people, their families and communities, the providers and the sector are fed up. They've had enough.

We've seen some action from those opposite in the last 18 months, and I want to give credit where credit is due. But a lot of the Liberals' recent action on aged care and ageing has been them pretending they've done a whole lot more than they've actually done. They've attempted to do some things. They've cheered themselves on and patted their own backs over the aged-care budget package. They were very proud indeed of their aged-care budget package. But that bubble has certainly burst, hasn't it, Mr Turnbull and Minister Wyatt? You didn't fool anyone. We all know that over the forward estimates there is not one cent extra for aged care. This is such an insult to the 105,000-plus older Australians waiting for home care. It's beyond insulting and it tells you everything you need to know about the priority that the Turnbull government gives to older Australians.

Data from the last quarter shows that there were 105,000 older Australians—almost 2,500 from my home state of Tasmania—waiting for home care. I note this figure is from December. We don't have any new figures, because the government is sitting on them. But I have it unofficially that the number has skyrocketed. The Department of Health gave a commitment to release the data two months after the period the data covers, so we should've seen the data for the March quarter in either late May or June.

Last month the minister tweeted that he wouldn't be releasing this data until August. Well, Minister, we are midway through the month and we still haven't seen it. Last month I
questioned whether the minister was sitting on the data while he got his department to scratch names off the waiting list so that they could claim that it hasn't gotten worse in the last quarter. The minister's response in the Tasmanian Advocate on 27 July was:

I tasked the Department of Health to ensure that as many people as possible approved for home services are receiving some form of support. The report will be released once I have been assured of this.

It's just not good enough for the minister to sit on the latest home care package waitlist data until he's satisfied enough names have been scratched off the list so it doesn't look so bad for this government. Any delay is unacceptable and just goes to show how little the Turnbull government respects older Australians, their families and carers.

We need some honesty and we need transparency about what the real situation is within the waitlist. How are we supposed to have real reform, address the demand and fix the issues if the government keep hiding things and pretending they're doing all these great things? Vulnerable older Australians needs us to get this right, and we can't do this if those opposite can't be up-front about what is going on. What we're seeing from the growing home care waitlist crisis is the impact on other services and the broader community. We've got too many vulnerable older people having to go into acute care, prematurely going into residential aged care and, in more dire cases, actually dying while they're waiting for a home care package. This is not to mention the angst and stress placed on families. My office is still receiving calls on a weekly basis from families at wit's end. They don't know what else to do. My colleagues are forever sharing their stories. This is a real issue.

This brings me to the story of the local woman I was fortunate to meet when I was in Townsville last month. The Townsville woman's mother passed away while she waited for her level-4 home care package. Her mother was living with dementia and was receiving a level-4 home care package in New South Wales. When her husband died, she was moved to Queensland to be closer to her family, so she had to re-apply for a level-4 home care package. She had to re-apply for something that it already had been assessed that she needed. She had high-level needs which warranted that home care package level 4, and that didn't change once she crossed the border into Queensland. The whole process of having to re-apply for a My Aged Care package was incredibly stressful for her family. This woman's mother received an interim level-2 package which didn't meet the needs, and she, sadly, passed away while she waited for the level-4 home care package.

This was an extremely frustrating and devastating situation for her family—a situation becoming all too common right around the country. What was more upsetting for the family was that, four months after she had died, the family received a letter saying she would receive a My Aged Care package level 4. This is just plain wrong and, frankly, intolerable for the family. It's intolerable for our community. She shouldn't have to wait for months for something she was already eligible for.

I've said this before, but nothing has changed. The Turnbull government has been asleep at the wheel when it comes to aged care. The aged-care sector is not bleeding under the Turnbull government; it's haemorrhaging. There is a home care crisis unfolding under the Prime Minister and Minister Wyatt's noses, and the best they can do is shuffle money around to pretend they've given new money to aged care and sit on the latest home care waitlist data until the minister is satisfied enough names have been scratched off. It's just not good enough.
The Prime Minister and those opposite should be ashamed of themselves. This crisis will not be resolved until there is action from this government. We had the sector here in Parliament House yesterday, and they're still meeting here today, talking about the issues that are confronting the sector. Well, these issues around the wait list times are having an enormous impact on acute hospital care around this country, particularly in my home state. We know the Turnbull government has cut funding for hospitals around this country. This is an issue that must be addressed. It is far more financially beneficial for the Commonwealth government to have people receiving home care in their own homes rather than being in acute hospitals, putting extra stress on the state and territory budgets. It's time for action. This is the 21st century. This should not be happening in this country. It's a disgrace, and it's a very, very poor reflection on this Liberal government.

Migration

Senator BARTLETT (Queensland) (13:05): It was pleasing to see this morning such a strong, unified voice from senators across most of the party spectrums in this place reaffirming total opposition to not just the White Australia policy but also any immigration policy that has factors, explicitly or implicitly, that discriminate on the basis of race, faith or ethnic origin. There were a lot of fine words spoken. The key challenge now is for the community to ensure that all of us are held to those words and to the terms of the motion that was passed this morning. It's one thing to pass a nice motion—while there were some valuable and strong contributions from all sides of the chamber, speeches only go so far unless they are matched by action.

It does need to be said that already our immigration system discriminates on the basis of where you come from. It is harder to get visas to come here from certain countries, compared to other countries. For many years our system has discriminated explicitly against people of certain marital status, against people of certain gender, against people with disabilities on the grounds of their health conditions and against people on the grounds of their sexuality, so we still have a way to go just to come to the terms of the motion that we unanimously supported today.

I also wanted to reflect on the debate specifically from the context of Queensland and as a Queensland senator, because Senator Anning comes from Queensland. The only other voice we heard in the Senate debate this morning from Queensland was Senator Hanson's. What we are seeing is clearly a premeditated contest, along with other voices—and not just in Queensland. This is an issue around the country, but it's going to have its epicentre in Queensland with people trying to outcompete each other to see who can be the most divisive, who can be the most outrageous, who can be the most racist, who can attack which minority, and who they can single out to try to unite other people behind a banner of hatred. It is crucial in that context that we recognise the importance of standing up to that.

The Greens in Queensland have a central role in standing up strongly as the opposite to that. The Greens will have a contest in the Senate in Queensland, at the next election, with Larissa Waters seeking to get re-elected. If that Greens voice is not re-elected, it will almost certainly mean an extra voice for the forces of hatred and divisiveness, who are promoting this agenda before us and who are now clearly seeking to outcompete each other. It's no coincidence that, in his first speech yesterday, Senator Anning finally got some attention for his bigotry. While it was called his first speech, we know he's made many other speeches.
this place already. A number of these have had in them hateful comments about Muslims, and he's already shown his contempt for First Australians with some of his comments. So what he said yesterday was, frankly, no surprise, which is why I didn't bother turning up. It saved me the trouble of having to walk out. It's also no surprise that it happened on the same day Senator Hanson had a bill on the Notice Paper to introduce a bill for a plebiscite on the future migration level. We're going to see this race to the bottom play out particularly, in an electoral sense, in Queensland. The issues of racism and discrimination that were covered so eloquently in the motion this morning affect all Australians, wherever they might live, equally, and I'm not in any way suggesting otherwise. But I'm saying it's most crucial in the context of the Queensland Senate contest that people stand up strongly to reject divisiveness and racism.

What Senator Anning said in the parliament was, of course, revolting. But almost as nauseating is hypocritical grandstanding from a coalition that are happy to deploy the same deadly racist rhetoric when they think they have something to gain from it, and we all know plenty of examples from all different parts of the country where that's been happening in recent times. The minister responsible for our migration system made comments about reintroducing some of the notorious aspects of the White Australia policy. We also cannot forget that Labor and the coalition both continue to support an offshore detention regime that is torturing and killing people. People are setting themselves on fire and children are dying. They are people just like us who are just seeking safety.

It is of course something that politicians of many persuasions in many countries over many eras have deployed time and time again as a deliberate tactic to seek to divide a community, to target, to single out particular groups for hatred and misrepresentation and discrimination and build community fear around that division, not just to build political support but to divert community attention from the fact that it is usually those governments and those leaders themselves who are repressing the people. It is those governments and those leaders who are failing to deliver a good living for all of their community, who are instead perpetuating a rigged system that works for them. That's the real problem here, I think, and it's especially relevant for Queensland.

The neo-liberal economic agenda from both Labor and Liberal has been in place across many governments for many decades. It has delivered us a housing crisis, deliberately underfunded public services, completely shredded the social housing system and provided inadequate infrastructure, so we no longer even expect governments to provide them. We've had sell-offs of public assets and infrastructure to for-profit corporations. Many areas of our lives are now subject to unchecked profiteering, so we have wage stagnation at the same time as corporate profits are soaring. It's no coincidence that those corporations are the same ones that are donating hundreds of millions of dollars to the large political parties, and that to me is the bigger issue.

Frankly, we know that Senator Anning is extremely unlikely to get re-elected at the next election. He is a bit of a political footnote, although he's doing all he can to draw as much attention to himself in a re-election effort. The real problem is those who have the actual power and how they use that power. They are not delivering for the community in so many ways and that is why we have so many people disillusioned and feeling ignored by the political system—and they're right to feel ignored, because it does ignore them. It is no
coincidence some of the areas where the One Nation vote is the highest is where unemployment and wealth inequality are the highest, where health services are badly underfunded, where people are literally dying at a higher rate.

I am keen to make absolutely clear that we will see this contest play out between Senator Anning and his Katter Australia Party—who, apparently, are 1,000 per cent supportive of his comments—and Pauline Hanson and her One Nation Party. As anyone who saw the Senate ballot papers around the nation last time knows, there are plenty of other fringe extremist racist parties out there seeking to compete with each other as to who can be the most racist, the most anti-Muslim, the most anti-Semitic, the most anti-gay, the most anti-Aboriginal and Torres Strait Islander. They will fight out that contest. It's a crucial goal of the Greens—who, I should emphasise, are outpolling One Nation and the Katter Party in Queensland—for us to ensure that parliamentary representation for those voices of hate does not continue.

But the people of Queensland are not backwards and are not racist. They're ignored by a political system that is rigged. I wanted to explicitly emphasise that point because I fear that what we'll see play out in this sideshow spat between Senator Anning and Senator Hanson and their various fellow travellers will reinforce this false stereotype of Queensland being a backward redneck state. It is not. Queensland has a strong history of progressive movements and they have delivered much good for many people over a long period of time. It certainly also has a strong history of authoritarian government seeking to suppress the community and divide the community. It's no coincidence that Senator Anning explicitly identifies himself with some of the worst examples of that.

But Queenslanders are not racist. They are hurting, because they are sick of a rigged system and a broken system. They want solutions and a future for all of us. Whilst I won't be in this chamber for very much longer, I and all of the Greens in Queensland and many people across the community in Queensland will be doing all we can to ensure that there is no more division in our community and that we unite behind a future for all of us. The real enemy is a broken political system that is rigged in favour of the political elite.

**Early Learning Matters Week**  
**Australian Capital Territory: Seniors**  
**National Science Week**  
**Gordon Community Centre**  
**Evans, Mr Lionel and Mrs Leona Stapleton, Mrs Barbara**  
**National Zoo and Aquarium**

**Senator SESELJA** (Australian Capital Territory—Assistant Minister for Science, Jobs and Innovation) (13:15): In recognition of Early Learning Matters Week, which runs from 5 to 12 August, I was very grateful to be hosted by the brilliant team at YMCA Holt Early Learning Centre. Supported by federal funding, via childcare subsidies and National Partnership Agreements funding, early education care services in Australia provide vital early learning for around 1.2 million children. The YMCA Holt Early Learning Centre is just one of many centres around our country and around our cities helping young children to get a head start on their education. Visiting the centre was a great opportunity to see quality early learning in action. I hope we can build on this.**
education in action, with educators assisting children from birth to five years old to engage in a bustling learning environment. I want to thank my hosts: Jodie Ledbrook, Executive Manager of Children's Services at YMCA; Sam Page, CEO of Early Childhood Australia; Andrew O'Neil, acting CEO; Katie Foster, acting director; Jessica Smith, early learning manager; Alice Kristoff, educational leader; and all of the wonderful children who allowed us to invade their space for a little bit of time.

Last week, I had the great pleasure of holding a seniors forum, with 75 seniors in attendance, just down the road in Deakin. It was a great opportunity to receive firsthand feedback from senior citizens, and I was grateful for the participation of all present. I was able to speak with Canberra seniors about the government's recent More Choices for a Longer Life Package from this year's budget, which includes an increase of $5 billion in aged-care funding over four years and record health and hospital funding, including a $2.5 billion injection for ACT hospitals—the largest in our history in the ACT. It's a huge injection. It's a massive increase on the previous deal in both real terms and actual terms.

The forum was also attended by an expert panel. I'd like to take this opportunity to thank my fellow panellists from various departments and aged-care services who were of great assistance during the lengthy question and answer time. We had Rae Lamb, Aged Care Complaints Commissioner; Troy McNaughton, Assistant Director of New South Wales and ACT Aged Care Complaints Commission; Stephen Gribble, Director of Operational Support and Transition at the Department of Health; Michelle Watkins; Paula Gelo; Kath Paton; Chris Ritchie; and Roger Munson from ADACAS, the ACT Disability, Aged and Carer Advocacy Service. Thank you to all of those who attended on the panel. Thank you, particularly, to those who came along, had their say and got to learn a little bit about government policy in this area. It was also great to get the feedback. There are a number of things we'll be taking up and following up on, on behalf of those who attended.

This week is National Science Week. In the lead-up to this week, as the Assistant Minister for Science, Jobs and Innovation, I had the great privilege of attending a CSIRO STEM in Schools event at Caroline Chisholm High School in Chisholm in Tuggeranong in Canberra's south. I was able to participate in the event with the class. It was a fun and informative class where we learnt about STEM careers, discussed where STEM can take you if you choose it as a career and looked at some of the STEM activities you can do as part of a career in science, technology, engineering or maths.

I particularly wanted to thank Ms Mary Mulcahy, Director of Education and Outreach, CSIRO, who ran the class for CSIRO and did an outstanding job. It was very, very engaging. I also wanted to thank Kris Willis, Principal of Caroline Chisholm High School—one of our great schools in the south of Canberra. Thank you to Paula Taylor, who is an amazing teacher at the school, who facilitated the event and who, in the past in a previous role, I had the opportunity to honour for her outstanding contribution as a teacher. Paula Taylor is a great teacher. We have so many great teachers in the territory, but she's one who is an absolute stand-out. I want to thank all of the students who participated in the class. They really were very engaged—an amazingly bright student cohort. Many of them knew exactly, much more than I did when I was 16, where they wanted to be in five or 10 years time. I absolutely wish them well in that endeavour—those bright minds that we are looking to harness in the STEM field. It is very important. There are great opportunities in it and I encourage those students to
continue to pursue it, but they can only do it with great teachers like Paula Taylor and Kris Willis and being inspired by the likes of Mary Mulcahy.

I want to highlight another issue. People try to stereotype Canberra as being a very comfortable, wealthy city. On average, incomes are higher in Canberra, but those of us who know Canberra know the diversity of Canberra and know that there are, indeed, many people in our community who struggle to make ends meet and do it very, very tough. Last Friday, I visited the Gordon Community Centre, where Reverend Jonathan Holt and his team, along with Anglicare, have come together to create a safe space for people to get the help that they may need. They have everything from community morning teas to mothers groups and a community pantry. The pantry runs off the generosity of Canberrans who are able to give a little bit. It’s open to those who need it. I encourage anyone who is listening and able, especially as we continue through the colder months of the year and then approach Christmas, when families are under even higher pressure, to get in contact with the centre and donate what they can. It’s not just non-perishable food that is required. I was told when I was there that the particular needs for families who are struggling are often the more expensive but very important purchases, likes formula or nappies. We don’t have nappies anymore in the family, but we’ve had a lot. They are very, very expensive, and, if you’re doing it tough, that’s one of the things that you really do struggle to pay for, along with some of the other basics. Things that are needed include nappies, formula and bathroom products, in addition to all of the canned goods and things that we would traditionally give. I commend the work the volunteers are doing in Gordon. Jonathan and the team are an outstanding group of people who are absolutely committed to serving their community, and particularly serving those who are doing it very, very tough.

I want to give a big shout-out and big congratulations to Lionel and Leona Evans on the wonderful occasion of their 50th wedding anniversary. Lionel and Leona have 10 children and are great contributors in their local community. They’ve been active in several community organisations for many years, raising money and providing support to those less fortunate. They have 14 grandchildren whom they spend a lot of time with. What an amazing effort: married for 50 years, 10 kids, 14 grandchildren and doing amazing things in the community. To Lionel and Leona, congratulations, happy anniversary and thank you for the amazing contribution you’ve made to our community in Canberra.

I’d like to also take the opportunity to congratulate Barbara Stapleton on her 90th birthday. Barbara is the first-born of nine children to Frank and Phyllis William. The William family is very well known in Queanbeyan, as Barbara’s parents owned and operated a general store and a teahouse for many years and were very community minded, often supplying large lines of credit to those less fortunate than themselves. Barbara spent most of her teenage years working in both stores and speaks fondly of those years. Barbara married Gerald Stapleton in the early 1950s and they raised five children before his passing in 2001. Barbara is a very active senior citizen, proud of the fact that she can still drive. She loves being around family, which now comprises her five children, their spouses, 17 grandchildren and 11 great-grandchildren. To Barbara Stapleton, happy 90th birthday and congratulations on what is an amazingly well lived life so far.

In the time I have left, I want to point out one of the major tourist attractions in the ACT which is celebrating its 20th birthday: Canberra’s very own National Zoo and Aquarium.
Senator SESELJA: I don't know, Senator Farrell, whether you've been to the Zoo and Aquarium, but, if you haven't, you should.

Senator GALLACHER: I'm hearing Senator Gallacher ask whether the tram line goes there. No, it does not. It doesn't go many places, I've got to say. It will just go down Northbourne Avenue when it's finished.

For Richard Tindale, the National Zoo and Aquarium has been such a labour of love. He started that and he has invested so much of his time and money, and it's become an amazing tourist attraction. The Jamala Wildlife Lodge, which I visited recently, is quite an extraordinary experience. It's been getting a lot of coverage around the country. You can literally sleep right next to the lions and the other wildlife; they come up to your window. It's an extraordinary tourist attraction. To Richard Tindale and the team at the National Zoo and Aquarium, congratulations on 20 years. It is a great attraction for many people who come to the territory, so well done with what you're contributing to tourism in the ACT.

Road Safety

Senator GALLACHER (South Australia) (13:25): I rise in this period of senators' statements to talk about an issue that I refer to frequently in this place. It's probably fairly ironic that we've spent a couple of days debating euthanasia, assisted suicide and the like. Well, these people don't want to go. These people definitely don't want to go. I'm going to talk about deaths on our roads.

Since the Road Safety Remuneration Tribunal was abolished in April 2016, 406 people have been killed in truck crashes. In the 12 months to the end of March 2018, 184 people were killed in 163 fatal crashes involving heavy vehicles. The transport industry remains the deadliest industry in Australia. Transport accounted for 24 per cent of workplace deaths between the period from 2007 to 2015. Early figures in 2018 show that 24 workers—24 truck drivers—have lost their lives in the transport sector. A 2018 Monash report has found that between 2004 and 2015 drivers had a 13-fold higher risk of fatal injury than any other worker, and that more than three-quarters of the fatalities in truck drivers were due to vehicle crashes.

A Macquarie University study criticised the critical gap that has been left since the government abolished the independent tribunal, noting there was now no body or functional authority that can eliminate existing incentives for tight scheduling, unpaid work and rates that effectively deliver below-cost recovery. In real terms, rates of pay have declined over the last 30 years in the industry. The government's own report, the PwC report, showed a link between road safety and pay rates of drivers and that safe rates systems would reduce truck crashes by 28 per cent. There is over 30 years of experience of the link between pay and safety.

A 2018 union survey—I know those on the other side will throw their hands up and decry that evidence—of over 1,000 respondents revealed that 93 per cent of truck drivers want to see changes made to make transport safer and to feel less pressured. A further 69 per cent of the respondents thought that governments have a responsibility for fixing the pressures in the industry, whilst 63 per cent said that regulators have an active role. Macquarie University said one in 10 truck drivers work over 80 hours per week; one in 600 drivers say that drivers can't
refuse an unsafe load; and 42 per cent of owner-drivers said the reason that drivers do not report safety breaches was because of fear of losing their job. Safe Work Australia's report showed that 31 per cent of transport employers say that workers ignore safety rules to get the job done; 20 per cent of transport employers accept dangerous behaviour, compared to less than two per cent in other industries; and 20 per cent of transport industry employers break safety rules to meet deadlines, which compares to about six per cent in other areas. We can go on. ASIC reveals that insolvencies in transport are amongst the highest in any sector. The National Transport Commission reveals that heavy vehicle crashes cost Australia about $3.8 billion per year.

Let's put this all back into some sort of perspective. In the light of this overwhelming evidence, the loss of life and the catastrophic injuries that have resulted since the Road Safety Remuneration Tribunal was abolished, what do we have? We have a new secretary of the Transport Workers Union, Michael Kaine. He will take up the charge, he will take up the gauntlet, following years of dedicated leadership in that sector, going back to John Allan and our good friend Anthony Sheldon. Michael Kaine will take up that challenge and he has started to advocate—professionally, as he always does—in a very considered way, based on evidence. But what does he get? What does he get from this crew on the other side here, from this government on the other side? The workplace minister, Mr Craig Laundy, said, 'The tribunal was a union protection racket'—nothing to do with safety—and that's why parliament abolished it. Nothing could be further from the truth, Mr Laundy. Nothing could be further from the truth.

This government is responsible for people losing their lives on the road because it abolished the Road Safety Remuneration Tribunal. I was in here the night it was abolished and the guillotine was put in place to stop genuine debate on the issue. I know that there are people on that crossbench there who should hang their heads in shame forever because of their actions on that particular day. Mr Laundy, I have to tell you, I always got mentored by people who said, 'When someone is in the gutter, don't get down in the gutter with them. Stand up a bit higher and just re-state the evidence of your case.' I'm going to do a bit of that. I'm not going to get down in the gutter with Minister Laundy, the honourable Craig Laundy, the son of a $500 million empire, who owned a vast chunk of the hospitality area in Sydney. I'm not going to get down in the gutter and pontificate that he can actually see his electorate from his $8.5 million waterside mansion, if he looks that way. Two weeks before he got re-elected, he moved out of his electorate, bought an $8.5 million mansion and, according to media reports, jumped ship.

Why would we take advice, or why would we have a person like Mr Laundy, who also coincidentally said that people who worked in his empire, or his father's empire, were 'begging for their penalty rates to be cut'. Liberal MP Craig Laundy said, 'Staff begged to work weekends for less'. Clearly, if any commonsense evaluation of that proposition were to be articulated, you would have a proposition where someone was earning a modest income and, faced with losing a day's pay, they may well have said, 'Look, I'd rather lose a day's pay than starve. I'll work for less.' But 'begging to work for no penalties'? This is the workplace relations minister who says a genuine, articulated, researched body of evidence is 'a protection racket'? I've got to say, if it is a protection racket, I'm on side with it. I'm on side with a dedicated band of professional people advancing proper safety standards in transport, not just
for the transport operator but for every road user. I'm for the people who can go to work, articulate their rates, get paid appropriately and get home to their family at night. If that's a protection racket, Mr Laundy, I'm guilty. As is Michael Kaine, as is Tony Sheldon, as is former Senator Steve Hutchins, as is former federal secretary John Allan, as is Senator Sterle, as is every like-minded person on this side of the chamber.

We are not here to cop that sort of level of abuse, to say we're advancing a protection racket for the Transport Workers Union. We've invested decades in the proper research in this area. We've advanced the case and won the support of major transport companies. There is a major transport operator who has written to the Prime Minister of this country asking for action in the transport sector. To this day, I do not think he got a response. To this day, he did not get a response.

You cannot move anywhere in this great country of ours without a truck passing you or you passing a truck. You've got a right to know it's safe. You've got a right to know that the driver is able to do his task without breaking the rules, that his vehicle is properly regulated and that his vehicle is properly insured and properly maintained. To have a workplace relations minister putting the proposition that we're advancing a protection racket is an absolute disgrace.

We stand much higher than you, Mr Laundy. We stand on fair ground built on decades of research and proper hardworking working-class people advancing their case. We look down on you, Mr Laundy. I suppose you can see your electorate from your $8½ million mansion, and you can hear workers begging for penalty rate cuts, but that is all nonsense. Get out in the real world and address your portfolio.

Murray-Darling Basin

Senator PATRICK (South Australia) (13:35): I rise to speak on an issue that I have spoken about several times, but it's not an issue that's only restricted to South Australia; it's an issue that deals with a national asset of ours, which of course is the Murray-Darling Basin. Those who've been following events in the Senate relating to the Murray-Darling will know that I have been a fierce advocate for transparency across the Murray-Darling Basin Plan. This is why, since I've been in this place, I've moved three separate orders for the production of documents and will be moving another motion ordering the production of further documents this afternoon. These motions are underpinned by the need for increased transparency and openness when it comes to implementing the Murray-Darling Basin Plan. Basin communities have a need, indeed a right, to be able to study and understand all that sits behind the plan. It's essential to building and maintaining confidence in the plan.

I will now set out the disturbing situation that has led me to my latest motion in the chamber for access to documents. In June this year, the South Australian Murray-Darling Basin royal commissioner summoned the Murray-Darling Basin officials past and present and ordered the production of documents from both the MDBA and other Commonwealth departments. In response, and in defiance of the Murray-Darling transparency it has committed to, the federal government commenced proceedings in the High Court challenging the commissioner's authority to call Commonwealth witnesses and to subpoena documents.

I want to point out an irony here. The legal case centres around whether the SA royal commissioner has powers to compel the production of federal documents or to compel the
appearance of federal officials. An astute observer would appreciate that this problem would simply not have existed had the federal government initiated a federal royal commission, which is what many in this place had called for.

The High Court matter has been set down for hearing in October. But the need for the commissioner to afford procedural fairness to the Commonwealth means he will not be able to hear from the witnesses and examine the documents without an extension to his reporting date. In an extraordinary departure from the norm of supporting royal commissioners, the South Australian Attorney-General has indicated to the royal commissioner that he has to report in the original time frame. So we've now got a royal commissioner who is snookered between the federal government's refusal to assist and the state government's refusal to grant extra time such that the legal situation can be clarified.

A critical issue that the royal commissioner has been exploring is how the MDBA reached 2,750 gigalitres as the amount that needs to be recovered from irrigators, other consumers and the environment. As Karen Middleton in *The Saturday Paper*—and I'm going to read from it because it's very succinct and to the point—wrote:

What the commission has established so far is that the science was referenced initially. A 2010 preliminary guide to the then-proposed basin plan used hydrology modelling to identify how much water should be recovered from irrigators and other consumers and returned to the environment. Scientific experts recommended a range within which a "sustainable diversion limit" should be set. They based their work on the Water Act's requirement that the limit must reflect an "environmentally sustainable level of take".

In the Act, that level is defined as the amount of water that can be used for consumption, including for irrigation and industry, without compromising key environmental assets and outcomes, ecosystems or the productive base of the water resources themselves. The legal definition says that the level of take—and therefore the diversion limit—must be based on environmental considerations.

While the Act stipulates that economic and social impacts should be considered in managing the basin plan overall, it does not allow them to form part of those calculations at the start—when they were trying to determine the 2,750. The article then goes on to say:

The expert work presented in the guide—and peer reviewed following scientific protocols—suggested that the amount of water to be recovered from irrigators should be somewhere between 3856 gigalitres and 6983 gigalitres a year.

But it warned that the lower amount had a "high degree of uncertainty" of achieving the desired environmental outcomes. That meant 3900 gigalitres was the bare minimum that should be recovered for the environment. Even then, that was unlikely to be enough to do the job.

But between the publication of the guide and the finalising of the plan, something changed. Suddenly, it had to begin "with a two".

When the basin plan was produced, the amount of water the authority said had to be recovered was significantly lower—at just 2750 gigalitres a year.

The article explores—in fact, in some senses jokes, as has happened in the commentary around the royal commission—that the number was chosen by picking a postcode. They started with Tony Windsor's postcode. He was then chairing the Murray-Darling parliamentary inquiry that was on foot at that particular time.
So we have a controversy. Perhaps it's an uncomfortable controversy for some, but that doesn't mean we should muzzle the commissioner. The royal commissioner has advised the SA government in writing that he could make a useful report but 'would much prefer to obtain the benefit of the material and evidence sought by the summons'. He also stated: That material and evidence, I stress, is regarded by me as highly desirable to be considered by my commission, in the interests of everyone, including South Australia and South Australians, affected by the Basin Plan. I suspect Bret Walker is being conservative in his language, as royal commissioners tend to be. In my view, it's more likely a much more significant issue than that. The whole plan may be based on a lie, and that would mean we will have spent $13 billion only to see South Australia and the nation ending up with a disaster on its hands.

We are not talking about submarines. We're not talking about fighter jets. We're talking about a river. There can be no secrets here. Secrecy is a powerful fuel for suspicion, conspiracy theories and mistrust. There's no place for it. Either the federal government consent to requests for witnesses and documents, thereby avoiding the need to proceed with the High Court case, or they put appropriate pressure on the South Australian government to extend the royal commission's time frame to allow it to do its work properly. Appearing by consent creates no precedence that the federal government should be worried about. Appearing by consent would cost six airfares to Adelaide. Passing these documents over to the commissioner by consent creates no precedence.

The motion that I'll move today in this chamber will call for the relevant documents that the royal commissioner has asked for. There can be no jurisdictional error with the Senate asking for those documents. This is a very important issue. It's an important issue for South Australia; it's an important issue for the nation. It's a national river system. It's actually an important issue for the rule of law, because we might find that the plan has been formed in legal error. Whatever we might think about what the royal commissioner might come up with, we need to see what he's got to say. I'd like to think that we get to see what he has to say having considered the Commonwealth's position.

Why doesn't the Commonwealth turn up and put its position such that it can be considered properly by the commissioner? What is the federal government afraid of? What is the federal government trying to hide here? There is a simple remedy to this. I'm hopeful that the Commonwealth will, in fact, reverse its decision to fetter the commissioner, but, as a contingency to that, I am hopeful that the Senate will support my motion today. Thank you.

Jameikis, Mr Stasys

Armenian Genocide

Senator ABETZ (Tasmania) (13:45): Imagine slowly waking up, familiarising yourself with your frozen surroundings and realising you're on a heap of frozen bodies left for dead in a makeshift morgue. This is just part of Stasys Jameikis's gripping firsthand account of the many depravities that he suffered—like so many Lithuanians, Jews, Poles and, indeed, a Russian war hero—at the hands of the brutal communist regime in Russia. I recently had the sobering honour of launching his book in Parliament House. In his book, Only Eleven Came Back, the author's narrative of his life experiences tells us of the 1,504 fellow Lithuanians with whom he was forcefully removed from his beloved homeland in 1941. He was torn from
his bride of only eight months, a good job and his family to face the hell of arctic Russia for
only one reason: being Lithuanian. It was explained that Stasys’s relocation was only to be
temporary, as his sobbing wife fell to the floor, clasping the legs of the comrades, pleading
that she be taken as well. Thankfully, they didn’t accede to her distressed pleas.

The human toll was massive, the brutality and depravity unthinkable. Yet Stasys and 10
others survived to return home after 13 unbearably long years as slave labourers in the icy
Russian Arctic, all in the name of the Marxist workers’ revolution. Death shadowed their
every step. By 1948 only 24 were still living. As early as the first year in exile:

… 30 to 40 bodies were removed from the barracks each morning … They would be carried out
completely naked and stacked like firewood on carts … Then for good measure as they passed through
the gates their skulls were smashed with axe handles.

This is but one of the many stark descriptions left for us by Stasys Jameikis.

Since 1990 those few determined survivors and their descendants again breathe the air of
freedom and liberty in Lithuania after 50 long years of oppression, including three under Nazi
Germany. It is thanks to the few like Stasys Jameikis that the fires of hope, freedom and
liberty were kept alive when to have given up would have been so much easier.

It was the tenacity and strength of some Western leaders that finally saw the collapse of the
evil communist empire—an empire, sadly, supported by many academics while I was still at
university. Their excuses and fake explanations seeking to justify the evil of Marxism now lie
fully exposed as a huge disservice to a generation of students. Yet Marxism is still peddled at
universities. We even had to endure academics and others, allegedly well-educated people,
eulogising Fidel Castro’s reign of communist terror in Cuba, despite the well-documented
evidence which was so studiously avoided by these same university elites. Totalitarianism
subjugates the individual and his rights to the common good as determined by the totalitarian
elite. Stasys’s story not only needs to be on the record but needs to be told to remind us that
the freedoms we enjoy should never be taken for granted.

Despite the harshness, the deprivations and the torture that Stasys suffered, he completes
his account in a manner that would uplift anyone’s spirit and ask, ‘would I have survived and,
if so, returned as balanced’ as he did, to observe:

Perhaps it was His will that at least one man out of that 1500 be allowed to witness a Christian rebirth in
Lithuania.

Poignantly, he concludes with this injunction:
He who does not defend his freedom is not worthy of it. AMEN.

Can I add my amen to his.

In the time remaining, I turn to another crime against humanity—that is, the Armenian
genocide. The horror of the genocide by the Turks cannot and should not be swept aside or
ignored. Arrests, imprisonment, rape, death marches, subjugation of children—you name it—
were all part and parcel of the Armenian genocide. This documented brutality and the
eyewitness accounts have been ignored for far too long. Eyewitness accounts were brought to
us by our very own Australian servicemen who were there at that time, as were the war
reporters, over 100 years ago. Potentially, sensitivities by authorities relating to the Gallipoli
Peninsula may have quietened that which should have been a loud voice of condemnation of
deliberate, orchestrated, official policy in 1915, which saw the removal of the Armenians
from the Ottoman Empire. At the time, Winston Churchill referred to this as the 'Armenian holocaust'. Call it what you will, holocaust or genocide, it was an atrociously horrific chapter in world history and an exceptionally shameful one in Turkey's history.

The people of Australia, learning of the atrocities those 100 years ago through reports and our servicemen in the area, rallied together to support the Armenian relief fund way back in 1915. They made substantial contributions. We let these forefathers of ours down. We don't appreciate fully the sacrificial giving of so many of our forebears of yesteryear, who gave so generously, by no longer highlighting the atrocity and demanding justice through recognition and apology.

I'm a firm believer that justice ultimately prevails and I, therefore, believe that justice will ultimately come the way of the Armenian people. But I am also reminded that justice delayed is justice denied. After 103 years, the delay, the denial and the disingenuous excuses need to be expunged in favour of acceptance, acknowledgement and apology. It is my hope that Australia will be in the vanguard of this just endeavour to obtain recognition and reparation for the plight of the world's Armenian peoples, as our forebears were 100 years ago in providing food, support and practical assistance.

Energy

Senator McALLISTER (New South Wales—Deputy Opposition Whip in the Senate) (13:52): I rise to speak about energy policy and the significance of bipartisanship in energy policy. The Prime Minister this week, of course, has made real efforts at bipartisanship. I'm talking about his effort to reach out to his so-called colleagues in the coalition party room. Unfortunately for the rest of us, the form that this bipartisanship took was complete and utter capitulation to the hard-right warriors who have seen total victory in their campaign for coal as their only acceptable objective in any negotiation within the party room.

I want to be really clear about the position that was taken to the coalition party room this week in relation to energy because it will not see a single additional renewable energy project being built for a decade. It's a very significant problem because we know that renewable energy is the cheapest way of providing new sources of generation capacity. We know our existing generation capacity needs to be replaced. If we replace it with coal, as so many on that side seek to do, we will lock ourselves in for decades to higher prices and higher costs for households. It is completely unacceptable that the Prime Minister, who knows this, who has been briefed on these questions, persists with this plan and has capitulated in such a craven way to the hard-right in his own party room.

But returning to the theme of bipartisanship, I do want to say that it is most important that we eventually arrive there as a nation. Labor has made a serious effort at bipartisanship over the last five years. It is indeed a real gift to a government to be offered bipartisanship from an opposition party in relation to a whole policy area, and we have made good on our promise in this regard. We were positive about the emissions intensity scheme proposed by Minister Frydenberg. We were positive about the clean energy target and we have certainly been positive about the negotiations undertaken between the states and the Commonwealth to establish the National Energy Guarantee. We think a bipartisan framework for investment that integrates climate objectives, carbon objectives, security objectives, reliability objectives and affordability objectives within a single framework within the existing National Electricity Market is a good idea. It has real promise to resolve the impasse that has bedevilled the
The target proposed and agreed by the coalition party room is worse than useless. It certainly won't do anything to deal with carbon emissions additional to what is already locked in the energy system, but it will be actively harmful to the Australian economy. Under the coalition's proposal, the electricity sector will only be responsible for a pro-rata share of our Paris emissions reduction goals. These guys have agreed to a 26 per cent reduction, and they say, 'Well, the electricity sector should reduce its emissions by 26 per cent.' This is such a complete waste. It leaves so much on the table, and on the way through it smashes the opportunity for jobs and investment in renewables. All of the modelling—again, received by the government's own advisers—shows this. We should be supporting our renewables sector, not undermining it.

Our expertise in renewable energy and renewable technology means we have so much to offer and so much to gain from a renewables revolution. Last week I was back at UNSW. I've worked with people there for a long time over my career. They have been doing amazing work for 40 years on photovoltaics, and Professor Martin Green is a world-leading researcher in this area. That unit is responsible for many of the technology advances that have seen solar energy prices come down and down. It's those improvements, in part driven by these amazing Australian researchers at an Australian university, that lead AEMO to tell the government again and again that the most cost-effective replacements for our ageing power stations will be renewable. There is a direct connection between our research capability and our future energy capability.

**Senator McALLISTER:** I will take that interjection from Senator Williams. AEMO says—and you should read their latest report—that investment in renewables will continue to be the dominant form of energy investment, with or without subsidies, because they are the cheapest possible way—I say it again—of providing new generation capability.

What those opposite are doing is a form of economic vandalism. Where is the support for jobs and innovation? I remember when the Prime Minister said, 'There's never been a more exciting time to be alive.' You might have thought at that time that he was actually thinking about the promise of solar and renewables. But apparently not, because we learnt this week that what he's excited about is the prospect of reviving 1950s technology and building a coal-fired power plant. The target those opposite have set does not just waste opportunities; it will burden the rest of the economy. They have committed to getting a 26 per cent reduction, which we don't think is enough, and the experts tell us that the cheapest and easiest emissions cuts are to be found in the electricity sector. We need that sector to do more than its pro-rata share.

**Senator Williams interjecting—**

**Senator McALLISTER:** I'll tell you why—and I go to Senator Williams again. The burden will fall on other sectors if not carried by the electricity sector. The burden will fall on sectors like agriculture. And all the advice is that there are no cost-effective options in agriculture. There's only destocking and letting fields lie fallow. That is not a good option for the sector that so many senators here claim to support, and yet the model they have adopted
will see that sector have to carry the burden. Shame on you for being so partisan and so narrow in the way that you approach this!

I want to finish on the theme of bipartisanship, which was where I started. We have offered bipartisanship time and time again over the five years of this government to resolve the impasse over energy policy. We have been serious and earnest about that, but there has been no interest; there have just been endless partisan games. The great writer Sun Tzu said that there is no instance of a nation benefiting from a prolonged war. I say to the coalition: have a think about that the next time you reject our bipartisan offers.

**PARLIAMENTARY REPRESENTATION**

**New South Wales**

The PRESIDENT (14:00): I inform the Senate that I have received a letter from Senator Rhiannon resigning her place as a senator for the state of New South Wales. Pursuant to the provisions of section 21 of the Constitution, I have notified the Governor of New South Wales of the vacancy in the representation of that state caused by the resignation. I table the letter and a copy of my letter to the Governor of New South Wales.

**QUESTIONS WITHOUT NOTICE**

**Taxation**

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:00): My question is to the Minister for Finance, Senator Cormann. On Monday, the minister told the Senate, 'We are absolutely committed to taking business tax cuts to the next election.' Yesterday, the minister told the Senate that:

Of course we want to take the company tax cuts, legislated as an important part of our economic achievement, to the next election.

Will the minister guarantee that, regardless of whether the government is able to legislate its enterprise tax plan in this term of the parliament, the government will take its full enterprise tax plan to the next election?

Senator CORMANN (Western Australia—Leader of the Government in the Senate, Minister for Finance, Special Minister of State and Vice-President of the Executive Council) (14:01): As I was listening to my reported remarks, I thought to myself that I couldn't have put that better myself! I can confirm that of course we are absolutely committed to getting this very important economic reform passed through the parliament this fortnight. That is because we care about the future opportunity for Australian families to get ahead. We care about Australian families being able to get a good job or a better job, to build a career here in Australia and to get better wages over time. We understand that the future success of families around Australia is dependent on the future viability, competitiveness and success of businesses that employ them and pay their wages.

The PRESIDENT: Senator Wong on a point of order.

Senator Wong: I know the minister is worried about being rolled, but there was one question. It is the question he is avoiding. Will this minister guarantee, regardless of whether he is able to legislate the enterprise tax plan in this term, that the government will take the full plan to the next election? That is the question he is avoiding. I'd ask him to answer it.
The PRESIDENT: As senators know, I cannot instruct a minister how to answer a question as long as they are directly relevant to it. You've reminded the minister of your question, and he has a minute and 13 seconds remaining to answer.

Senator CORMANN: Straightaway, in the point of order, there it is again: the politics, the cockiness that is starting to come in. Labor think they already have the next election won.

The PRESIDENT: Senator Wong on a point of order.

Senator Wong: Please answer the question.

Senator CORMANN: I answered the question on Monday. I answered it on Tuesday. I'll answer it again for you today.

Senator Wong: You're ducking and weaving, Matthias.

Senator CORMANN: It's very clear.

Senator Wong interjecting—

The PRESIDENT: Order! Have you concluded your answer, Senator Cormann?

Senator CORMANN: As I've said on Monday, as I've said on Tuesday and as I'll say today: we are absolutely committed to legislating our Ten Year Enterprise Tax Plan. We're absolutely committed to taking our legislated Ten Year Enterprise Tax Plan to the next election. Is Labor going to the next election proposing to increase taxes on business and jobs, sending jobs overseas? Tell us, because we have all seen the Bill Shorten wibble wobble on small- and medium-sized business tax cuts.

The PRESIDENT: Senator Wong on a point of order.

Senator Wong: Direct relevance—and if Senator Cormann wants to talk about wibble wobble, he should look in the mirror. Answer the question.

The PRESIDENT: I cannot instruct a minister how to answer a question as long as they're being directly relevant to it.

Senator CORMANN: There's no single senator in this chamber who can possibly doubt my commitment to securing the passage of our Ten Year Enterprise Tax Plan in full.

The PRESIDENT: Senator Wong, a supplementary question.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:04): This morning's The Courier-Mail reports that Luke Howarth has said, 'If it was going to pass the Senate, it already would have.' Does the minister agree with the LNP member for Petrie when he says in relation to the business tax cuts that the government should 'drop it and move on'?

Senator CORMANN (Western Australia—Leader of the Government in the Senate, Minister for Finance, Special Minister of State and Vice-President of the Executive Council) (14:04): Luke Howarth is an outstanding member of parliament. He's a great representative of the people in Petrie. He's a great representative of the LNP here in the House of Representatives. I have got the greatest of respect for Mr Howarth. Mr Howarth, like all of us, is committed to securing in full the passage of our proposal for lower, globally more competitive business tax rates through this parliament this fortnight.

The PRESIDENT: Senator Wong, a final supplementary question.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:05): Senator Molan has said recently, in relation to the enterprise tax plan:
We're making a rod for our back.

Does the minister agree with Senator Molan's criticism of the government's tax plan?

Opposition senators interjecting—

**The PRESIDENT:** Order! Before I call Senator Cormann, I will ask people to at least remain silent when their own side is asking a question. And I will remind all senators to remain silent during the question being asked.

**Senator CORMANN** (Western Australia—Leader of the Government in the Senate, Minister for Finance, Special Minister of State and Vice-President of the Executive Council) (14:05): Senator Jim Molan, another great Australian. What a great senator for the great state of New South Wales. I always listen very carefully to what Senator Molan, as well as every Liberal and National Party senator and every Liberal and National Party member in the House of Representatives, has to say about policy matters.

**The PRESIDENT:** Senator Wong, on a point of order?

**Senator Wong:** He might think they're all great, and I know that he listens to everybody, but I didn't ask him anything about that. I just asked him whether or not he agreed with Senator Molan's criticism of the government's tax plan, which was, 'We're making a rod for our own back.' That's the only question I asked.

**The PRESIDENT:** Senator Cormann was being directly relevant to the question. You quoted a person that he was referring to in his answer.

**Senator CORMANN:** Let me be very clear: I don't agree with the characterisation of Senator Molan's comments that Senator Wong has just provided to the chamber. Let me reassure Senator Wong again: every single Liberal and National Party member and senator is committed to securing the passage of this important reform this sitting fortnight for working families around Australia, and if the Senate cared about working families around Australia then it would support it.

**Energy**

**Senator HUME** (Victoria) (14:07): My question is to the Minister representing the Minister for the Environment and Energy, Senator Birmingham. Will the minister please update the Senate on how the National Energy Guarantee will deliver affordable, reliable energy for all Australians, but particularly in my state, the great state of Victoria?

**Senator BIRMINGHAM** (South Australia—Minister for Education and Training and Manager of Government Business in the Senate) (14:07): I thank Senator Hume for her question, knowing that Senator Hume, like every single member of the coalition, is driven by a desire to see lower energy prices for Australian households and lower energy prices for Australian businesses. Indeed, that is why it's so important to deliver the reliability and the affordability that the National Energy Guarantee will provide for all Australians, including those in the great state of Victoria.

As the Senate is well aware, the National Energy Guarantee has come from recommendations of the Independent Energy Security Board. It's a guarantee that for the first time brings together an integrated approach to energy policy and deals with it in a way that ensures we get the lowest-cost outcome for Australian households. And those benefits will be real right across the nation, including in Victoria. It's backed by industry; by business groups;
by consumer groups; by organisations; and by companies such as Orora, who have 11 locations across Victoria, in places such as Scoresby, Wendouree, Altona and Dandenong; by Rheem, located in Moorabbin; by Orica, located in East Melbourne and Deer Park.

It will see Australian households enjoy benefits to the tune of around $550 in their electricity prices. It will see wholesale prices forecast to drop by 20 per cent. And what does that mean? Well, that 20 per cent reduction in wholesale prices flows through. It means that Victorian supermarkets will see reductions in prices of hundreds of thousands of dollars. Victorian chemical factories or industrial factories or large employers could see savings to the tune of millions of dollars in their energy costs. All of this makes it more affordable for them to invest, to create more jobs, to create a circumstance where they have the confidence to create a better working environment for all Victorians, just as it will happen across every other state of Australia.

The PRESIDENT: Senator Hume on a supplementary question.

Senator HUME (Victoria) (14:09): I thank the minister for his answer; that is indeed very encouraging. Can the minister inform the Senate about any recent developments in delivering the National Energy Guarantee?

Senator BIRMINGHAM (South Australia—Minister for Education and Training and Manager of Government Business in the Senate) (14:09): At the 10 August COAG Energy Council meeting, the council noted the very detailed work the Energy Security Board has undertaken on the final design of the guarantee, as well as the final modelling that outlines those extensive savings that will accrue to households and to businesses and allow them to have confidence in their investment.

COAG energy ministers are now being provided with a draft of Commonwealth legislation following its endorsement by the coalition party room, and COAG Energy Council ministers have agreed to the release of the exposure draft of the National Electricity Law amendments that would implement the guarantee following confirmation at the Energy Council teleconference that occurred yesterday, 14 August. Ultimately, those amendments will be presented to the council for final approval before being legislated through the state parliaments. The government's intent is to see this work through cooperatively with all Australian states to get the best possible outcomes for Australian households, businesses and the Australian economy, which are lower energy prices that ensure that people can invest and grow jobs with confidence.

The PRESIDENT: Senator Hume, a final supplementary question.

Senator HUME (Victoria) (14:10): Can the minister update the Senate on consultations with the state governments and the implications for businesses and families in Victoria if the Andrews Labor government blocks the National Energy Guarantee?

Senator BIRMINGHAM (South Australia—Minister for Education and Training and Manager of Government Business in the Senate) (14:11): It's very clear that the Victorian government, indeed, all states, in the national electricity market, should support the guarantee. Daniel Andrews should support it not only because of the affordability benefits I have outlined but also for the reliability benefits. The Australian Energy Market Operator said that Victoria last year faced a 43 per cent chance of load shedding, which is a euphemism for blackouts. Victoria had the second-highest prices for electricity in the country. It's really
critical to address those issues of reliability and affordability, as the NEG does, in the state of Victoria.

The only reason that the Victorian government is playing any types of games in its position on this is that Daniel Andrews and the Labor Party apparently are running scared of the Greens in the lead-up to the Victorian state election. Rather than letting the Greens dictate Labor policy, Labor ought to stand up for the businesses and households of Victoria, stand up for lower electricity prices, stand up for the reliability the NEG will bring and stand up for a better energy policy. *(Time expired)*

**Energy**

**Senator McALLISTER** (New South Wales—Deputy Opposition Whip in the Senate) (14:12): My question is to the Minister representing the Minister for the Environment and Energy, Senator Birmingham. The Australian Academy of Technology and Engineering released a statement on Monday entitled, 'More coal-fired power stations would be a mistake', which said:

New coal-fired power stations will not reduce the cost of electricity and will not aid efforts to reduce emissions.

Is the academy correct?

**Senator BIRMINGHAM** (South Australia—Minister for Education and Training and Manager of Government Business in the Senate) (14:12): It's funny but the last two days I have received questions from the opposition about whether there wouldn't be any new coal-fired generation investment under the policies of the NEG. Now, of course, we're getting questions going in the opposite direction. The Labor senators seemed to be asking, 'Why won't there be?' Now they're saying, 'There will be.' Of course, every entity is entitled to its opinion.

**Senator Jacinta Collins:** On a point of order, the minister is mischaracterising the question. The question is: is the academy correct?

**The PRESIDENT:** You have reminded the minister of the part of the question. I'm listening carefully. He has a minute and 34 seconds remaining to answer.

**Senator BIRMINGHAM:** Thanks, Mr President. I'm not sure whether the Labor Party understands, but the National Energy Guarantee is a technology-neutral approach. It doesn't pick winners. Indeed, just as the ACCC's recommendations are technology-neutral in their approach, there is a premium put on reliability that relates to the dispatchability of energy.

**The PRESIDENT:** Senator Wong, on a point of order.

**Senator Wong:** We actually didn't ask about the NEG. I know he wants to talk about that. We asked a question about a report which states that coal-fired power won't reduce the cost of electricity nor reduce emissions and whether that statement was correct. That was the only question asked. I ask the minister to return to the question.

**The PRESIDENT:** You have reminded the minister now of the full question. He has a minute and nine seconds remaining to answer.

**Senator BIRMINGHAM:** Thanks, Mr President. It is up to the energy market to deliver the lowest cost energy for households. Whether that is thermal generation using coal or gas, whether that is storage, whether that is renewable energy generation, what we want to see put
in place are market conditions to get the lowest cost generation for Australian households and businesses.

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

Senator Jacinta Collins: The minister is deliberately flouting convention in the Senate and avoiding answering the question. Twice now you have reminded him of what the question is, and he continues to address quite a different matter.

The PRESIDENT: Senator Collins, with respect, I have been listening very carefully to the minister's answer subsequent to the points of order that were raised. I do believe he is being directly relevant to the question. I cannot instruct him how to answer a question as long as he is directly relevant to all or part of the question asked. Senator Birmingham.

Senator BIRMINGHAM: Those opposite asked the question: is the academy correct in saying that coal would not provide for lower prices? That's their analysis. What I'm saying is the role of this government and the intent of this government is to have policies in place that give the lowest-cost energy generation for Australians whilst ensuring it's reliable, whilst ensuring we meet our international obligations. That is precisely what we're getting on with doing. That's what we've done in a range of energy reforms to date that are already bringing down prices. It's what we'll continue to do through the National Energy Guarantee and through our responses to the ACCC review, all of which are about a technology-neutral approach, not picking winners but empowering the lowest possible prices for households.

The PRESIDENT: Senator McAllister, a supplementary question.

Senator McALLISTER (New South Wales—Deputy Opposition Whip in the Senate) (14:16): The Chair of the Energy Security Board, Dr Kerry Schott, has said 'there would be no way that anyone would be financing a new coal-fired generation plant.' Does the minister agree with Dr Schott?

Senator BIRMINGHAM (South Australia—Minister for Education and Training and Manager of Government Business in the Senate) (14:16): I'm not going to come in here and play 'do I agree with somebody's statements or disagree with somebody's statements'. We respect Dr Schott's work and analysis, and indeed we are acting on the recommendations of the National Energy Guarantee. If you value her words so much then you should sign up to the National Energy Guarantee. As you rightly point out, it was the Chair of the Energy Security Board—the Energy Security Board which has recommended the National Energy Guarantee—so you have to ask: why does the Labor Party continue to play ducks and drakes over their position on the National Energy Guarantee? Why is it that Mr Shorten cannot give a straight answer when it comes to whether or not the Labor Party will support the National Energy Guarantee? Why is it? Of course, it's because the Labor Party is still trying to cling to their 45 per cent emissions reduction target—a 45 per cent target that, of course, we know will see much higher prices and much lower reliability and destroy aspects of the Australian economy. (Time expired)

The PRESIDENT: I'm going to ask senators to keep in mind, please, silence during answers. We were very good for the first 20 minutes, but noise was creeping in just then. Senator McAllister, a final supplementary question.

Senator McALLISTER (New South Wales—Deputy Opposition Whip in the Senate) (14:17): Given that the Prime Minister, the Treasurer and experts are all on the record saying
that a new coal-fired power plant is not feasible, isn’t it clear that the only reason Prime Minister Turnbull is spending billions of dollars of taxpayers’ money to underwrite new coal-fired power stations is to buy the support of his own party room?

Senator BIRMINGHAM (South Australia—Minister for Education and Training and Manager of Government Business in the Senate) (14:18): Now we’ve just got the Labor Party making stuff up. Nobody is spending billions of dollars underwriting new power plants. We have absolutely indicated that we will respond to and act upon recommendations from the ACCC, who have done a very good report. If the Labor Party haven’t read it, I would encourage them to look at the ACCC report. I’d encourage them to look at the recommendations, which also apply in a technology-neutral way. They apply in a technology-neutral way just the same as the National Energy Guarantee does, because it’s not about picking winners in the Turnbull government’s policy; it’s about picking policies that give us the lowest possible prices, policies that give us the most reliable energy, policies that meet our international commitments but do so with the lowest price and reliable energy. Ultimately, whether it’s in the NEG or in response to the ACCC approach, they will be the priorities that drive us and drive our policy responses.

Centrelink

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:19): My question is to Senator Fierravanti-Wells, the Minister representing the Minister for Human Services. It has been reported today that the government had recently decided to bypass its own safeguards and send letters relating to debt recovery to people with a vulnerability indicator who are receiving income support. These people include homeless people, people with serious mental health issues, those with a cognitive impairment and other people with disability. Can the government confirm that its policy relating to debt recovery has recently changed and that you are now targeting individuals receiving income support who have vulnerability indicators? If so, why has your policy now changed to abandon the approach to safeguards?

Senator FIERRAVANTI-WELLS (New South Wales—Minister for International Development and the Pacific) (14:20): I thank Senator Siewert for her question. Social security law in this country dictates that where a person is overpaid welfare payments the Australian government must recover this amount. This has been the same approach taken by successive governments and by members opposite when they were in government. Recovering taxpayer funds from those who receive more than they are entitled to is essential to ensuring that we maintain integrity, viability and generosity in our social safety net. It is not unreasonable to expect that all people pay back their debts to the Australian taxpayer, and that people are not excluded just because they have just been released from prison or have a drug or alcohol problem. We are currently reviewing the outcomes of the initial cases. This trial is on hold while a review is conducted to determine whether the additional safeguards and supports implemented have been effective.

Can I just take the opportunity to correct some commonly held misconceptions about these measures. Firstly, there is not online compliance. There has been very careful consideration about how to best work with people identified as vulnerable, or who live in a remote location, to help them confirm or update their income details, and we understand the need to deal sensitively with these people. These people do not have to go online to update their details. Debts are generally not raised unless a person has been contacted and has discussed their
individual circumstances with the Department of Human Services. In cases where debt does result, DHS staff and social workers will work closely with the person to organise repayment options that suit the person's individual circumstances. (Time expired)

The PRESIDENT: Senator Siewert, a supplementary question.

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:22): I take that rather lengthy wording to mean, yes, the government's process has changed. Could the minister outline why it has changed—she failed to answer that first question—and, also, how many letters in this so-called trial have been sent to people and how much money the government estimates it's going to get back?

Senator FIERRAVANTI-WELLS (New South Wales—Minister for International Development and the Pacific) (14:22): Can I just for the record state that our policy has not changed. When the minister became aware of debt notices issued, including to farmers and mentally ill and unstable people, he immediately spoke to the Secretary of the Department of Human Services and asked for the collection of debts from these groups to be paused, pending a full investigation by the secretary of human services. He asked the secretary to report to him within the next fortnight; in the meantime the program is on hold.

I would also add that a full contingent of 700 social workers has been made available to support each one of these individuals should they require support. We are offering for people to call at any time that suits them to update or confirm their details, with comprehensive support.

The PRESIDENT: Senator Siewert, a final supplementary question.

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:23): When did the government find out that the department was targeting people with vulnerability indicators, and how many people are involved in this so-called trial?

Senator FIERRAVANTI-WELLS (New South Wales—Minister for International Development and the Pacific) (14:23): Senator Siewert, I will take that part of the question on notice and get back to you in relation to it and, if I can, I will provide that information at the end of question time.

Income Tax

Senator PATERSON (Victoria) (14:24): My question is to the Minister for Jobs and Innovation, Senator Cash. Can the minister update the Senate about how the Turnbull government's personal income tax cuts for individual Australians are helping our economy and supporting job creation?

Senator CASH (Western Australia—Minister for Jobs and Innovation) (14:24): I thank Senator Paterson for yet another question on job creation. The May budget demonstrated yet again that the Turnbull government, those of us on this side of the chamber, are committed—it's in our DNA—to reducing taxes for Australian taxpayers. But why are we committed to lowering taxes for Australians? Because as a government we know—it's in our DNA; it's our core belief—that Australian taxpayers should be able to keep more of their own hard-earned money. After all, it is their money. But we also know that, when we provide tax cuts for Australian workers—which, as I said, enables them to keep more of their own hard-earned money—there is a positive flow-on effect throughout our economy, which, of course, as we know on this side of the chamber, also leads to job creation.
As senators on this side of the chamber know, since we were elected in 2013 more than one million jobs have been created. The number of people in jobs is at a record high. Tax cuts for individual Australian workers enable millions more Australians to have money in their pockets. What can they do with this money? They can spend it in retail stores, in restaurants, in cafes, on entertainment and on purchasing goods and services, and this economic activity, in turn, creates more jobs. Why? Because the businesses are able to grow and, when they grow, they're able to create more jobs and employ more Australians. But tax cuts for individuals are only one part of our overall plan to grow businesses and create jobs for Australians. As a government, we will continue to implement policies that ensure our businesses are able to prosper and grow and create more jobs for Australians. (Time expired)

The PRESIDENT: Senator Paterson, a supplementary question.

Senator PATERSON (Victoria) (14:26): Why is it important for our nation's leaders to support tax cuts for Australian workers?

Senator CASH (Western Australia—Minister for Jobs and Innovation) (14:26): Every single one of us in this place, as leaders, should be working hard to ensure that Australians pay less tax. But it is a reality, and it's a very sad reality, that only a coalition government, not those on the other side, are committed to tax cuts for Australians. We will do everything that we can to ensure that Australians are able to keep more of their hard-earned money. As I said, it's their money and we want them to keep more of it so that, again, they can go out and spend this money on retail, on buying goods and services, at restaurants and at local businesses and stimulate economic activity, and we're achieving this aim. By 2024-25, 94 per cent of Australians will pay a marginal tax rate of less than 32.5 per cent, but you only get that under the Turnbull government. (Time expired)

The PRESIDENT: Senator Paterson, a final supplementary question.

Senator PATERSON (Victoria) (14:27): Is the minister aware of any risks to the government's plan to cut taxes and create jobs?

Senator Sterle interjecting—

Senator CASH (Western Australia—Minister for Jobs and Innovation) (14:27): I hear Senator Sterle, a fellow Western Australian, laughing at the question. But the reality for Australians is this: there is a very, very stark choice at the next election: a coalition government, which have in their DNA lower taxes and job creation, or those on the other side, who are proudly wedded to their policies of raising taxes on not just Australian individuals but also Australian businesses. We will continue to deliver our legislated tax cuts. Why? Because we want more Australians to keep their hard-earned money. And, in relation to our small and medium businesses, we want them reinvesting back into their businesses because, when they reinvest, they're able to prosper and grow, and a business that prospers and grows, as we know, creates more jobs for Australians. So the choice at the next election is clear: the coalition government will deliver lower taxes, whilst those on the other side, Bill Shorten and Labor, will deliver higher taxes. (Time expired)

Immigration Detention

Senator GRIFF (South Australia) (14:29): My question is to Senator Fifield, representing the Minister for Immigration and Border Protection. I refer to the Queensland coroner's report of two weeks ago on the preventable death of Iranian asylum seeker Hamid Khazaei, who fell
gravely ill while in detention on Manus Island. The coroner recommended a new process for medical transfers, including allowing local doctors to approve emergency transfers without needing to wait for Canberra's rubber stamp. He also recommended audits of offshore detention centres and that they be brought up to the standard of Australian detention centres. Will the government enact these recommendations?

Senator FIFIELD (Victoria—Minister for Communications, Minister for the Arts and Deputy Leader of the Government in the Senate) (14:29): I thank Senator Griff for the question. I express our condolences to the family of Mr Hamid Khazaei. The government is currently considering the coroner's findings and recommendations. The government has already taken action to improve the capacity of health services in regional processing countries, including through the upgrade of facilities at the East Lorengau Refugee Transit Centre.

Senator McKim interjecting—

The PRESIDENT: Order, Senator McKim! Senator Griff, a supplementary question.

Senator GRIFF (South Australia) (14:30): Minister, what deadline has the government given itself to respond to these recommendations?

Senator FIFIELD (Victoria—Minister for Communications, Minister for the Arts and Deputy Leader of the Government in the Senate) (14:30): I can't add to what I've already advised, which is that the government is currently considering the coroner's findings and recommendations.

The PRESIDENT: Senator Griff, a final supplementary question.

Senator GRIFF (South Australia) (14:30): Minister, I would appreciate it if you would take on notice that last question as well. The coroner said that the care Mr Khazaei received at the Pacific International Hospital was inadequate and clinicians 'did not have the necessary clinical skills to deal with his presentation'. Given that PIH is now being contracted to deliver health services on Manus, does the government hold concerns about the standard of care it can deliver?

Senator FIFIELD (Victoria—Minister for Communications, Minister for the Arts and Deputy Leader of the Government in the Senate) (14:31): I will do as the senator asked in relation to the first supplementary and take the time frame on notice. In terms of the final supplementary from Senator Griff, general practitioner, nursing and mental health clinics are available on Manus. There is also after-hours medical staffing to respond to any medical emergencies. These services are supplemented by visiting health practitioners and telehealth services where required. In addition, transferees on Manus have access to a range of clinical specialties, including emergency medicine, a 24/7 emergency evacuation service, general surgery and blood supply services. In total, since July 2015 the government has spent $291 million on health service contracts on regional processing countries. As I indicated before, I will take on notice your first supplementary.

Cybersafety

Senator STOKER (Queensland) (14:32): My question is for the Minister for Communications, Senator Fifield. Can the minister please update the Senate on what the coalition government is doing to protect victims of image based abuse?
Senator FIFIELD (Victoria—Minister for Communications, Minister for the Arts and Deputy Leader of the Government in the Senate) (14:32): Thank you Senator. Today, the Enhancing Online Safety (Non-consensual Sharing of Intimate Images) Bill 2018 will be read a second time and debated in the House of Representatives. As colleagues would be aware, this includes a new civil penalties regime. Colleagues will also recall that the bill was initiated in the Senate and passed on 14 February, with amendments moved by NXT, now Centre Alliance. Those amendments sought to create new criminal provisions in the Criminal Code Act 1995. I acknowledge Centre Alliance’s deep interest in this issue and, indeed, that of the opposition as well. However, upon consultation with various stakeholders across government, including law enforcement officers and prosecutors, issues were highlighted with regard to the workability of the proposed amendments. We appreciate that drafting amendments from the non-government side can be a challenge, so the government has created substitute amendments that will retain the intent of the Centre Alliance amendments to criminalise the non-consensual sharing of intimate images but do so in a way that’s more consistent with the existing criminal justice system.

The government will introduce two aggravated offences for the existing offence of using a carriage service in a way that a reasonable person would consider menacing, harassing or offensive in all the circumstances. The current offence has a maximum penalty of three years imprisonment. These amendments will increase the maximum penalty to five years imprisonment for dealings in private sexual material and seven years imprisonment for repeat offenders of the civil penalty regime. I know that the parliament will want to join in cracking down on the online creeps who want to harm, distress, humiliate or embarrass their victims, whatever the reasons, by sharing intimate images without consent.

The PRESIDENT: Senator Stoker, a supplementary question.

Senator STOKER (Queensland) (14:34): Minister, how effective are criminal penalties in addressing the non-consensual sharing of intimate images?

Senator FIFIELD (Victoria—Minister for Communications, Minister for the Arts and Deputy Leader of the Government in the Senate) (14:34): Under Commonwealth law, it’s an offence to use a carriage service in a menacing, harassing or offensive way. The maximum penalty for this offence is three years imprisonment. Under this offence, since 2004, there have been 947 charges proven against 475 defendants, including a number of cases in relation to image based abuse.

We do have laws that address these matters at the state and territory level, but they do differ across jurisdictions, which is why the Commonwealth is working with the states and territories through COAG to support a nationally consistent approach to criminal offences relating to the non-consensual sharing of intimate images. In 2017, the Law, Crime and Community Safety Council issued the national statement of principles on the criminalisation of these activities. The two new offences that we are talking about here will impose a Commonwealth lever and higher penalties for more serious forms of abuse.

The PRESIDENT: Senator Stoker, a final supplementary question.

Senator STOKER (Queensland) (14:35): What other penalties can be imposed on perpetrators who non-consensually share intimate images?
Senator FIFIELD (Victoria—Minister for Communications, Minister for the Arts and Deputy Leader of the Government in the Senate) (14:36): The central part of the legislation introduces a federal civil penalties regime targeted at perpetrators and content hosts. Penalties of up to $105,000 for individuals and up to $525,000 for corporations can be applied for breaches of the prohibition. Civil penalties will allow the eSafety Commissioner to take action within hours to quickly remove intimate images and to prevent them being shared.

The bill complements current criminal laws and the two new offence provisions that will be introduced. It will also complement the online complaints portal launched by the Office of the eSafety Commissioner in late 2017. The Office of the eSafety Commissioner has had a great deal of success in working cooperatively to have offending material removed. These measures give the eSafety Commissioner the power to pursue a range of responses should informal cooperation be insufficient. So we are facilitating the rapid removal of intimate images and increasing deterrence for would-be perpetrators.

Breastfeeding

Senator LEYONHJELM (New South Wales) (14:37): My question is to the Minister representing the Minister for Health, Senator McKenzie. Yesterday the Senate agreed, without any opposition, to my motion to remove the GST from breastfeeding aids. Can the minister confirm the longstanding health and medical consensus that breastmilk is the optimum source of nourishment for infants in the first six months of life?

Senator McKENZIE (Victoria—Minister for Rural Health, Minister for Sport, Minister for Regional Communications and Deputy Leader of The Nationals) (14:37): Thank you, Senator Leyonhjelm. Yes, I can confirm that breastfeeding provides short-term and long-term health benefits to both the child and the mother and contributes to reduced chronic disease. The World Health Organization advises that breastfeeding stimulates bonding with mothers and assists psychosocial development. It’s also key to improved nutrition and physical growth, reduced susceptibility to common childhood illnesses and better resistance to cope with them.

The Australian Health Ministers' Advisory Council and the Department of Health are developing an enduring Australian national breastfeeding strategy which will aim to create an enabling environment to protect, promote, support and value breastfeeding across Australia. The strategy is being developed in conjunction with states and territories, key stakeholders and experts in the field. The final strategy will be handed to AHMAC at the end of this year.

More broadly, the coalition government has made significant investments to support infant and maternal health, including investing $39.5 million to list on the PBS from 1 July this year whooping cough vaccinations for pregnant women. This will ensure that mothers and babies are vaccinated against whooping cough during pregnancy and from birth, before the baby can be vaccinated at six weeks of age. We've also committed $17.5 million for women's health research and a Maternal Health and First 2000 Days initiative through the Medical Research Future Fund to develop novel tools to improve infant and maternal health into the future. We're delivering $3 million to support the development of easy-to-understand resources and education materials about healthy pregnancies. We will invest $600,000 for improving education for women with gestational diabetes about the risk that they and their children have of developing type 2 diabetes and encouraging follow-up testing to avoid, prevent and detect the condition.
The PRESIDENT: Senator Leyonhjelm, a supplementary question.

Senator LEYONHJELM (New South Wales) (14:39): Does the minister agree that it is inconsistent that products that assist and encourage women to breastfeed attract a 10 per cent tax while baby formula is tax-free?

Senator McKENZIE (Victoria—Minister for Rural Health, Minister for Sport, Minister for Regional Communications and Deputy Leader of The Nationals) (14:39): Thank you, Senator Leyonhjelm, but I don't actually accept the premise of your question. Goods and services across the economy that have a wide range of health and maternal benefits for both infant and mother attract the GST, from which the states and territories can fund positive policies and initiatives that target infant and maternal health. As the senator will be aware, matters relating to changing the GST would require the unanimous support of all states and territories. Likewise, the operation and any future changes to the GST are a matter for the Treasury portfolio colleagues in cabinet. In that respect, I would refer them to Senator Cormann.

The PRESIDENT: Senator Leyonhjelm, a final supplementary question.

Senator LEYONHJELM (New South Wales) (14:40): Will the minister ensure that, in coordination with her ministerial colleagues, the issue of removing the GST from breastfeeding aids is on the agenda for the next meeting of the relevant COAG ministerial council?

Senator McKENZIE (Victoria—Minister for Rural Health, Minister for Sport, Minister for Regional Communications and Deputy Leader of The Nationals) (14:40): As I advised in my previous answer, that's not in my purview as the Minister for Sport, Minister for Regional Communications and Minister or Rural Health. Under the Intergovernmental Agreement on Federal Financial Relations and Commonwealth legislation, a change to the rate or the base of the GST would need to be supported by all states and territories in addition to the passage of relevant legislation by both houses of the Commonwealth parliament. As advised by the Treasurer, sections 38 to 47 of A New Tax System (Goods and Services Tax) Act 1999, relate to other GST-free health goods. Any changes to that would need states and territories to unanimously agree. State and territory treasurers are welcome to propose items for the agenda of the meeting for the COAG Council of Federal Financial Relations. I would encourage you, Senator Leyonhjelm, seeing as you feel so strongly about this matter, to make representations to individual states on your position.

Great Barrier Reef Foundation

Senator KENEALLY (New South Wales) (14:41): My question is to the Minister representing the Minister for the Environment and Energy, Senator Birmingham. On Monday, Minister Frydenberg said in relation to the government's grant of almost half a billion dollars in taxpayers' money to a small private foundation that his department had undertaken a 'first phase of due diligence' which looked at the foundation's 'fundraising history'. Can the minister advise the Senate exactly how much the private foundation has raised from corporate or private sources over its entire history?

Senator BIRMINGHAM (South Australia—Minister for Education and Training and Manager of Government Business in the Senate) (14:42): I thank Senator Keneally for her question. In terms of the precise dollars, I am quite happy to take on notice anything that can
be provided, in addition to information that Minister Frydenberg has a ready provided. I can happily say that the Great Barrier Reef Foundation has absolutely raised millions of dollars. I say that with some degree of confidence because I remember the fact that the former Labor government gave them $12 million. That's right—the Labor Party saw fit to give the foundation millions of dollars.

The PRESIDENT: Senator Collins on a point of order.

Senator Jacinta Collins: The question is not about what government funds may have been provided. The question is around the fundraising history from philanthropic and other sources that this body, which has been given half a billion dollars, may in reality have.

The PRESIDENT: I believe the minister is being directly relevant to the entirety of the question asked.

Senator BIRMINGHAM: The Labor Party can't have it both ways. They can't try to drag down the name of a foundation that has done good work raising money to support the protection of the Great Barrier Reef and investing funds in projects to support the protection of the Great Barrier Reef. The Labor Party were happy to give millions of taxpayer dollars to that foundation, yet when the Turnbull coalition government gives millions of dollars to the same foundation, the Labor Party seek to drag the foundation's name through the mud. That's the Labor Party way, isn't it? It's all about cheap, base politics rather than the interests of the Great Barrier Reef.

Government senators interjecting—

The PRESIDENT: Order! I'll call Senator Wong when there's silence on my right. Senator Wong.

Senator Wong: I'm tempted to say 'very expensive, base politics on the other side', but what I'm actually coming to is direct relevance. The minister himself raised the fundraising history of—

Senator Ian Macdonald: There are not special rules for you.

Senator Wong: I'm sorry, Senator; are you speaking to me?

The PRESIDENT: Senator Macdonald, please let me hear the point of order.

Senator Ian Macdonald interjecting—

The PRESIDENT: Senator Macdonald, please let me hear the point of order before I rule on it. Senator Macdonald! Senator Wong, please resume.

Senator Wong: The point of order is direct relevance. The minister himself has said—

Senator Ian Macdonald interjecting—

The PRESIDENT: Senator Macdonald, I've asked you several times—

Senator Ian Macdonald: I'm responding to Senator Cameron.

The PRESIDENT: Senator Macdonald—

Senator Cameron interjecting—

The PRESIDENT: It doesn't help, Senator Cameron. Senator Macdonald, I've asked you to remain silent on a couple of occasions. Senator Wong, please resume your point of order.
Senator Wong: Thank you. The point of order is direct relevance. The question is about fundraising history. We want the amounts that the corporation has raised from corporate or private sources over its entire history. This is precisely the justification for the grant.

The President: I understand, Senator Wong. You have reminded the minister of the second part of the question. I understand he's taken part of the question on notice. As long as he's directly relevant to part of the question, I cannot instruct him how to answer the question.

Senator Birmingham: Mr President, indeed I took that on notice. But in a question that was asking about funds provided to the Great Barrier Reef Marine Park foundation, at a time when the Labor Party are criticising the coalition government for giving funds to the Great Barrier Reef Marine Park foundation, it is highly relevant to remind the Labor Party that they gave millions of dollars to the Great Barrier Reef Marine Park foundation.

Now, we are proud to have made an investment into the future of the reef. We're proud to be making record investment through the Reef Trust into the future of the reef. We're proud to have been the government that got the reef taken off the 'in danger' list. We are proud to have made sure that the reef is in good hands. (Time expired)

Senator Keneally (New South Wales) (14:46): I ask a supplementary question. In the last week, Minister Frydenberg has variously claimed that the private foundation has raised over $90 million, around $80 million, $65 million, more than $60 million and tens of millions of dollars. Which of Minister Frydenberg's figures is correct?

Senator Birmingham (South Australia—Minister for Education and Training and Manager of Government Business in the Senate) (14:47): Senator Keneally is simply asking the first question in a different way. I took the information that was requested on notice in relation to the first question. I don't need to take it on notice again, because it is effectively the same question. But the truth is: the Turnbull government are the government that confronted the issue of the Great Barrier Reef when we came to government, and it was on the 'in danger' list according to the World Heritage Committee. We have worked to make sure that it was taken off that 'in danger' list.

We've taken the steps to ensure that dredge spoil never again is dumped in proximity to the Great Barrier Reef. We've taken those steps. We've taken the steps to establish the Reef Trust and to have record levels of investment and planning with the Queensland government—and, yes, in this year's budget, we took the step to give funds to the Great Barrier Reef Marine Park foundation, a foundation with a long history of involvement, a long history of fundraising and a history of getting grants from the Labor Party, and that will add to our good work in the protection of the Great Barrier Reef. (Time expired)

The President: Senator Keneally, a final supplementary question.

Senator Keneally (New South Wales) (14:48): The private foundation itself says on its website that it has raised $57 million from corporate and private philanthropy.

Honourable senators interjecting—

The President: Order!

Senator Keneally: So which is correct: the private foundation's figure or one of Minister Frydenberg's five figures? And is this the level of due diligence the government considers appropriate—
Honourable senators interjecting—

The PRESIDENT: Order!

Senator KENEALLY: for a grant of almost half a billion dollars?

The PRESIDENT: There were interjections on both sides during that question. I will remind senators of my request to hear questions in silence.

Senator BIRMINGHAM (South Australia—Minister for Education and Training and Manager of Government Business in the Senate) (14:48): The government are proud of every step we've taken in terms of our work for the Great Barrier Reef—our work to ensure that the Great Barrier Reef was taken off the endangered list, our work to deal with dredge spoil, our work to deliver a reef plan that is a long-term plan to improve water quality in the reef, our work to ensure that the reef has the funding that it deserves. But I'm not going to sit here or stand here and take lectures from Senator Keneally on due diligence. Perhaps we could talk about Sydney Metro as an example of due diligence.

The PRESIDENT: Order! Senator Birmingham, please resume your seat.

Government senators interjecting—

Senator Wong: The point of order is direct relevance. The government's given half a billion dollars away. We want to know about the due diligence in a circumstance where the minister has given five different figures. It is a reasonable question. Could the minister please answer it?

The PRESIDENT: As senators know, I cannot instruct a minister how to answer a question. You reminded the minister of the terms of the question. I take this opportunity to do so and note he has 29 seconds remaining to answer. Senator Birmingham.

Senator BIRMINGHAM: I took the initial question to answer and have simply had repeats of it. To help you out, $412 million was the cost of Sydney Metro—$412 million that could have, in the New South Wales equivalent, gone to something like the Great Barrier Reef Foundation.

The PRESIDENT: Order! Senator Birmingham, please resume your seat. Senator Collins, a point of order?

Senator Jacinta Collins: Yes, again on direct relevance. We have the minister here ducking and weaving because the minister cannot provide information that demonstrates any due diligence.

The PRESIDENT: Senator Collins, what is your point of order?

Senator Jacinta Collins: What Metro has got to do with this is irrelevant.

The PRESIDENT: Senator Birmingham, it is a struggle to relate a project I'm not familiar with to the Great Barrier Reef. I'll ask you to return to the question.

Senator BIRMINGHAM: I don't know; what are we to assume from the Labor Party's questions—that they would rather $400 million or $500 million was not being spent on the Great Barrier Reef? Is that what we are to assume from the Labor Party's questions—that they would rather the future of the reef did not have this investment, this focus, this continuing to build—(Time expired)
Drought

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (14:51): My question is to Senator Canavan, the Minister representing the Minister for Agriculture and Water Resources. Minister, how is the coalition government assisting farming households with help and support through one of the worst droughts over the past century?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (14:51): I thank Senator Williams for his question. He is right to highlight that we are experiencing in Australia right now one of the worst droughts in our nation's history. I'd also like to recognise that much of this drought is affecting Senator Williams's part of the country in northern New South Wales, but many other parts of the country are also affected by the lack of rainfall—in some parts of the country over many years. The coalition government are focused on doing what we can to help those in a difficult situation that they find themselves in through no fault of their own. That is why we have provided substantial assistance to drought-affected families in the past few years and recently we've made further announcements which take our spending on relief for farming families to a total of $576 million.

In many parts of this country the drought has been ongoing. Many parts of western Queensland have had six or seven years of failed wet seasons in a row, and obviously that has an impact not just on the farm business but on the wider community. That's why we on 1 August took the decision to extend our farm household payment assistance from a maximum of three years to four years to recognise the length and severity of the drought. At the same time, we announced that we would boost the payment under the family household assistance by a further $190 million, providing an extra $12,000 a year for eligible households. We're also making changes to the assets test to allow more households to have access to this important relief in these hard times.

We recognise that there is increased demand under this drought and, with this additional assistance for rural financial counsellors, an extra $5 million will go to those services in these drought-affected communities.

The PRESIDENT: Senator Williams, a supplementary question.

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (14:53): I thank the minister and I ask: what has the coalition government previously done to assist farming households and families?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (14:53): As I said, we have provided assistance over many years as this drought has extended and lengthened in severity and time. Before announcing the packages we have just upgraded in the last month, we had provided over $850 million in concessional loans to the Regional Investment Corporation. That involves concessional loans both to drought-affected farmers and to farmers with hardship given changes to the dairy industry in Victoria. Nearly 1,600 farm businesses have now received concessional loans since the coalition came to office in 2013. We have provided $25.8 million to help manage pests, animals and weeds in drought-affected areas. It is very important in some areas—to bring sheep, particularly, back to a region—to have proper fencing to keep wild dogs out; that has been of enormous benefit. We have assisted communities with infrastructure programs as well, to provide wider employment.
across the community, not just to help those who have been affected on farms, but to help those in the towns and cities as well.

The PRESIDENT: Senator Williams, a final supplementary question.

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (14:54): I ask the minister: how is the coalition government assisting farmers to plan ahead for future droughts?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (14:55): As I mentioned, we have provided assistance to help farms respond to the threat of pests and weeds by improving fencing. We’ve also provided assistance for farms to put additional water on their properties. That can help their resilience in times of drought in the future. And, as part of the white paper—the first white paper for some time for the agricultural sector—a few years ago, we expanded and allowed more money to go into farm management deposits. These are deposits that help farmers put money away when times are good; they are then able to take it out when times are bad, without having to pay the extra burden of tax that would be associated with cyclical types of income. Today, thanks to the coalition’s changes, there is a record $6.6 billion sitting in farming management deposit accounts. I want to recognise the efforts of the agriculture minister as well, who has applied pressure to the major banks to allow a product that can allow FMDs to be offset against their other loans with the bank. That is helping the farming community enormously and making for a more resilient farming sector.

Great Barrier Reef Foundation

Senator KETTER (Queensland—Deputy Opposition Whip in the Senate) (14:56): My question is to Senator Birmingham, the Minister representing the Minister for the Environment and Energy. The government has repeatedly claimed that the Prime Minister offered almost half a billion dollars in taxpayers’ money to a small foundation ‘because they are the best organisation to leverage off the private sector’. Is the minister aware that the foundation has engaged a consultant to write its co-financing strategy plan—a plan which will set out how the foundation will raise contributions from private and philanthropic donors?

Senator BIRMINGHAM (South Australia—Minister for Education and Training and Manager of Government Business in the Senate) (14:56): I thank Senator Ketter for his question. I don’t have details on the consultancies that may or may not have been engaged by the Great Barrier Reef Foundation. I am quite happy to take on notice and provide any further information, if there is some, about such a process. Of course, indeed, you would expect the foundation to be looking, in terms of their work, to make the best out of the generous funding that the Turnbull government is providing for the Great Barrier Reef to ensure they leverage that to the maximum possible extent. That’s what we want them to do. We want them to use that funding to ensure that they attract even more private philanthropic contributions to support the reef, as they have done in the past.

We also, of course, want them to deploy the funding, to complement all of the other work that we have undertaken over the last few years—work to improve water quality, work towards better management of the reef, work that has taken the reef off of the endangered list, work that has ensured that we have a reef with a much better management structure in place today than was the case when we took office. This is the next step in building on that work.
We will not let up, as a government, in terms of our efforts to protect and preserve the Great Barrier Reef for future generations, to ensure that it gets the support that it deserves. I just find it remarkable that the Australian Labor Party would come in here and consistently wish to undermine the work of protecting the Great Barrier Reef. They are selling out the Great Barrier Reef. They seem to have no care—

The PRESIDENT: Senator Birmingham, please resume your seat. Senator Whish-Wilson, on a point of order?

Senator Whish-Wilson: Point of order: the minister is misleading the chamber. Everybody knows that the foundation projects are bandaid projects that will not save the Great Barrier Reef.

The PRESIDENT: Senator Whish-Wilson. Please resume your seat. You know well that that is not a point of order. There is an opportunity to raise those matters after question time. Senator Birmingham.

Senator BIRMINGHAM: Complementing work on water quality, on tackling crown-of-thorns starfish issues, on reef science matters—these are all things our government has proudly invested in, supported and tackled to date, and we want to make sure that that continues in the future. We will welcome every single private dollar that comes alongside those taxpayer dollars to get the best possible outcome for the Great Barrier Reef.

Senator KETTER: Thank you very much and I look forward to the minister's response on that matter. If the foundation is an expert fundraiser, as the government has claimed, why does it need to employ a consultant to develop a fundraising plan?

Senator BIRMINGHAM (South Australia—Minister for Education and Training and Manager of Government Business in the Senate) (14:59): I don't know how much money Senator Ketter has ever raised for charitable organisations in his career, but it, of course, is not unusual; it's not unusual for government departments to employ contractors for specific purposes, it's not usual for non-government organisations to employ contractors and it's not unusual for foundations to employ contractors. This is all just part of the Labor Party's mudraking, smearing campaign.

The PRESIDENT: Senator Wong, on a point of order?

Senator Wong: My point of order is on direct relevance. I know the minister wants to avoid the question and abuse people, but the question is: if they are so good at fundraising—which is why you gave them half a billion dollars—why do they have to appoint a consultant?

The PRESIDENT: Senator Wong, with respect, I think Senator Birmingham was actually addressing the issue of a consultant or a contractor and was being directly relevant.

Honourable senators interjecting—

The PRESIDENT: Unless I missed the last bit.

Honourable senators interjecting—

The PRESIDENT: Well, after that, he was specifically referring to a contractor.

Senator BIRMINGHAM: As I was highlighting, I'm sure the Department of the Senate probably employs contractors to help with different aspects of work that you could say was their core activity. It's not usual for a whole range of organisations. The Labor Party and the trade unions probably employ contractors from time to time as well, I'm sure. But, ultimately,
we want to ensure they get every additional extra private dollar to help the Great Barrier Reef, alongside the record investments the Turnbull government is making.

The PRESIDENT: Senator Ketter, a final supplementary question.

Senator KETTER (Queensland—Deputy Opposition Whip in the Senate) (15:01): Minister, given the private foundation lacks the key competency the government is using to justify its gift of almost half a billion dollars of taxpayers' money, without tender or process, will the minister own up to the parliament and Australian taxpayers about the real reason for the grant?

Senator BIRMINGHAM (South Australia—Minister for Education and Training and Manager of Government Business in the Senate) (15:01): I reject the premise of that question outright. The Great Barrier Reef Foundation has a track record of raising millions of dollars. Senator Keneally wants to come in here and say, 'Was it $60 million? Was it $80 million? Was it $90 million?' I'm sure that's $60 million, $80 million or $90 million more than Senator Keneally has ever raised for the Great Barrier Reef—or any other charity, probably. It's more than Senator Ketter would have ever raised. The Labor Party are just engaged in trying to smear this organisation for cheap, base political purposes, rather than recognising that this is a genuine record investment into the Great Barrier Reef and that this complements years of work by the coalition government, championed by the likes of Senator Macdonald. We have made sure that we've continued to support the reef and deal with the real issues facing it in terms of reef quality, crown-of-thorns starfish and the like. This investment will continue that good work for years to come.

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Great Barrier Reef Foundation

Senator CAMERON (New South Wales) (15:03): I move:

That the Senate take note of the answers given by the Minister for Education and Training (Senator Birmingham) to questions without notice asked by Senators Keneally and Ketter today relating to a grant to the Great Barrier Reef Foundation.

What a bumbling performance from Senator Birmingham! What a pathetic performance from a cabinet minister, who was unable to deal with any of the questions with any substance during his answers. It's quite clear that this is an absolute rort, handing half a billion dollars over to a small foundation with six employees, when it should have actually been providing more resources to the CSIRO or to the Great Barrier Reef Marine Park Authority. These are the areas that have the scientific knowledge. These are the organisations that know what's happening in the Great Barrier Reef. It's quite clear that Senator Birmingham doesn't have a clue about what's going on.

I'm not surprised Senator Birmingham doesn't have a clue, because the Prime Minister doesn't have a clue either. This is a government in its death throes. This is a rabble of a government, unable to deal with the real issues that affect ordinary Australians. This is a government so consumed by its internal conflict, so consumed by looking after its own jobs, that it doesn't care about the Great Barrier Reef. It doesn't care about ordinary working people in this country. This is a government that is so bad that it can't come up with a reasonable
argument—not one decent argument—as to why it would hand half a billion dollars of taxpayers' money to the mates of the Prime Minister and the mates of the Prime Minister's wife. That's what's happened here.

This is about the big end of town looking after the big end of town. So what do they do? They hand them half a billion dollars on the basis that they are supposedly the experts in fundraising in the private sector. Well, maybe the people who are on the board should just put their hands in their own pockets, because these are the people with the $17-million-a-year salaries—the mates of Malcolm and Lucy. These are the mates getting half a billion dollars of public money. It's an absolute outrage. And, if there was one thing that this government could do to actually justify it, we would have heard it by now. Questions have been asked every day this week as to why this government would hand half a billion dollars of taxpayers' money to their mates in the big end of town—to some small organisation, employing six people—when we have the CSIRO and the Great Barrier Reef marine council ready to get the money. They could get the money, they could use the money and they could actually use it well.

The reason they won't give it to the Great Barrier Reef Marine Park Authority is that that authority actually believes in climate change. The authority actually knows that man-made pollution is causing problems. It's causing problems with water quality, problems with the crown-of-thorns starfish and causing calcification. But, because the authority recognise that climate change is a reality and this lot over here want to deny it, they are not going to get a cent. It's the same with the CSIRO. The CSIRO is the pre-eminent research body in this country. They act in the interests of the community. They act in the interests of industry. They are there to make sure we achieve our international and national responsibilities. Yet this mob want to hand half a billion dollars to a small organisation that happened to be mates of the Prime Minister and mates of the Prime Minister's wife.

Senator Birmingham was absolutely pathetic. He can't handle his own portfolio, he can't handle this. This is a government in decline. It's a government that should go. (Time expired)

Senator IAN MACDONALD (Queensland) (15:08): You can see why Senator Cameron is more interested in his old mate Eddie Obeid and the bad Ian Macdonald—both in jail in New South Wales—than he is about what's happening here. Senator Cameron talks about the Great Barrier Reef council. Well, Senator Cameron, sitting in my office now I have mayors from five councils in the Townsville region—Palm Island council, Hinchinbrook council, Townsville regional council, Burdekin council and Charters Towers council—but there is no-one there from the Barrier Reef council that you're talking about. This just shows how particularly inept and inaccurate Senator Cameron is. He is leaving the chamber. I was going to actually tell him where the Great Barrier Reef is. Quite clearly, a Sydney based senator has obviously never, ever been there.

The DEPUTY PRESIDENT: Senator Macdonald please resume your seat. Senator Keneally.

Senator Keneally: Madam Deputy President, I would like to call to your attention that Senator Macdonald has just reflected on another member's exit from the chamber.

The DEPUTY PRESIDENT: Thank you. I do remind you, Senator Macdonald, that it isn't appropriate to refer to whether senators are in or out of the chamber. But please continue your remarks.
Senator IAN MACDONALD: Sorry, Madam Deputy President, I'd forgotten that. Every time I speak and then leave the chamber, Senator Cameron mentions it. I don't remember Senator Keneally taking points of order then. Maybe she's worried about her former cabinet ministers, Mr Obeid and the bad Ian Macdonald, who are both languishing in jail, and she's not thinking very clearly about these things.

Senator Cameron doesn't even know the names of the groups in North Queensland. As the Senate well knows, I live up there, I interact with people who work there and I understand the Barrier Reef. Senator Cameron makes the accusation that we're not doing anything about man-made pollution and the crown-of-thorns starfish. Yet, if he looks at this package of half a billion dollars, they are two of the specific areas that this money will be used to address. The crown-of-thorns starfish is being specifically targeted under this new program, with additional boats going out and picking them up.

I have to tell all of the senators on the other side just where the Barrier Reef is. It's up off the North Queensland coast, starting around Bundaberg and going right up to Thursday Island. I tell them that because none of the Labor Queensland senators live anywhere outside of Brisbane. We had former Senator McLucas in the Senate at one stage. I didn't often agree with her but at least she was based in Cairns. She wouldn't be making these stupid comments about the Great Barrier Reef. Former Senator McLucas and I at least know where the Barrier Reef is.

Senator Watt interjecting—

Senator IAN MACDONALD: Senator Watt, who's yelling out across the chamber, knocked off former Senator McLucas. He stabbed her in the back. But I hear the Labor Party's going to put a senator in North Queensland. One of Senator Watt's staffers is going to be parachuted into the Senate when they get rid of Senator Moore. What happened to gender equity in the Labor Party? You got rid of former Senator McLucas, you're getting rid of Senator Moore, and I understand, Senator Watt, you're going to parachute one of your male staffers into the Senate and then put them up in North Queensland. They'll be a great North Queensland advocate, I know that. But the Barrier Reef is something we are keen about.

I often say, 'Don't take my word for it; take the word of Save Our Marine Life,' an alliance of leading conservation organisations working to protect Australia's marine life. This group sets quite accurately out in its booklet called A big blue legacy: the Liberal National tradition of marine conservation, which I read from often, all of the work that Liberal Party and National Party governments have done over the years to protect the Great Barrier Reef. We're the first ones in there protecting it—we're the only ones there that know where it is, for a start!—and we know what to do to enhance the wonderful experience that is the Great Barrier Reef.

No doubt we'll have Senator Keneally get up after this—I'd be interested in her views as a Sydneysider. I hope she's been to the Barrier Reef. In fact I encourage all senators to actually go up to the Barrier Reef and have a look around. Talk to the people who work there. Talk to the people who understand it. Talk to farmers who are doing real things to stop pollution of the Barrier Reef. These five-minute experts—like other Labor speakers will be, no doubt—will be interesting to listen to. Those of us who understand the reef—and the mayor's sitting in my office—are ecstatic about the concentration that this government has put into the Barrier Reef and the substantial money it has provided to protect and enhance it.
Senator CHISHOLM (Queensland) (15:13): I wasn't going to talk about this but I can't resist the opportunity. This time last week I was actually having lunch in Ayr, which is Senator Macdonald's home town. I met with the local journos and members of the community, and do you know what the sad part was? Not one person said they were going to miss Senator Macdonald. They didn't even mention him. It is a very sad way for him to exit. The fact that his contribution today was just an attack on Senator Keneally and others, rather than defending the decision of this government, speaks volumes for this decision that they have made to give almost half a billion dollars to this foundation.

The questions today from Labor, from Senator Keneally and Senator Ketter, go to the heart of the government's problem on this issue. The inept justifications are laid bare. The lack of due diligence is evident. It is clear evidence of a government on the run. They are making up justifications as they go, with zero substance behind them.

At that fateful meeting on 9 April, the Prime Minister, the Minister for the Environment and Energy and the chairman of the Great Barrier Reef Foundation met. It was a cosy little gathering, if ever I have seen one, where the Prime Minister said, 'We're going to give you $444 million.' The response from the foundation is priceless, and it's one of key phrases that captured the attention of Australians. The foundation declared, 'This is like winning lotto'. That was a key point where Australians thought: 'Hang on a sec, this foundation described it as winning lotto. That shows you there was a lack of due diligence on the government's part.' It also shows you that this foundation was not up to it. They had six full-time staff. They clearly were not ready.

The questions that we had today proved the government's lack of due diligence and lack of effort to ensure that this foundation was up to the task. We know that before they handed over the $444 million there was no tender process, no application and no due diligence. The foundation described it as 'like winning lotto', a phrase that has made an impact with the Australian people.

The substance of the questions today go to a key government claim that they have been making repeatedly: that the Great Barrier Reef Foundation will leverage this $444 million for private donations. Yet they can't tell us how much the organisation has raised from private sources. If they had done due diligence, they would have an answer to that question. But, as Senator Keneally said in her question, Minister Frydenberg has used five different figures. First it was over $90 million, then it was around $80 million, then he said $65 million, then he said more than $60 million and then he said tens of millions of dollars. We know their own website said it was $57 million. The fact that the government had not done their due diligence on this key claim has been laid bare. The substance that they are trying to mount around this being a government decision that stands shows you the lack of effort that they have put in.

Then we had the second question from Senator Ketter, which further ripped apart the government's claim about the foundation's ability to leverage this donation. That is the fact that they have engaged a consultant to write their co-financing plan. If they were so good at raising money from private and corporate sources, they wouldn't need to engage a consultant. If they were so successful over their 20 years of life, they wouldn't need a consultant to do it for them. But the fact that they have had to go and do that just shows you that that key plank, which the government have been using to argue the substance of why this has happened, does not stand up.
The other part of this—which is also important—that has come out through the questioning of the Senate committee is that the government handed over this money, all $444 million, without getting a commitment from the foundation about how much money they were going to be able to raise. So they've got $444 million in the bank, but they have not said what they are going to raise from private and corporate interests. If that was a key plank of why the government was giving this mob the money, surely the government would say, 'This is what we expect from you.' But, no: they handed over the money and now they are scrambling behind the scenes to look like they went through some sort of due diligence process to justify the decision. They clearly haven't done it. We know there was no tender, we know there was no application, we know the foundation described this as winning lotto, and we know the Australian people are on to them. This is what is coming their way. The sooner the government realise and accept responsibility for what they have done and hand this money back, the better. The Australian people have no confidence in the foundation, and that is the fault of this government.

Senator PATERSON (Victoria) (15:18): In question time today and throughout this week and in the take note of answers we've just had from Labor senators today, we've heard three novel concepts that you don't typically hear from the Labor Party. We've heard three new concerns that Labor have about this particular policy that they don't typically show in other areas of public life.

Firstly, they've shown a new-found concern for the careful use of taxpayer dollars. If only they had shown that when they were last in government. I will return to that in a moment. Secondly, they've shown a new-found and recent concern for proper process. That's something that, again, I didn't see them particularly uphold when they were in government. I will return to that. And then, thirdly, they've shown a new-found scepticism about the fact that expenditure on environmental projects might sometimes be questionable. These are three new, different takes from the Labor Party that we're not used to normally hearing.

I will return to the first point that I made: the careful use of taxpayers' dollars. It is a little bit—just a little bit—galling to sit here and listen to lectures from the Labor Party about the careful use of taxpayer dollars. It's not something that they typically showed much sentimentality about when they were in government. We don't have to turn back the clock very far at all to remember the way in which they showed wanton disregard for taxpayers' dollars when they had the opportunity to be careful stewards of them. They are the party, after all, of pink batts. They are the party of sending cheques in the mail to people who are deceased, in the name of economic stimulus. They are the party which, when coming to government in 2007, inherited the most enviable set of books in the Western world and promptly went about absolutely smashing the nation's finances in just a few years. And they, of course, are the party which in this chamber have opposed virtually every single attempt that this government has made to fix the problem that they have caused and the wreckage that they have done to our budget. They have voted time and time again against measures designed to be more carefully stewarding of taxpayers' dollars.

When it comes to proper process, this again is a new-found and recent concern of the Labor Party. I did not hear and I have not yet heard—perhaps later in this debate or in other debates I will be surprised, but I did not hear—this same concern shown for perhaps the largest expenditure of taxpayer dollars ever conceived, in the worst and most shambolic process ever
known, which of course is the creation of the National Broadband Network. It took place—we now know, thanks to media reporting and the benefit of hindsight—initially over a scrap of a napkin in the Prime Minister's VIP jet, between the minister, Stephen Conroy, and the then Prime Minister, Kevin Rudd, during several flights around the country. The expenditure of tens of billions of dollars of taxpayers' money started on the back of a napkin on the VIP jet. That was not exactly proper process, and it's a bit galling to hear Labor senators come in here and question that today.

Finally, as I mentioned, they have a new-found concern that possibly the expenditure of taxpayers' money on environmental projects might not be effective. Well, I wish that was a trait that they showed more consistently and more widely and that they applied equally to their own policies as they are applying it to ours. It's almost as if their questions on this matter have been written by my friend Andrew Bolt. It's very reminiscent of his criticism of our government from the right flank, but it's somewhat unusual coming from Labor senators, on our left flank.

The real question is: what is actually underlying the Labor Party's criticism of this policy? What is really driving it? I think the senator who let the mask slip the most during questions this week was my fellow senator from Victoria Senator Kim Carr, who asked a question to the government about this earlier this week. In his question, he referred to the fact that the charity that's receiving this money is in fact a private charity. There was particular emphasis on the word 'private'. In fact, he almost spat the word 'private' in the chamber as he said it. Why was the government giving so much taxpayers' money to a private charity to undertake this work?

And that, I think, perfectly encapsulates Labor's real objection here. They believe that only public servants, only government agents—only the state—are capable of doing good environmental works or other good social works. They're deeply sceptical about the role of civil society, of private organisations, in delivering innovative solutions to the problems that we face.

I commend the government for thinking outside of the box, for looking at other ways to solve this problem, for not relying on the same traditional and sometimes unsuccessful methods to solve these problems, and for empowering a private charity to solve this problem.

Senator KENEALLY (New South Wales) (15:23): I rise today to participate in this take-note debate in response to questions asked by me and Senator Ketter of Senator Birmingham. Well, they say that success has many parents and failure is an orphan. We can't get anyone from the government to admit whose idea it was to give the Great Barrier Reef Foundation $444 million of public money. Minister Frydenberg has been asked. He's been asked in the parliament. He's been asked on ABC Insiders. He's been asked on 2GB radio by Ben Fordham. He refuses to say.

Yesterday, in the House of Representatives, the Prime Minister was asked twice whether it was his idea to give the money to the foundation. He refused to answer on both occasions. You'd think, if this was such a magnificent idea, the person who conceived of it would be shouting it from the rooftops. Instead, we have people scattering away from this ill-conceived and ill-designed proposal, this maladministration of public money. This is a flawed approach, and it is an approach that leads directly to Prime Minister Malcolm Turnbull, to Mr Turnbull.
We only know through the scrutiny applied by the Senate process in estimates and in committee hearings that there was no grant application, that there was no public tender process. We only know through the scrutiny of the Senate that the foundation itself did not ask for this money. They had no conversations with anyone in government prior to 9 April about taking responsibility for nearly half a billion dollars of public money. And why is 9 April important? We now know, due to the Senate scrutiny process, that 9 April is the day the Prime Minister of Australia went into a room with Minister Frydenberg and no public servants and offered the chair of this foundation, Dr John Schubert, $444 million of public money—no due diligence; no grant application process; no contestability; no discussions. We now know, through the Senate process, there were no discussions with the Great Barrier Reef Marine Park Authority. We now know, through processes in this Senate, that there were no discussions with the CSIRO. We know that this government seems to have come up with this proposal without talking to anyone whatsoever, and decided that it can gift this private foundation $444 million of public money.

And it is important to note that it's a private foundation, because this is public money. Now we are in the farcical situation of public sector science agencies, like the CSIRO, like the Australian Institute of Marine Science, having to go cap in hand to a private foundation to get access to public money to carry out public science to protect one of our great public assets, the Great Barrier Reef. This is an extraordinary set of circumstances conceived by a bunch of merchant bankers, including the Prime Minister, who think that it's okay to strike up a deal behind closed doors. The carelessness of public money being handed out in this fashion!

Now, the government waltzes around justifying this, a post-hoc justification, and saying that this foundation can raise additional money—that they can leverage $444 million and they can get additional money from corporates. They say on their website they've raised $57 million from corporates and philanthropy. They do not have audited reports on their websites to substantiate that, so maybe they could start by putting those reports up. We know the government hasn't done the due diligence because, again through the Senate process, we have heard from the department that they haven't even looked at the audited reports prior to 2011. So how can the government, as we saw today, stand up and say this foundation is a great fundraising machine when they don't even know if it's true? Not Minister Frydenberg, not Senator Birmingham, not the Prime Minister and not anyone from government can stand here and say how much money this foundation has raised in the past, or tell us how much it is going to raise in the future. They have privatised the Great Barrier Reef.

Question agreed to.

**Centrelink**

**Senator SIEWERT** (Western Australia—Australian Greens Whip) (15:29): I move:

That the Senate take note of the answer given by the Minister for International Development and the Pacific (Senator Fierravanti-Wells) to a question without notice asked by Senator Siewert today relating to a Centrelink trial of an automated debt recovery system.

These so-called trials are targeting those on income support who have vulnerability indicators. We are talking here about people who have, for example, significant mental health issues, people who have cognitive or intellectual disabilities, people who are homeless. This is who the government now think it's acceptable to target with their robo-debt—the so-called debt recovery program.
It was really clear that the government seem to be quickly dumping the department in there by saying that this is a trial, that it's been suspended and that they are reviewing it. I'd like to know when the trial was suspended. Was it when the community found out what was going on and raised concerns? Was the trial set up with the government's knowledge? How many people? I notice the minister took that one on notice and said she'd get back to me by the end of question time. What amount of money was involved? Particularly, what number of people have received a letter or a phone call from Centrelink asking them about debt recovery?

These are people that have vulnerability indicators for a reason. It is because they are vulnerable, as the name suggests. Just when you think the government couldn't go any lower, they sink to the depths of targeting the most vulnerable members of our community who are, from the start, already struggling on an income support payment that keeps them living below the poverty line. They are struggling to overcome their vulnerabilities and are most likely in streams B and C—in other words, they have different requirements in terms of looking for work. The poverty that they are living in is yet another barrier beyond their vulnerability indicators. For example, somebody who is homeless is being contacted and asked to start potentially repaying money.

We already know that one in six of the debts indicated through the robo-debt process has been found to be reduced or found to be an error. In fact, every single person that has contacted me around their debt has come back to me and said their debt either has been released or has gone to zero. We are talking about people who have a cognitive impairment and may well not understand what the government is asking them.

I go back to the point of the government sinking to the depths of targeting the most vulnerable members of our community for their debt clawback. The very government that's trying to give massive handouts to corporate Australia is now sinking to the depths of going to the most vulnerable members of our community and asking them to repay money that they may not even owe. The amount of stress this will cause to those vulnerable people with those indicators is enormous.

Through the robo-debt inquiry that we had last year, we heard experience after experience of people struggling to survive on income support and their experience of the anxiety, stress, humiliation and shame of being told that they owe money—of getting a letter out of the blue from Centrelink saying, 'You owe money.' The government has slightly changed that now by sending an initial letter and saying: 'Justify why you don't. Give us your payments now before you get the debt letter.' Can you imagine what people who have poor mental health or who have a cognitive or intellectual impairment will feel when they get contacted by Centrelink in the government's flawed attempt to claw back money from the most vulnerable members of our community?

Is this because the government's estimate of how much they were going to claw back from Australians receiving income support is so out of whack that the department is now driven to try to fill in the gap in the money that the government hasn't clawed back? Is it because they need to fill a quota that they now go to the most vulnerable members of our community? It is an appalling way to treat Australians.

Question agreed to.
NOTICES

Presentation

Senator Di Natale to move on the next day of sitting:

That the Senate:

(a) notes:

(i) the growing prominence of business events that enable direct and private access to senior members of Parliament, such as the Australian Labor Party's Business Observer Summit, the Liberal Party's Millennium Forum and The National's National Policy Forum, and

(ii) the failure of Australia's political donation laws to require the disclosure of payments for these events because there is contractual consideration, they are therefore not classified as a 'gift' under the Commonwealth Electoral Act 1918 that would mandate public disclosure;

(b) acknowledges that political donations enable access and influence policy decisions made by political parties and that these events are shrouded in secrecy; and

(c) resolves that, in the interest of good government, political parties should voluntarily disclose the attendees of these events and the amount of money provided by these businesses to political parties during these events.

Senators Duniam and Polley to move on the next day of sitting:

That the Senate:

(a) notes with deep regret the recent decision by WIN TV to produce and read Tasmanian local news out of New South Wales, and the loss of local jobs and content as a result of this decision; and

(b) reaffirms the importance of local news content, and calls on all media outlets to maximise local news production and content as part of their operations. (general business notice of motion no. 962)

Senators O'Neill, Payne, McAllister, Molan, Cameron, Fierravanti-Wells, Keneally, Williams, Leyonhjelm and Burston to move on the next day of sitting:

That the Senate congratulates the New South Wales' (NSW) State of Origin coach, Mr Brad Fittler, and the NSW Blues for winning the 2018 State of Origin series.

Senator Di Natale to move on the next day of sitting:

That the Senate:

(a) notes that today, 4 million Australians, or almost 20 per cent of the population, are living with allergy and allergic diseases;

(b) recognises that over the last 20 years, hospital admissions due to anaphylaxis have increased five-fold, 10 per cent of infants now have food allergies, drug allergy-induced anaphylaxis deaths have increased by 300 per cent, and drug allergy-induced anaphylaxis presentations have trebled;

(c) is deeply concerned by the recent death of a young child in Western Australia, and several near misses across the country, as a result of food allergies;

(d) recognises the work of Australasian Society of Clinical Immunology and Allergy (ASCIA) and Allergy & Anaphylaxis Australia (A&AA), as well as other partner organisations, in developing the National Allergy Strategy for Australia, published three years ago in August 2015;

(e) recognises that the National Allergy Strategy is the single, national resource for the community, medical profession and policy makers in providing strategic goals to reduce the incidence of allergy-related deaths and harm in Australia; and

(f) calls on the Federal Government to ensure significant ongoing, long-term funding for the National Allergy Strategy.
Senator Sterle to move on the next day of sitting:
That the Senate:
(a) notes that:
(i) since recordkeeping commenced in 1925, there have been over 190,000 deaths on Australia’s roads,
(ii) over the last ten years, there have been 14,525 road fatalities in Australia,
(iii) during the 2017 calendar year, there were 1,225 road deaths across Australia,
(iv) in 2018 so far, there have been 665 deaths on Australian roads, and
(v) the annual economic cost of road crashes in Australia is estimated at $27 billion per annum, and the social impacts are devastating;
(b) recognises that according to the Government’s own website, "the Australian Government is responsible for regulating safety standards for new vehicles, and for allocating infrastructure resources, including for safety, across the national highway and local road networks", and "the Department of Infrastructure, Regional Development and Cities has a range of functions that support the Australian Government's role in road safety. These include: administering vehicle safety standards for new vehicles, administering the National Black Spot Program and other road funding, administering the keys2drive program, producing national road safety statistics, and coordinating the National Road Safety Strategy 2011-2020"; and
(c) calls on the Australian Government to:
(i) acknowledge that almost 90 per cent of the National Road Safety Strategy targets will not be met by 2020,
(ii) acknowledge that fewer than one in ten KPIs are likely to be met and that a quarter of KPIs still are not even being measured, and
(iii) provide a guarantee that the National Road Safety Strategy is being monitored, and that changes will be made to reach the agreed targets if they are not on track to be met.

Senator Collins to move on the next day of sitting:
That the Senate:
(a) express its disappointment in the Turnbull Government for its chaotic and disunified approach to energy policy; and
(b) notes that the Prime Minister’s compromise policy on the National Energy Guarantee will not see a single renewable energy project built for a decade, an energy plan that will see the rates of installation of rooftop solar cut by a half, and an energy plan that will channel billions and billions of taxpayers’ money to building new coal-fired power stations.

Senator Anning to move on the next day of sitting:
That the Senate:
(a) acknowledges the absolute right of the Australian people to determine who comes to this country;
(b) notes that, in reference to the immigration policy of this government giving preference to Europeans, former Prime Minister Sir Robert Menzies stated, "I don’t want to see reproduced in Australia the kind of problem they have in South Africa or in America or increasingly in Great Britain. I think it’s been a very good policy and it’s been of great value to us"; and
(c) calls on the Federal Government to hold a plebiscite to allow the Australian people to decide whether they want:
(i) to continue the current indiscriminate immigration policy that allows Muslims to come into this country, or
(ii) to return to the predominantly European immigration policy supported by Sir Robert Menzies.

Senator McKim to move on the next day of sitting:

That the following matters be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by the third sitting day of March 2019:

(1) Serious allegations of avoidable deaths, serious health problems, self-harm, abuse and neglect of people seeking asylum and refugees who have been detained on Manus Island and Nauru, with particular reference to:

(a) the factors that have contributed to the serious health problems, abuse, self-harm and suicides alleged to have occurred;

(b) how notifications of serious health problems, abuse, self-harm and suicide are investigated;

(c) the Commonwealth Government’s processes for considering requests for medical transfers from medical service providers on Manus Island and Nauru and in Australia, and the adequacy of these processes;

(d) the reasons that the Commonwealth Government defers or declines requests for urgent medical transfers;

(e) the obligations, involvement and control of the Commonwealth Government and contractors relating to the treatment of people seeking asylum and refugees, including the provision of support, capability and capacity building to local authorities;

(f) the provision of support services for people seeking asylum and refugees who have been alleged or been found to have been subject to abuse, neglect, self-harm, or suicidal risks and behaviours in regional processing or transit centres or within the community while residing in Papua New Guinea or Nauru;

(g) the provision of health services to people seeking asylum and refugees, including children, in regional processing or transit centres, or within the community while residing in Papua New Guinea or Nauru;

(h) the effect of Part 6 of the Australian Border Force Act 2015;

(i) attempts by the Commonwealth Government to negotiate third country resettlement of people seeking asylum and refugees who are in regional processing or transit centres, or within the community while residing in Papua New Guinea or Nauru, and the adequacy and limitations of existing third country resettlement arrangements;

(j) additional measures that could be implemented to expedite resettlement of people seeking asylum and refugees; and

(k) any other related matters.

(2) The committee be granted access to all inquiry submissions and documents of the Legal and Constitutional Affairs References Committee relating to its previous inquiries into the conditions and treatment of people seeking asylum and refugees at the regional processing or transit centres in Papua New Guinea and the Republic of Nauru.

Senator Birmingham to move on the next day of sitting:

That on Thursday, 16 August 2018:

(a) the business of the Senate notices of motion proposing the disallowance of five management plans under the Environment Protection and Biodiversity Conservation Act 1999, standing in the names of Senators Pratt and Whish-Wilson, for that day be called on for debate together at 3pm and considered for not more than 40 minutes;

(b) if at the end of that time consideration of the motions has not concluded, the question shall then be put; and
(c) divisions may take place during consideration of the motions.

**Senator Hinch** to move on the next day of sitting:

That the Senate:

(a) notes that:

(i) Pure Compound Sodium Fluoroacetate (‘1080’) poison is classified by the World Health Organization as a Class l(a) poison – their highest rating for toxicity,

(ii) in Australia, 1080 is listed as a schedule 7 poison, surpassed only by addictive, illicit and other prohibited substances, and is considered a chemical of security concern by the Australian Government,

(iii) despite most other countries adopting alternative, more humane, pest-management strategies, Australia and New Zealand account for the vast majority of 1080 use worldwide,

(iv) 1080 poison is a cruel alternative to other known methods of pest control, including poisons with effective antidotes, and

(v) 1080 poison is aerially distributed across Australia, including often untracked use throughout national parks, leaving other species and domesticated animals susceptible to agonising deaths that can last as long as five days; and

(b) calls on the Federal Government to regulate for the orderly phase-out of 1080 poison.

**Senator Whish-Wilson** to move on the next day of sitting:

That the Senate:

(a) notes that the draft report of the Productivity Commission, assessing the efficiency and competitiveness of superannuation, concluded that Australian Prudential Regulation Authority’s (APRA) behind-closed-doors approach to regulation:

(i) makes it difficult to assess whether the regulator is effectively curtailing poor behaviour, and

(ii) suggests that, even if APRA’s approach is effective, the lack of public enforcement provides limited discouragement for poor behaviour elsewhere;

(b) notes the observations of counsel assisting, Michael Hodge, QC, in his opening address to the fifth round of hearings of the Royal Commission Misconduct in the Banking, Superannuation and Financial Services Industry (Royal Commission) that, regarding the regulation of superannuation:

(i) there may be an inherent tension between regulators maintaining financial system stability and regulators taking public enforcement action, and

(ii) there is not a dedicated conduct regulator for superannuation trustees in Australia;

(c) notes the revelation from the Royal Commission on 14 August 2018 that:

(i) Colonial First State failed to transfer 15 000 members into MySuper accounts within the legislated timeframe, and

(ii) APRA failed to prosecute Colonial First State for these breaches which amount to 15 000 individual offences that could attract a total maximum fine of $157 million; and

(d) expresses concern:

(i) that the responsibility for conduct regulation of superannuation is ambiguous,

(ii) that APRA’s approach to compliance and enforcement of breaches by superannuation funds falls short of community expectations, and

(iii) that the best of interests of members are not being served as a result.

**Senator Di Natale** to move on the next day of sitting:

That the Senate:
(a) notes that over recent times, the Senate has witnessed:

(i) Senator Hanson wear a burqa in the Senate chamber, with the purpose to ridicule a religious community,
(ii) Senator Leyonhjelm use sexism to attempt to belittle and intimidate a fellow parliamentarian, and
(iii) Senator Anning use racism and hate speech, including language from the Holocaust, to incite hatred against the entire Muslim community;

(b) seeks to ensure that hate speech and intimidatory behaviour do not go unfettered in the Senate under the name of parliamentary privilege;

(c) notes that the Member for Indi, Ms McGowan, has tabled a motion in the House of Representatives to develop a code of conduct for members of Parliament and their staff;

(d) agrees that, as a Parliament, we must stand up against unacceptable behaviours; and

(e) gives in-principle support to include in the Senate standing orders a code of conduct, with the aim of preventing a senator behaving in such a way, or using language, which is discriminatory or incites hatred towards a community.

Senator O’Sullivan to move on the next day of sitting:
That the Senate:

(a) acknowledges:

(i) that, earlier this year, Australian Greens representatives travelled to Brussels to promote a documentary film, and repeat claims that kangaroo populations are at serious risk of extinction across Australia,
(ii) a media statement made, on 5 March 2018, by former Senator Rhiannon stating "myths about kangaroos are uncritically repeated as facts in Australia and abroad",
(iii) that despite the repeated claims by the Australian Greens to the contrary, it is widely and publically recorded that there have been no adverse long-term impacts on kangaroo populations after more than 30 years of harvesting under commercial management plans; in fact, there are an estimated 48 million kangaroos across Australia today, compared with only 27 million in 2010,
(iv) that more than three decades of data proves the sustainable harvest quota for kangaroos is always well below actual population estimates, and the actual quota levels have almost never been met,
(v) that there have been decades of sound, sustainable management of kangaroo harvesting that has been consistently confirmed by kangaroo management reviews, carried out by independent scientists,
(vi) that, despite making this data publically available, the kangaroo meat and hide industry has long been forced to battle against the boisterous, yet unfounded, claims by the Greens, and the broader animal liberation movement, that kangaroos are somehow at risk of extinction, and
(vii) that the National Code of Practice for the Humane shooting of kangaroos for commercial purposes, agreed to by all states in 2008, must be complied with under each state’s management plans;

(b) recognises the thousands of families across rural Australia that derive some income from the kangaroo harvesting trade; and

(c) supports public policy that:

(i) encourages the humane and sustainable harvesting of the kangaroo population, and
(ii) encourages trade expansion of kangaroo products.

Senator O’Sullivan to move on the next day of sitting:
That the Senate:
(a) notes that:
(i) the concepts of abortion and euthanasia specifically contradict the Hippocratic Oath – written nearly 2500 years ago – which is arguably the most famous text in Western medicine: “I will give no deadly medicine to any one if asked, nor suggest any such counsel; and in like manner I will not give to a woman a pessary to produce abortion”, and
(ii) the Queensland Labor Government’s proposed abortion laws will permit life termination at 22 weeks, which is a common age for expecting parents to be sharing images of ultrasounds due to the human form of the baby, and is a time in human development where babies have already formed lips and eyebrows and whose infused eyelids can discern the difference between light and dark; and
(b) condemns:
(i) the Queensland Government for its repeated attempts to excessively overhaul state legislation on abortion, and
(ii) any law that would permit abortions based on gender-selection.

Senator O’Sullivan to move on the next day of sitting:
That the Senate:
(a) notes:
(i) that the Australian Defence Force has recently drawn headlines following an indication it could end the use of gender-specific pronouns, and enforce a new language regime on our defence personnel,
(ii) that the Victorian public service, with support from the Victorian Government, has commenced a campaign to enforce the belief that masculine and feminine pronouns are somehow restricting,
(iii) that in 2016, the Queensland Government ended its inclusion of male or female in drivers’ licence information, following complaints from the gender-diverse community,
(iv) the bully and intimidation from some within the gender-diverse community towards iconic Australian comedian Mr Barry Humphries – a man who has been a public trailblazer in challenging community expectations surrounding gender stereotypes – when he questioned the legitimacy of expanding bathrooms, and indoctrinating children in certain social outlooks relating to gender,
(v) that Qantas made international headlines earlier this year when it was revealed it would focus on directing staff language and behaviour, as part of a so-called ‘Spirit of Inclusion’ month that would "recognise reality" by forcing staff to follow a strict language regime by replacing language such as husband, wife, mum and dad to avoid any potential offence potentially felt by same-gender couples, and
(vi) that the Secretary of the Department of the Prime Minister and Cabinet, Mr Parkinson, has repeatedly stated his belief in the highly contentious concept of "unconscious bias", and has spent millions of taxpayer dollars attempting to find evidence to support his personal beliefs and alter the personal actions of staff under his control;
(b) reaffirms its support for free and fearless speech, and open and honest discourse as foundations of western civilisation;
(c) rejects any attempt to enforce an overhaul of longstanding language usage for innocuous and benevolent terms that are spoken with no intended malice; and
(d) condemns any form of crusading, bullying, intimidation and use of authority by government, activists and corporate leaders that attempts to stifle free speech by enforcing a specific world viewpoint on linguistics and social policy.

Senator Siewert to move on the next day of sitting:
That the Senate:
(a) acknowledges the release of the Australian Council of Social Service and UNSW Sydney report, *Inequality in Australia 2018*;

(b) recognises that the report found that wealth inequality is increasing and, with regards to income inequality, someone in the top 1 per cent of the income scale earns more in a fortnight than someone in the lowest 5 per cent earns in a year;

(c) acknowledges that our social safety net currently fails to protect those seeking work from falling into poverty;

(d) notes that the Australian Council of Social Service calls for an increase of $75 a week to allowance payments for single people from 1 January 2019; and

(e) urges the Federal Government to increase the single rate of Newstart and related allowances by $75 a week.

**BUSINESS**

**Consideration of Legislation**

**Senator McGrath** (Queensland—Assistant Minister to the Prime Minister) (15:34): I move:

That the following general business orders of the day be considered on Monday, 20 August 2018 at the time for private senators’ bills:


Plebiscite (Future Migration Level) Bill 2018 (subject to introduction).

No. 49 Productivity Commission Amendment (Addressing Inequality) Bill 2017.

Question agreed to.

**COMMITTEES**

**Select Committee on the Future of Work and Workers**

**Reporting Date**

**Senator Urquhart** (Tasmania—Opposition Whip in the Senate) (15:35): by leave—I move:

That the time for the presentation of the report of the Select Committee on the Future of Work and Workers be extended to 12 September 2018.

Question agreed to.

**Community Affairs References Committee**

**Reference**

**Senator Di Natale** (Victoria—Leader of the Australian Greens) (15:36): I move:

That the following matter be referred to the Community Affairs References Committee for inquiry and report by 8 October 2018:

The My Health Record system, with particular reference to:

(a) the expected benefits of the My Health Record system;

(b) the decision to shift from opt-in to opt-out;

(c) privacy and security, including concerns regarding:

   (i) the vulnerability of the system to unauthorised access,
(ii) the arrangements for third party access by law enforcement, government agencies, researchers and commercial interests, and

(iii) arrangements to exclude third party access arrangements to include any other party, including health or life insurers;

(d) the government’s administration of the My Health Record system roll-out, including:

(i) the public information campaign, and

(ii) the prevalence of ‘informed consent’ amongst users;

(e) measures that are necessary to address community privacy concerns in the My Health Record system;

(f) how My Health Record compares to alternative systems of digitising health records internationally; and

(g) any other matters.

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (15:36): I seek leave to make a short statement.

The President: Leave is granted for one minute.

Senator McGrath: The My Health Record has been in operation for over six years and already has over six million Australians with a health record. The My Health Record system and its expansion is widely supported by Australia’s leading clinical and consumer peak organisations as well as state and territory governments. The government sees this reference as an opportunity to outline the benefits of the My Health Record for individuals, health professionals and the health system as a whole. This reference will also provide an opportunity to address any concerns or misconceptions about the My Health Record. As such, the government supports this motion.

Senator Jacinta Collins (Victoria—Manager of Opposition Business in the Senate) (15:37): I seek leave to make a one minute statement.

The President: Leave is granted for one minute.

Senator Jacinta Collins: Labor is deeply concerned that the government’s bungled rollout of the My Health Record opt-out period has severely undermined the public trust in this important reform. We need an inquiry. The Finance and Public Administration Committee was and remains best placed to conduct it. The committee has just finished a lengthy inquiry into digital delivery of public services and has previously reported on the Medicare data breach. However, this motion—and indeed that statement just then—is evidence that the Greens and the Turnbull government are happy to cosy up with each other and do deals in their political interests instead of putting the Australian people and the public interest first. I note that the terms of reference in this motion are identical to those proposed by Labor, and this just shows that the Greens would rather grandstand instead of working on the best policy solution. It is also disappointing that the Minister for Health, Greg Hunt, has trivialised this issue, tweeting yesterday that it was just a stunt but now we have this deal. We will, however, support this referral because it is more important than politics. (Time expired)


The President: Leave is granted for one minute.
Senator DI NATALE: We agree with the Labor Party that this is an inquiry that needs to proceed. There are serious concerns around the rollout of My Health Record. Let's remember that this was, of course, Labor legislation that has now been enacted by the government, but the government has shown itself to be incapable of protecting the privacy of citizens over a range of issues. We were prepared to support Labor's reference, provided it went to the appropriate committee, and the appropriate committee is the Community Affairs References Committee. It has the expertise, the knowledge and the history associated with the rollout of this project. When this was under the jurisdiction of the Labor Party, that's where this issue was discussed. It was discussed in the community affairs committee. The appropriate officials and bureaucrats are within the community affairs jurisdiction. That is the appropriate committee for it to be dealt with. We are pleased that the Labor Party has acknowledged that and will be supporting this reference.

Question agreed to.

BILLS

Plebiscite (Future Migration Level) Bill 2018

First Reading

Senator HANSON (Queensland) (15:40): I move:
That the following bill be introduced: A Bill for an Act to provide for a plebiscite at the next general election in relation to the level of migration to Australia, and for related purposes.

Senator CHISHOLM (Queensland) (15:40): Mr President—

The PRESIDENT: Are you seeking leave to make a statement at this point? There are a number of other stages. Leave is granted for one minute.

Senator CHISHOLM: Labor observes that the Senate has traditionally allowed bills to be introduced no matter what senators think of the subject matter, on the basis that the Senate can then determine what it thinks about it once the terms of the bill are available. For this reason we will not be opposing the introduction of this bill, although we will be opposing the bill.

However, it is surprising that Senator Hanson has elected to proceed with the introduction of this bill today in the light of her comments this morning in response to Senator Wong's motion supporting a racially non-discriminatory immigration policy to the overwhelming national and international benefit of Australia. If Senator Hanson is true to her word when she said, 'I have always advocated for equality, right across the board, for everyone in this country,' she should not be introducing this bill today or ever. Senator Hanson cannot condemn Senator Anning on one hand and seek to advance this bill in the Senate on the other; otherwise, her words are hollow.


The PRESIDENT: Leave is granted for one minute.

Senator HANSON: In relation to the Labor Party's comments with regard to this bill, it has nothing to do with my comments this morning. This bill is about immigration numbers. It's got nothing to do with the people who are coming to Australia, but it does refer to numbers. That will be presented next week when the bill is formally presented to the parliament. As I said before, this has nothing to do with Senator Fraser Anning and his
comments. My bill is about the immigration numbers and giving the people of Australia the say in whether the immigration numbers are too high. Give the people their say.

The PRESIDENT: Can I make an observation at this point, senators. This is the introduction of a bill, not a formal motion. From my memory, there has not usually been a series of statements when it comes to the introduction of a bill—because they are opportunities for debate—to be debated later on when it goes on the Notice Paper. So I would encourage all senators to reflect on that, lest we start having multiple debates on the same bill.

Question agreed to.

Senator HANSON: 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 HANSON (Queensland) (15:43): I move:
That this bill be now read a second time.

I seek leave to table an explanatory memorandum relating to the bill.

Leave granted.

Senator HANSON: I table an explanatory memorandum, and I seek leave to have the second reading speech incorporated in Hansard.

Leave granted.

The speech read as follows—

Australia's population increased by 3.5 million people in the decade 2006 to 2016. Around 60% of that population increase came from immigration.

There is no doubt that immigration is the cause of Australia's exceptional population growth.

If we continue to allow annual immigration targets to determine the size of our population, then the Australian Bureau of Statistics expects that Australia's population increase will double from 25 million to 50 million in just 30 years. Melbourne and Sydney will become megacities of over ten million people, but there is no evidence that we can plan and pay for this growth.

Governments, both Liberal and Labor, argue immigration is good for the economy, but economist Judith Sloan says immigration benefits special interest groups. She says the economics of immigration are very clear. In the short term immigration reduces per capita income and in the long term per capita income gains are very modest, but these calculations ignore the congestion costs, house prices and the loss of amenity.

Our immigration policy is like a horse that has lost its rider. It is dangerous. What we need is a rider, a population policy to safely guide the immigration horse.

Each year the government of the day sets an immigration target, but there is no plan to take into account the cumulative long term consequences of those yearly decisions. In fact it is the States and Territories that are left to manage the ever increasing population. State Governments are now carrying very high levels of debt and have little prospect of ever paying these loans.

If high levels of legal immigration are such a good idea, why is Australia the only OECD country with a population greater than ten million that is increasing its population at the rate of over 1.7% a year?
In 2011 the percentage of overseas born was just over 25% but today it is over 28%. In certain regions of our major cities those percentages are much higher due to concentration of settlement by certain groups.

No other comparable country has such a high proportion of overseas born. We have double the percentage of overseas born when we compare ourselves to the United States, the United Kingdom or New Zealand.

It is time to put the interests of citizens first and to stop pandering to special interest groups, including business, higher education and property developers who benefit from excessive immigration.

The Lowy Institute Survey reported a ‘sharp spike in anti-immigration sentiment’ in 2018, causing their annual sentiment measure to change from positive to negative.

The 2017 Scanlon Survey reported 37% of respondents see the current immigration intake as too high, but when respondents remained anonymous 74% said that Australia did not need any more people.

In the same year the Australian Population Research Institute found 54% of respondents, who were Australian voters, wanted the number of immigrants reduced.

The government and the opposition must be aware of these findings, but they have not changed their positions. Jointly the major political parties want a bigger and bigger population for Australia.

Is it that these political parties do not believe the results of these surveys?

Inevitably the sample sizes in these surveys are small when compared to the total population. Perhaps the major parties will be persuaded of the electorates view if a plebiscite on immigration is held at the next general election, because that is what is proposed in the Plebiscite (Future Migration Level) Bill 2018.

My Bill proposes to ask voters "Do you think the immigration rate is too high?"

My view is that an overwhelming majority of Australians will say that the immigration rate is too high, when they are told 62% of the population increase in the decade to 2016 was the result of immigration.

It is clear to see that the benefits of a high level of legal immigration are outweighed by problems, but political parties depend for much of their support from the special interest groups which benefit from high immigration.

The Liberals and Labor have two choices. Either they accept there is no political support for high levels of legal immigration or they can argue there is no problem with legal mass immigration.

There is plenty of evidence the government and the opposition will use statistics to mislead the electorate on the real cause of Australia's population explosion.

There are three recent examples worth noting.

The first one took place on the day after the Budget in May this year when the Treasurer said that permanent immigration only accounted for around 20% of Australia's population growth.

Treasurer Morrison made that statement knowing that many permanent visas can only be issued after residency requirements in Australia are met. Once these pathway visas are taken into account, permanent immigration accounts for around 60% of Australia's population growth and not the 20% claimed by the Treasurer.

The second example involved the publication of figures which showed that in 2017-18 the number of permanent migrants had dropped from 190,000 to 163,000, but the government failed to say that a further 40,000 people were on bridging visas awaiting the outcome of their applications for permanent residence. In other words, the government can manipulate the figures by reducing staffing resources.
Labor is just as deceptive, because like the government they will not accept there is a problem with permanent immigration.

Labor says the immigration problem is one of temporary migration because we have two million temporary migrants in Australia, including up to half a million foreign students. Temporary migrants, however, are just temporary and unless they are on a pathway visa they leave Australia.

Political parties must be stupid to deny there is a problem with permanent migration, because families do notice demountable classrooms at the school, crowded train platforms, buses that don't stop because they are already full, ever increasing travelling times between familiar destinations and long wait times to see specialist doctors etc.

I have often been called a 'populist', but all I do is listen to people wherever I go.

Unlike most of the political class I talk with people, who are doing their best to get by, and they tell me that politicians are out of step with them on the issue of migration.

I take the view that I am here to represent the views of most Australians or a significant majority of Australians.

One Nation believes that our immigration should be reduced to 70,000 a year or whatever number is necessary to maintain the current population size and a sustainable population profile.

Australia is a dry continent and our vast land fragile. We need to consider the carrying capacity of the country.

At the end of World War II Australia's population was over seven million people and 90% of those people were born in Australia. In 1945 we were short of labor and the war had created a feeling that a bigger population would be necessary if we were to defend ourselves in the future. After the horror of the war in Europe many people wanted to leave and start a new life in Australia.

I acknowledge the hard work and the contribution made by so many overseas born Australians and their families, but that does not mean that we should continue to have the highest levels of legal immigration in the world.

I do not believe in a bigger and bigger population, but more importantly I believe Australian Citizens need to be given a say and that governments should not act on this issue without a mandate from the people of Australia which is why I am putting this Bill before the Senate for debate.

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

Leave granted; debate adjourned.

MOTIONS

Tuberculosis

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (15:43): At the request of Senator Singh, I move:

That the Senate—

(a) notes that:

(i) Tuberculosis (TB) was declared an emergency in 1993 by the World Health Organization and causes more deaths than any other infectious disease – of the more than 10.4 million infected with TB in 2016, 1.7 million people died,

(ii) drug-resistant TB is one of the most common and deadly forms of all antimicrobial resistance in the world, accounting for a significant number of antimicrobial resistant deaths globally,

(iii) around the world, an estimated 4.1 million people with TB are not diagnosed, thus missing out on receiving quality care and treatment,
(iv) TB affects different populations inequitably and contributes to the cycle of ill-health and poverty,
(v) the United Nations Sustainable Development Goal to end the global TB epidemic by 2030 will not be met without new and more effective tools, and more innovative approaches to prevention, diagnosis, treatment, care and vaccination, and
(vi) TB is preventable, curable and can be ultimately eliminated through access to quality drugs, treatment and prevention, effective people-centred models of care, and innovation in identification and treatment;
(b) recognises:
(i) the United Nations (UN) General Assembly is holding the first-ever High-Level Meeting on TB on 26 September 2018, during the 73rd session of the General Assembly in New York,
(ii) the United Nations High-Level Meeting on TB provides an unprecedented and historic opportunity for world leaders to reaffirm their commitment and raise the resources required for ending the global TB epidemic by 2030,
(iii) the world should aim to increase the overall global investments for ending the TB epidemic to US$2 billion, and to close the estimated US$1.3 billion gap in funding annually for support to TB research and development for prevention, diagnosis treatment and care, and
(iv) Australia has supported global actions to reduce TB, including through contributions to the Global Fund to Fight AIDS, Tuberculosis and Malaria, its support to TB programs in Papua New Guinea and Kiribati, and through the Indo-Pacific Health Security Initiative in our support to Product Development Partnerships and research grants; and
(c) calls on the Australian Government to:
(i) ensure Australia has senior representation at the United Nations High-Level Meeting on TB in September, and
(ii) commit to support countries in the Indo-Pacific in their efforts for TB elimination.

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (15:44): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator McGrath: The government is committed to combating tuberculosis, which remains a serious challenge in our region. We have partnered with Papua New Guinea since 2012 to tackle TB. In Papua New Guinea, our efforts to address drug resistance in Western Province have helped to increase the proportion of people completing treatment to 99 per cent, up from 65 per cent in 2014.

The government’s Indo-Pacific Health Security Initiative and contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria provide significant support regionally and globally. The government has been actively engaged in the preparations for the upcoming United Nations high-level meeting on TB.

Question agreed to.

Political Re-Education Internment Camps

Senator Bernardi (South Australia) (15:44): I move:

(a) expresses the view that political re-education internment camps are the tool of brutal totalitarian government; and

 Senator Bernardi: I move:

(a) expresses the view that political re-education internment camps are the tool of brutal totalitarian government; and
(b) urges the Minister for Foreign Affairs to raise with foreign governments any concerns brought to her attention about the existence of such camps.

Question agreed to.

**DOCUMENTS**

**Indigenous Affairs**

**Order for the Production of Documents**

**Senator SIEWERT** (Western Australia—Australian Greens Whip) (15:45): I move:

That there be laid on the table by the Minister for Indigenous Affairs, by the adjournment on 20 August 2018, the modelling of the impact of the Targeted Compliance Framework on Community Development Programme jobseekers that was undertaken by the Department of Prime Minister and Cabinet as part of the development of the reforms to the CDP, and the historical data used as part of this modelling, and the regional breakdown of the employment outcomes for CDP for the period 1 July 2015 to 31 May 2018.

Question agreed to.

**MOTIONS**

**Australian Antarctic Division**

**Senator URQUHART** (Tasmania—Opposition Whip in the Senate) (15:45): At the request of Senators Bilyk and Brown, I move:

That the Senate—

(a) notes that:

(i) the Australian Antarctic Division's (AAD) headquarters is based in Kingston, Tasmania,

(ii) the AAD currently employs approximately 300 staff at the Kingston headquarters,

(iii) the AAD has a proud history of world-leading scientific research that has been led by a dedicated workforce based in the Kingborough municipality, and

(iv) as a small suburban population centre, Kingston's retail businesses are heavily reliant on the 300 jobs that the AAD headquarters provides;

(b) expresses concern that the Minister for the Environment and Energy, and the Turnbull Government, are yet to publicly commit to maintaining the AAD's headquarters in Kingston; and

(c) calls on the Turnbull Government to:

(i) commit to the long-term future of the AAD in Kingston, and rule out moving the location of the current headquarters, and

(ii) further commit to not making any decisions that would result in a net loss of AAD staff from Kingston.

**Senator ABETZ** (Tasmania) (15:46): I seek leave to make a short statement.

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

**Senator ABETZ:** The move of the Australian Antarctic Division to Kingston was a great visionary move by the then Liberal government. I recently confirmed to the local mayor, Steve Wass, that the division's situation in Kingston was secure as far as the government was concerned. Those assurances were reported. The Tasmanian and Australian governments along with key organisations are working closely on the development of an Antarctic and science precinct at Macquarie Point as part of the Hobart City Deal. The government's very
clear position is that Kingston remains the home of the Australian Antarctic Division. I, therefore, invite Labor to stop their faux concern which they know is causing unnecessary concern. In short, we moved the AAD to Kingston, we remain committed to the division remaining there and we are committed to growing the Antarctic presence in Tasmania with the exciting development at Mac Point.

Question agreed to.

**BUSINESS**

Withdrawal

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (15:47): At the request of Senator McAllister, I withdraw Business of the Senate notice of motion No. 5.

**DOCUMENTS**

Great Barrier Reef Foundation

Order for the Production of Documents

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (15:48): At the request of Senator Carr, I move:

That there be laid on the table by the Minister for Jobs and Innovation, by no later than 9.30 am on 21 August 2018:

(a) documents held by the Department of Industry, Innovation and Science relating to the announcement, establishment and implementation of the partnership with the Great Barrier Reef Foundation; and

(b) documents held by the Australian Institute of Marine Science (AIMS) relating to the announcement, establishment and implementation of the partnership with the Great Barrier Reef Foundation.

Question agreed to.

**MOTIONS**

RU OK? Day

Senator O’NEILL (New South Wales) (15:48): I seek leave to amend the motion to include the name of Senator Siewert.

Leave granted.

Senator O’NEILL: I, and also on behalf of Senator Siewert, move the motion as amended:

That the Senate—

(a) notes that:

(i) on 30 July 2018, the RUOK? Conversation Convoy began to raise awareness that a conversation could change a life;

(ii) the Conversation Convoy will travel across 14,000 kilometres and 25 communities to show Australians that every day is the day to ask 'Are you OK?', and

(iii) the Conversation Convoy will conclude in Sydney on 13 September 2018, which is also RUOK? Day—this important day was first established in 2009 to raise awareness around suicide prevention and mental ill-health;

(b) acknowledges that:
(i) the statistics around suicide and mental ill-health are heartbreaking and confronting,
(ii) in 2016, 2,866 Australians lost their lives to suicide—research also reveals that around 65,000 people attempt suicide every year and hundreds of thousands of people are impacted by each suicide death, and
(iii) one in five Australians experience mental ill-health in any year; and
(c) urges:
(i) all levels of government and the community to work together to reduce the impact of suicide and mental ill-health in our society, and
(ii) that work must continue towards reducing stigma and raising community awareness around suicide prevention and mental ill-health.

Question agreed to.

Raue, Mr Tom

Senator BERNARDI (South Australia) (15:49): I move:

That the Senate—

(a) notes that Mr Tom Raue, recently preselected as the New South Wales Greens candidate for the inner Sydney seat of Summer Hill, once wrote in a student newspaper column ‘why is consensual sex with animals considered so heinous that it must be illegal? Why is it taboo to even talk about it? Yes most Australians find it disgusting, but that is not a good enough reason to legislate against it. Consensual sex with an animal should not be illegal, no matter how distasteful it may seem’;
(b) further notes that these statements are in keeping with the writings of Victorian Greens Party co-founder and former candidate, Professor Peter Singer, who has also sought to break down taboos on sexual relations between humans and animals; and
(c) rejects all pushes by the Greens and other activists to promote sexual intimacy between humans and animals.

Senator CHISHOLM (Queensland) (15:49): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator CHISHOLM: Labor agrees with the policy proposition in paragraph (c) and unreservedly rejects any such proposals. For this reason, we support the substantive motion. However, we do have concerns about the appropriateness of motions such as this that contain various assertions of fact, including some that have been taken as reflections on members of this chamber, being dealt with in a manner that does not allow debate.

Senator Hanson: Can I seek clarification from Senator Bernardi on an element of this notice of motion?

The PRESIDENT: If you ask the chair, I'll see what I can do.

Senator Hanson: I need clarification on consensual sex with an animal. Is the suggestion of consent for an animal one cluck for yes and two clucks for no?

The PRESIDENT: I'm going to put the motion. The question is that motion No. 957 be agreed to.

Question agreed to.

Defence Facilities: Chemical Contamination

Senator BURSTON (New South Wales) (15:51): I move:
That the Senate:
(a) notes that:
   (i) since September 2015, there have been a number of parliamentary inquiries into contamination of Defence-owned and neighbouring properties by per- and poly-fluoroalkyl substances and chemicals (PFAS), and
   (ii) the upcoming Christmas will be the fourth Christmas that the residents living in the so-called 'red zone' surrounding Williamtown RAAF base in New South Wales will have had to endure with no resolution from the Federal Government; and
(b) calls on the Federal Government to:
   (i) immediately implement a voluntary buy-out program for affected property owners of PFAS contamination originating from Defence-owned land,
   (ii) ensure the voluntary buy-out programme is at market rates for the affected properties prior to the public announcement of the contamination, plus the average increase in property values in the region since,
   (iii) provide monetary compensation for those that wish to remain living at their property, and
   (iv) ban the use of PFAS substances and chemicals, which have contaminated at least 90 communities across the country as a result of their use in fire retardants for decades.

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (15:51): I seek leave to make a short statement.

The President: Leave is granted for one minute.

Senator McGrath: The Australian government is supporting the communities of Williamtown, Oakey and Katherine through a $55 million drinking water program and over $60 million to reduce exposure, manage environmental impacts and provide dedicated support services, voluntary blood testing and health research. The government is taking an evidence based response to this issue. Based on the information available to government at this time, a land purchase program is not being considered. The government will continue to adjust its management practices to respond to new evidence as it arises. The government is actively consulting on banning PFAS.

Senator Chisholm (Queensland) (15:52): I seek leave to make a short statement.

The President: Leave is granted for one minute.

Senator Chisholm: The opposition will not be supporting this motion. We do hold significant concerns about the issue that is raised in the substantive motion, and that is why we are participating constructively with the joint parliamentary inquiry into PFAS contamination in and around Defence bases. We believe that the inquiry that is currently underway should be allowed to follow the normal process before we vote on individual motions like this one in the Senate today.

The President: The question is that motion No. 955 standing in the name of Senator Burston be agreed to.

The Senate divided. [15:57]

(The President—Senator Ryan)

Ayes ......................16
Noes ......................38
Majority ..................22

CHAMBER
AYES

Anning, F
Burston, B (teller)
Georgiou, P
Hanson, P
Leyonhjelm, DE
Patrick, RL
Siewert, R
Storer, TR

Bartlett, AJJ
Di Natale, R
Griff, S
Hanson-Young, SC
McKim, NJ
Rice, J
Steele-John, J
Whish-Wilson, PS

NOES

Abetz, E
Bilyk, CL
Brockman, S
Bushby, DC
Cameron, DN
Chisholm, A
Colbeck, R
Collins, JMA
Duniam, J
Gallacher, AM
Gichuhi, LM
Hinch, D
Hume, J
Keneally, KK
Lines, S
McAllister, J
McCarthy, M
McGrath, J
McKenzie, B
Molan, AJ
Moore, CM
O’Neill, DM
Paterson, J
Payne, MA
Polley, H
Pratt, LC
Reynolds, L
Ruston, A
Ryan, SM
Singh, LM
Smith, DA
Stoker, AJ
Urquhart, AE (teller)
Watt, M

Question negatived.

**Confucius Institute**

Senator BERNARDI (South Australia) (15:59): I move:

That the Senate:

(a) notes the increasing number of Confucius classes or institutes being established within the Australian education system, accompanied by generous foreign government grants;

(b) also notes an SBS report that:

(i) Australia has the third largest number of such institutes after the United States of America and the United Kingdom, and

(ii) there were 525 institutes and 1 113 classrooms across 146 countries worldwide by the end of 2017;

(c) further notes concerns that have been expressed, including in the documentary *In the name of Confucius* aired around Australia during the winter break, regarding academic freedom and freedom of conscience at or around these institutes;

(d) likewise notes comments attributed to Mr Ross Babbage, a former head of strategic analysis in the Office of National Assessments, and now a senior fellow at the Centre for Strategic and Budgetary...
Assessments (CSBA) in Washington, stating that Australian universities are 'naive' about what goes on in the institutes, and that since early 2018 the United States' Federal Bureau of Investigation has been warning about the institutes' activities on United States' campuses;

(e) observes that the New South Wales government is reviewing its engagement with the institute; and

(f) calls upon the Minister for Education and Training to work with his state and territory counterparts to ensure full reviews of their engagement with these institutes and classrooms.

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (16:00): I seek leave to make a short statement.

The President: Leave is granted for one minute.

Senator McGrath: Australia pursues its own national interest but, in doing so, is strongly committed to collaboration and partnership. We will continue to act to advance Australia's prosperity, ensure the independence of our decision-making and academic freedom at our universities and secure the safety and freedom of our people. Issues relating to state education jurisdictions and autonomous jurisdictions are properly matters for them.

The President: The question is that motion No. 954 standing in the name of Senator Bernardi be agreed to.

The Senate divided. [16:01]

(16:01)

(The President—Senator Ryan)

Ayes ..................... 15
Noes ..................... 40
Majority ................. 25

AYES

Anning, F
Bernardi, C (teller)
Di Natale, R
Hanson, P
Leyonhjelm, DE
O'Sullivan, B
Siewert, R
Whish-Wilson, PS

NOES

Abetz, E
Brockman, S
Cameron, DN
Colbeck, R
Duniam, J
Gichuhi, LM
Hinch, D
Keneally, KK
Marshall, GM
McCarth, M
McKenzie, B
Moore, CM
Paterson, J

Bartlett, AJJ
Burston, B
Georgiou, P
Hanson-Young, SC
McKim, NJ
Rice, J
Steele-John, J

Bilyk, CL
Bushby, DC
Chisholm, A
Collins, JMA
Gallacher, AM
Griff, S
Hume, J
Lines, S
Martin, S.L
McGrath, J
Molan, AJ
O'Neil, DM
Patrick, RL
Question negatived.

Digital Encryption

Senator STEELE-JOHN (Western Australia) (16:04): I move:

That the Senate:
(a) notes that:
   (i) on 27 March 2018, the Senate passed a motion recognising the importance of strong digital encryption in protecting the personal and financial information of Australians, in preventing identity theft and other crime, and in ensuring that public interest whistleblowers, journalists, and other civil society actors can conduct their activities more securely,
   (ii) on 31 July 2018, the Minister for Health (Mr Hunt) made a statement that 'My Health Record' legislation will be amended to 'ensure no record can be released to police or government agencies, for any purpose, without a court order',
   (iii) on 14 August 2018, the Government released draft legislation that requires law enforcement agencies to obtain a warrant in order to search electronic devices and access content on those devices, and
   (iv) currently, under the Telecommunications (Interception and Access) Act 1979, law enforcement agencies can access telecommunications metadata without a warrant; and
(b) calls on the Federal Government to:
   (i) extend the requirement for a warrant to metadata, and collection and interception of all communications of Australians, for consistency and to uphold Australians' right to privacy,
   (ii) support the continued development and use of strong encryption technologies, and
   (iii) not actively undermine encryption and privacy by introducing legislation that compels telecommunications and information technology companies to break encryption or introduce weaknesses into communications systems or devices used by Australians.

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (16:04): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator McGrath: The government recognises that secure communications technologies are vital to the cybersecurity of all Australians. Our law enforcement and national security agencies also require appropriate powers to prosecute and disrupt serious criminal and national security threats. The government's telecommunications assistance legislation does not require industry to reduce the security protections they have developed to enhance the privacy of Australians' data. The Australian public telecommunications providers can be confident that any request for access to an individual's data will remain subject to existing warrant processes.
The PRESIDENT: The question is that motion No. 958 be agreed to.
The Senate divided. [16:06]
(The President—Senator Ryan)

Ayes .................15
Noes .................38
Majority.............23

AYES

Anning, F
Bernardi, C
Georgiou, P
Hanson, P
Leyonhjelm, DE
Patrick, RL
Siewert, R (teller)
Whish-Wilson, PS

Bartlett, AJJ
Di Natale, R
Griff, S
Hanson-Young, SC
McKim, NJ
Rice, J
Steele-John, J

NOES

Abetz, E
Bilyk, CL
Brockman, S
Bushby, DC
Cameron, DN
Chisholm, A
Colbeck, R
Collins, JMA
Duniam, J
Gallacher, AM
Gichuhi, LM
Hinch, D
Hume, J
Lines, S
Marshall, GM
Martin, S.L
Molan, AJ
McGrath, J
O'Neil, DM
Moore, CM
Paterson, J
Payne, MA
Polley, H
Pratt, LC
Reynolds, L
Ruston, A
Ryan, SM
Singh, LM
Smith, DA
Smith, DPB
Sterle, G
Storer, TR
Watt, M

Urquhart, AE (teller)
Williams, JR

Question negatived.

Glyphosate

Senator RICE (Victoria) (16:08): I seek leave to amend general business notice of motion
No. 959 standing in my name for today, relating to glyphosate.

Leave granted.

Senator RICE: I move the motion as amended:

That the Senate:
(a) notes that:
(i) the International Agency for Research on Cancer (IARC), the specialised cancer agency of the World Health Organization, has listed glyphosate as 'probably carcinogenic to humans',

(ii) a Californian Superior Court jury has ordered Monsanto pay $39 million in compensatory damages, and $250 million in punitive damages to former grounds keeper, Mr DeWayne Johnson, on the grounds that their glyphosate product, Roundup, contributed to his non-Hodgkin's lymphoma,

(iii) this follows a review by the Australian Pesticides and Veterinary Medicines Authority (APVMA) of glyphosate, following the IARC finding, which 'found no grounds to place it under formal reconsideration', and

(iv) glyphosate is still widely-used in Australian agricultural, gardening, grounds-keeping and land management environments; and

(b) calls on the Federal Government to immediately request the APVMA to conduct a formal review of glyphosate, and request Monsanto (now Bayer AG) to make all internal scientific documentation, relating to the carcinogenicity of glyphosate, publically available.

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (16:09): I seek leave to make a short statement.

The President: Leave is granted for one minute.

Senator McGrath: In 2016 the Australian Pesticides and Veterinary Medicines Authority considered glyphosate and found no grounds to place it under formal reconsideration. The objective scientific facts show that glyphosate, when used in accordance with label instructions and with the personal protective equipment recommended, can be used safely. This finding has been established repeatedly in the last few years by chemical regulators worldwide, including here in Australia by the APVMA. The APVMA’s regulatory position on glyphosate is available on their website.

Senator Griff (South Australia) (16:10): I seek leave to make a short statement.

The President: Leave is granted for one minute.

Senator Griff: In my view, a review is definitely in order. As this motion highlights, there are potentially serious issues because this product is liberally used in Australia. The reason I say that is that I have repeatedly asked in estimates for regulators to provide a copy of the research they rely on to determine the acceptable daily intake of glyphosate in food. Food Standards Australia New Zealand don’t possess this research, and they directed me recently to the Australian Pesticides and Veterinary Medicines Authority. The APVMA also tell me they don’t have it either. It appears that our regulators have taken a set-and-forget attitude on this particular product. So now is definitely an appropriate time for a formal review.

Senator Chisholm (Queensland) (16:11): I seek leave to make a short statement.

The President: Leave is granted for one minute.

Senator Chisholm: Labor acknowledges that the new concerns over the use of glyphosate in Australia highlight the crucial importance of an effective and independent chemicals regulator. The regulator in Australia is the APVMA. Its job is to protect our health and safety. Unfortunately, public confidence in the APVMA is already in decline because of the Turnbull government’s decision to forcibly relocate it from Canberra to Armidale. Labor sees no merit in further undermining the community’s confidence in the APVMA by challenging its independence. That’s Labor’s problem with this motion and it’s why we can’t
support it in its current form. That doesn't mean we do not share the concerns raised in the motion. We do. The best way to keep our community safe is to maintain the regulator's independence and to rebuild its capacity to do its work in the most effective and timely manner. There are a number of things that the Turnbull government can do. Firstly, it should respond to community concern and provide some reassurance. Its silence has been deafening. Secondly, it should reverse the damaging relocation of the APVMA.

Senator RICE (Victoria) (16:12): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator RICE: I'm really disappointed that it appears that neither Labor nor the government are going to support this motion. Calling for our chemicals regulator, the APVMA, to do its job, is pretty moderate. It's not calling for a ban, which many people already are calling for. The US court finding is a massive wake-up call for Australia, given the widespread use of glyphosate across the country, applied by people who trust that it's safe. It's quite appropriate for the government to request the APVMA to do a formal review to take into account information that became public during the US court case—in particular, the actions that led to the Californian jury declaring that Monsanto were operating with malice or oppression. It's also completely appropriate for all of Monsanto's scientific data and findings to be public so that the people can see for themselves whether theirs and the APVMA's trust in glyphosate as a safe product is indeed warranted.

The PRESIDENT: The question is that motion No. 959 as amended be agreed to.

The Senate divided. [16:14]

(The President—Senator Ryan)

<table>
<thead>
<tr>
<th>Ayes .................</th>
<th>16</th>
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<td>Noes ...............</td>
<td>36</td>
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<td>Majority...........</td>
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AYES

Anning, F
Bernardi, C
Georgiou, P
Hanson, P
Hinch, D
Patrick, RL
Siewert, R (teller)
Storer, TR

Bartlett, AJJ
Di Natale, R
Griff, S
Hanson-Young, SC
McKim, NJ
Rice, J
Steele-John, J
Whish-Wilson, PS

NOES

Abetz, E
Broekman, S
Cameron, DN
Colbeck, R
Duniam, J
Gichuhi, LM
Leyonhjelm, DE
Marshall, GM
McCarthy, M

Bilyk, CL
Bushby, DC
Chisholm, A
Collins, JMA
Gallacher, AM
Hune, J
Lines, S
Martin, S.L
McGrath, J

CHAMBER
Senator SIEWERT (Western Australia—Australian Greens Whip) (16:16): I move:

That the following matter be referred to the Education and Employment References Committee for inquiry and report by 5 December 2018:

The appropriateness and effectiveness of the objectives, design, implementation and evaluation of jobactive, with specific reference to:

(a) the nature and underlying causes of joblessness in Australia;
(b) the methods by which Australians gain employment and their relative effectiveness;
(c) the extent of consultation and engagement with unemployed workers in the design and implementation of jobactive;
(d) the ability of jobactive to provide long-term solutions to joblessness, and to achieve social, economic and cultural outcomes that meet the needs and aspirations of unemployed workers;
(e) the fairness of mutual obligation requirements, the jobactive Job Plan negotiation process and expenditure of the Employment Fund;
(f) the adequacy and appropriateness of activities undertaken within the Annual Activity Requirement phase, including Work for the Dole, training, studying and volunteering programs and their effect on employment outcomes;
(g) the impacts and consequences of the job seeker compliance framework;
(h) the appeals process, including the lack of an employment services ombudsman;
(i) the funding of jobactive, including the adequacy of the 'outcome driven' funding model, and the adequacy of this funding model to address barriers to employment;
(j) alternative approaches to addressing joblessness; and
(k) any other related matters.

Senator McGRATH (Queensland—Assistant Minister to the Prime Minister) (16:17): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator McGRATH: The coalition government is focused on getting Australians into jobs, and our employment services programs play a vital part in achieving this outcome. The government's jobactive program began on 1 July 2015 and plays a critical role in ensuring that
Australians can be placed in jobs. There have been over one million job placements through jobactive since the program began. To build on this strong record, the government has established an Employment Services Expert Advisory Panel to advise on the development of a future employment services model beyond 2020, chaired by Sandra McPhee. The coalition government also strongly believes in mutual obligation and is strengthening penalties to the small group of jobseekers who are persistently and wilfully non-compliant, whilst increasing support for jobseekers who genuinely try to meet their requirements.

**Senator CHISHOLM** (Queensland) (16:17): I seek leave to make a short statement.

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

**Senator CHISHOLM:** Labor will oppose this motion. We acknowledge the concerns raised in this motion and have been speaking about these issues for many years. This is particularly true in relation to safety of the government's core of jobactive programs such as Youth Jobs PaTH and Work for the Dole. However, given the fact there are currently inquiries before the Senate Education and Employment References Committee that are looking at issues particularly relating to safety in work, including the exploitation of general and specialist cleaners working in retail chains for contracting and subcontracting cleaning companies, and the prevention, investigation and prosecution of industrial deaths in Australia, we do not believe it is necessary to establish yet another inquiry. As such, the proposed inquiry is ill timed. Labor does not support the government punishing people for being out of work instead of preparing them for a job.

Question agreed to.

*An honourable senator interjecting—*

**The PRESIDENT:** I didn't hear you call for a division. I called it for the ayes, so I'm moving to the next motion, unless I misheard and someone called for a division I didn't hear. Senator Hinch, are you raising a point of order?

**Senator Hinch:** Mr President, there's some confusion. You did call it for the ayes, and we obviously lost that last motion.

**The PRESIDENT:** I call it based on the noises I hear. I called it for the ayes. I'm pretty certain I got it correct.

*An honourable senator interjecting—*

**The PRESIDENT:** It's not up to the chair. If you want to raise a point of order, then stand on your feet. I'm not going to provide a commentary on the divisions I call.

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**DOCUMENTS**

**Murray-Darling Basin Plan**

**Order for the Production of Documents**

**Senator PATRICK** (South Australia) (16:20): I move:

That the Senate:

(a) notes that transparency, in relation to the Murray-Darling Basin Plan and its implementation, is critical to public confidence; and

(b) orders there be laid on the table, by the Minister representing the Minister for Agriculture and Water Resources, by 23 August 2018:
(i) advices requested in a letter from the Murray-Darling Basin Royal Commission to the Department of Agriculture and Water Resources of 3 May 2018, namely, all prior advice provided to the Department of Agriculture and Water Resources of 3 May 2018, concerning:

(A) the construction and proper interpretation of the Water Act 2007 and the Basin Plan,

(B) the lawfulness of the proposed amendment to the Basin Plan disallowed by the Senate on 6 February 2018,

(C) the lawfulness of the proposed amendment to the Basin Plan disallowed by the Senate on 14 February 2018,

(D) the lawfulness of the adjustment made to the Basin Plan, the subject of a disallowance motion defeated in the Senate on 8 May 2018, and

(E) the constitutional validity of the Water Act 2007 and the Basin Plan,

(ii) all documents, including any minutes of meetings made in accordance with section 196 of the Water Act 2007, evidencing the reasoning behind the change of reductions in diversions required to achieve environmental watering requirements of 3856 GL (high uncertainty) and 6983 GL (low uncertainty), down to a reduction in diversions to 2750 GL in the report, The proposed ‘environmentally sustainable level of take’ for surface water of the Murray-Darling Basin: Methods and outcomes, dated November 2011, and the Basin Plan, as enacted on 23 November 2012,

(iii) all documents, including any minutes of meetings made in accordance with section 196 of the Water Act 2007, relating to the incorporation of social and economic outcomes into the determination of the long-term average sustainable diversion limit reflecting an environmentally sustainable level of take between 8 October 2010 and 23 November 2012,

(iv) all documents, including any minutes of meetings made in accordance with section 196 of the Water Act 2007, evidencing the further analysis conducted by the Murray-Darling Basin Authority to investigate the ability of alternative SDL options and water recovery strategies to achieve environmental objectives which lead to the adjustment of the recovery target from 2800 GL to 2750 GL,

(v) all documents, including any minutes of meetings made in accordance with section 196 of the Water Act 2007, referring to the analysis of the equivalent environmental outcomes as required by section 7.15(1) (c) of the Basin Plan of each of the 36 supply measures,

(vi) record of any agreement to use another method within the meaning of section 7 of the Basin Plan for any of the 36 supply measures, and

(vii) the peer review of the report, Guide to the proposed Basin Plan, dated October 2010.

The PRESIDENT: The question is that motion No. 960 be agreed to.

The Senate divided. [16:24]

(The President—Senator Ryan)

Ayes .................... 40
Noes ..................... 27
Majority ................ 13

AYES

Anning, F
Bernardi, C
Brown, CL
Carr, KJ
Collins, JMA
Dodon, P

Bartlett, AJJ
Bilyk, CL
Cameron, DN
Chisholm, A
Di Natale, R
Farrell, D

CHAMBER
Question agreed to.

**DOCUMENTS**

**Consideration**

The following documents were considered:

Motion to take note of document no. 5 moved by Senator Bartlett. Consideration to resume on Thursday at general business.
COMMITTEES

Scrutiny of Bills Committee

Scrutiny Digest


Regulations and Ordinances Committee

Delegated Legislation Monitor

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (16:28): I present Delegated Legislation Monitor No. 8 of 2018 of the Standing Committee and Regulation and Ordinances. I move:

That the Senate take note of the report.

I rise to speak briefly on the tabling of the Senate Standing Committee on Regulations and Ordinances Delegated Legislation Monitor No. 8 of 2018. One of their committee's scrutiny principles under Senate standing order No. 23 requires the committee to consider whether a legislative instrument contains matters more appropriate for parliamentary enactment—that is, matters that should be enacted via an act of parliament rather than delegated legislation.

In this monitor, the committee has drawn the attention of the Senate to several instruments of delegated legislation which contain significant matter of law or change to the law. One is the migration fast-track applicant class instrument, which makes a new class of unauthorised maritime arrivals subject to the fast-track process for consideration of their protection applications. This would apply to persons who have already applied for protection visas and have been rejected, where the High Court or Federal Circuit Court has declared that the original assessment was not made according to law. If those people are now permitted to re-apply for protection, they'll only be able to do so as fast-track applicants, with the limited rights of merits review. The committee has expressed concern on several previous occasions about ensuring appropriate parliamentary oversight of changes to migration law. In this case, the committee also notes that the change to the definition of fast-track applicants will have a significant impact on the rights of affected persons and potentially on the relationship between the executive and the judiciary.

Another significant instrument is the rules of the National Redress Scheme for Institutional Child Sexual Abuse. The rules provide for a number of significant matters relating to the operation of the scheme, including abuse not covered by the scheme, eligibility of redress for certain persons and disclosure of protection information. Two more instruments prescribe charges for the manufacture and import of emissions controlled products—effectively levying taxes via delegated legislation. The committee takes the position that levying taxation is one of the most fundamental functions of parliament and should be done via primary rather than delegated legislation.

Finally, the committee has noted a set of instruments which determine various matters relating to the new targeted compliance framework for the people claiming or receiving welfare payments. Matters dealt with in this instrument include how to determine whether a person has undertaken adequate job search efforts, whether they have a reasonable excuse for
non-compliance with their obligations, and circumstances in which welfare payments may be reduced or cancelled.

In relation to all of these instruments, the committee's comments are consistent with those of the Senate Scrutiny of Bills Committee. In each case, the Scrutiny of Bills Committee expressed concerns about the powers to delegate these matters to legislative instruments, which are not subject to the full parliamentary process of debate and consideration. The Senate Standing Committee on Regulations and Ordinances draws the attention of the Senate to its view that the significant change to the law should be made in primary rather than delegated legislation. I commend the Delegated Legislation Monitor No. 8 of 2018 to the Senate.

Question agreed to.

Select Committee on Red Tape

Report

Senator LEYONHJELM (New South Wales) (16:32): I present two interim reports of the Select Committee on Red Tape, as listed at item 13 of today's Order of Business, together with the Hansard record of proceedings and documents presented to the committee. I move:

That the Senate take note of the report.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Parliamentary Joint Committee on Human Rights

Report

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (16:32): On behalf of the Parliamentary Joint Committee on Human Rights, I present the seventh report of 2018, Human rights scrutiny report. I seek leave to have the tabling statement incorporated into Hansard.

Leave granted.

The statement read as follows—

I rise to speak to the tabling of the Parliamentary Joint Committee on Human Rights' Human Rights Scrutiny Report 7 of 2018.

Of the new bills examined in Report 7, 12 have been assessed as not raising human rights concerns as they promote, permissibly limit, or do not engage, human rights. To complete its technical assessment of compatibility with Australia’s international human rights law obligations, the committee has requested further information in relation to 10 bills and legislative instruments.

Of these bills and instruments, I would like to highlight four instruments made under the National Disability Insurance Scheme Act 2013, which relate to:

the resolution of complaints about national disability insurance scheme (NDIS) providers;

incident management systems for NDIS providers to record reportable incidents;

the disclosure of information by the NDIS Quality and Safeguards Commissioner; and

the conditions of registration for NDIS providers that use 'regulated restrictive practices' in delivering NDIS support.
As outlined, these instruments raise a range of issues relevant to the human rights of people with disabilities. Consequently, the committee has requested further information from the minister as to the human rights compatibility of these instruments, particularly regarding the scope of various measures and the adequacy of safeguards to protect human rights.

Chapter 2 of the report contains the committee's concluded examination of ten bills and legislative instruments. It includes the committee's concluded examination of five park management plans made under the Environment Protection and Biodiversity Conservation Act 1999.

In relation to these instruments, the committee sought further information from the minister as to whether the measures engage and permissibly limit the right to freedom of expression on the basis that they provided certain restrictions on media reporting. The minister's response contained additional information which enabled the committee to conclude that, while certain measures in the plans do limit freedom of expression, they are nevertheless likely to be compatible with this right, because they are sufficiently circumscribed and are only as extensive as necessary to achieve a legitimate objective. This illustrates the constructive process of liaising with legislation proponents to identify relevant information in order to assist the committee in its assessment of legislation.

I encourage my fellow Senators and others to examine the committee's report to better inform their consideration of proposed legislation.

With these comments, I commend the committee's Report 7 of 2018 to the Senate.

Joint Standing Committee on Treaties

Report

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (16:32): I present the 180th report of the Joint Standing Committee on Treaties, entitled Report 180: Peru FTA; EU framework agreement; Timor Treaty-maritime boundaries; WIPO Australian Patent Office; scientific technical cooperation: Italy and Brazil.

Parliamentary Joint Committee on Human Rights

Report

Senator McKIM (Tasmania) (16:33): In regard to the Parliamentary Joint Committee on Human Rights seventh report of 2018, Human rights scrutiny report, tabled by Senator Bushby, I move:

That the Senate take note of the report.

This report contains many references to the Migration (Validation of Port Appointment) Bill 2018. This is a mechanism by which the government contrives to classify waters and ports—in this case the Territory of Ashmore and Cartier Islands—in a particular way that results in people who arrive by boat seeking asylum in Australia as being classified as what the government calls ‘illegal maritime arrivals’. Of course, when that occurs, the people, tragically, have been exiled to either Manus Island or Nauru. There they are subject to the most terrible deprivations in a system that is designed to dehumanise and to inflict deliberate suffering, pain and torture.

Today I want to raise the case of a recognised refugee from Iraq who, right now, is in hospital in Lorengau. He has been suffering mental health issues since early 2015, but when the regional processing centre at Lombrum closed and the refugees and people seeking asylum there were driven out by the Royal Papua New Guinea Constabulary mobile squad with metal bars in November last year and moved to Lorengau, this man's mental health condition became worse. He was hit over the head by a member of the PNG police mobile
squad with a chair on the day, in early November last year, when they were forcibly removed from the Lombrum prison. Since that occurrence he has suffered blurred vision, balance problems and blinding headaches. He has not received any medical treatment for those conditions, as scanning equipment is not available in Lorengau or on Manus Island.

He's only been eating once every three or four days this year, and he's been regularly expressing suicidal thoughts. His weight's gone from 75 kilograms last year to 61 kilograms when he was last weighed, that I'm aware of, two weeks ago. For the last week he's not been taking any fluids or any solids. He's been refusing to leave his room. He's been crying uncontrollably. Yesterday he fell unconscious and was transported by ambulance to the Lorengau Hospital, where, I'm advised, he is now conscious and on intravenous fluids. I hold extreme concerns for this man's wellbeing, not only for his mental health but, in particular, because he's been expressing suicidal thoughts. I note there is no mental health support available for this man on Manus Island. There were no psychological supports available for him. He should be evacuated to Australia urgently for treatment and assessment.

I also want to raise an issue about children who have been incarcerated on Nauru for five years. I raise this in the context of the cross-party condemnation of Senator Anning's inaugural speech yesterday which has occurred today. I've got to say that I can't help but feel pretty sick when I see the bipartisan condemnation, quite rightly, of Senator Anning's speech by the Labor and Liberal parties and I think about what is happening to children now on Nauru under a bipartisan policy of cruelty. According to reports, there are at least six children on Nauru exhibiting symptoms of resignation syndrome. They've basically withdrawn from the world. They're in a catatonic state. They're not eating; they're not drinking; they're not even going to the toilet. They're just simply lying in their beds. This is an extreme protective reaction to trauma, which is akin to going into hibernation. According to Dr Louise Newman, a professor of psychology at Melbourne University, children suffering resignation syndrome can die. They are like this because of deliberate decisions taken by this government, supported by the Australian Labor Party.

If this were happening in Australia the people responsible would be on criminal charges for child abuse. Amidst all the back-slapping and self-congratulation from the Labor and Liberal parties today, I have to say that it's difficult not to be sick at their refusal to act to protect these children—in fact, to protect all the men, women and children who have been exiled to Manus Island and Nauru as Australia's political prisoners and who have been held there for five years in conditions deliberately designed to harm them. So forgive me for not congratulating Labor and Liberal Party members today just for being a little bit racist and fascist while you're torturing children in this manner. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Joint Standing Committee on Treaties

Report

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (16:39):

In respect of report 180 of the Joint Standing Committee on Treaties, I move:

That the Senate take note of the report.

I rise to make a statement concerning report 180 of the Joint Standing Committee on Treaties, which has just been tabled. The report deals with seven treaty actions, including the Peru-
Australia Free Trade Agreement, the Timor boundaries treaty and two scientific technical cooperation agreements.

The Peru-Australia Free Trade Agreement is intended to open new trade and investment opportunities for Australia. Negotiations for PAFTA were entered into in the wake of the collapse of the Trans-Pacific Partnership Agreement and in tandem with the negotiations for the TPP-11. The committee is also currently reviewing TPP-11, and PAFTA is expected to provide better market access than that agreement. We found that many of the issues raised in this inquiry were also addressed in the TPP-11 inquiry. We've chosen to review those common issues in more detail in our report on the TPP-11.

With regard to trade agreements, the committee acknowledges the ongoing concerns caused by the continuing proliferation of these agreements with the same partners. The complexity of entering into these agreements—what is now called 'the noodle-bowl effect'—may in fact be hindering businesses from taking full advantage of the opportunities presented. We encourage DFAT and other relevant departments and organisations to continue developing and providing practical assistance to Australian businesses to understand and access these markets.

The EU framework agreement formalises a range of existing bilateral cooperation dialogue processes between Australia and the EU. Although this appears to be an aspirational agreement, the committee recognises the need to reaffirm commitments to high-level political dialogues, shared values and the common principles that underpin the bilateral relationship.

The committee also welcomes the finalisation of the treaty between Australia and Timor-Leste concerning our maritime boundaries. The agreement settles a permanent maritime boundary between Australia and Timor-Leste, bringing certainty after some 50 years of controversy. The committee has taken a continuing interest in the issues raised during this inquiry and notes that, despite reservations, both parties appear satisfied with the outcome. The area is economically important to both countries, and we urge the government to fully support the development of the transitional arrangements designed to support businesses operating in the area.

The agreement with the International Bureau of the World Intellectual Property Organization ensures that the Australian patent office remains an international authority. The committee acknowledges the important work done by IP Australia and the Australian patent office for both Australian and international clients.

Finally, the two agreements on scientific technical cooperation—one with Italy and the other with Brazil—re-enforce Australia's commitment to international cooperation in scientific and technological fields with two important partners. The agreements provide formal frameworks to support strong and productive scientific and technological relationships. They also set out the principles for the management of collaborative activities, including cost sharing and the allocation of benefits.

The committee has recommended that all of the six treaty actions be ratified and the binding action be taken in each case. The committee notes that the termination agreement for the previous Peru-Australian investment treaty will happen automatically when the PAFTA comes into effect. The report also contains the committee's review of four minor treaty actions, including a further extension to the agreement with the Netherlands for the purpose of
responding to the downing of flight MH17. This agreement ensures that Australian personnel can continue to carry out their important work with regard to that incident. On behalf of the committee, I commend the report to the Senate and seek leave to continue my remarks later.

Leave granted; debate adjourned.

PETITIONS

Halal Action Movement

Senator BERNARDI (South Australia) (16:43): Having spoken to the whips, I have a nonconforming petition which was supposed to be tabled just before, and I seek leave to do that.

Leave granted.

COMMITTEES

Joint Standing Committee on Foreign Affairs, Defence and Trade

Government Response to Report

Senator McKENZIE (Victoria—Minister for Rural Health, Minister for Sport, Minister for Regional Communications and Deputy Leader of The Nationals) (16:43): I present the government's response to the report of the Joint Standing Committee on Foreign Affairs, Defence and Trade on its inquiry into the review of the Defence annual report 2015-16 and seek leave to have the document incorporated in Hansard.

Leave granted.

The document read as follows—

Australian Government response to the Joint Standing Committee on Foreign Affairs, Defence and Trade Review of the Defence Annual Report 2015-16
August 2018

Recommendation 1

The Committee recommends that in future years, the Department of Defence make available to the Committee all documentation that demonstrates the breakdown of Portfolio Budget Statement outcomes to internal programs to enable the Parliament and other agencies to analyse Defence performance.

Government response

Agree.

Previously, Defence has reported the annual outcome for the Portfolio Budget Statement programs by cost summary for each program as part of the online version of the Defence Annual Report. Defence will ensure this level of reporting is included in the online version of future publications.

Together with the Portfolio Budget Statements, the Defence Corporate Plan provides the external strategic narrative about Defence investment in military capability and how it intends to meet and measure performance against government requirements.

In accordance with guidance from the Department of Finance, the Annual Performance Statements report to what extent Defence has fulfilled its purposes as articulated at the beginning of a reporting year in the Defence Corporate Plan. This includes reporting on non-financial performance criteria in both the Defence Corporate Plan and in the Portfolio Budget/Additional Estimates Statements. The Annual Performance Statements are made available in the Defence Annual Report.

The Defence Annual Report 2016–17 includes the mapping of the Defence Purposes from the 2016–17 Defence Corporate Plan, and the outcomes and programs from the Portfolio Budget/Additional
Estimates Statements 2016–17. The 2016–17 Annual Performance Statements also includes a narrative
detailing the level of achievement against each of the performance criteria in the Portfolio Budget
Statements.

**Recommendation 2**

The Committee recommends that future Department of Defence Annual Reports should clearly report
performance against the Portfolio Budget Statement outcomes and detail the level of achievement
against all program sub elements. If purposes are used for external communication, the linkages
between Portfolio Budget Statement outcomes, departmental programs and the purposes should also be
made clear.

**Government response**

**Agree.**

Section 39 of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act)
introduced a requirement for entities to prepare annual performance statements for publication in the
annual report. The annual performance statements report to what extent the entity has fulfilled their
purpose(s) as outlined in their Corporate Plan. Section 39 of the PGPA Act superseded the requirement
under section 63(2) of the *Public Service Act 1999* to report performance in relation to the deliverables
and key performance indicators of the programs in the Portfolio Budget Statements, and the
effectiveness in achieving the planned outcomes in the Portfolio Budget Statements.

The Annual Performance Statements were prepared in accordance with the PGPA Act for the first time
in the *Defence Annual Report 2015–16*. The quality of the annual performance statements is improving
as Defence achieves better alignment between the non-financial performance criteria in the Corporate
Plan and the Portfolio Budget/Additional Estimates Statements.

The *Defence Annual Report 2016–17* includes the mapping of the Defence Purposes from the 2016–17
Defence Corporate Plan, and the outcomes and programs from the Portfolio Budget/Additional Estimates Statements 2016–17. The 2016–17 Annual Performance Statements also includes a narrative
detailing the level of achievement against each of the performance criteria in the Portfolio Budget
Statements.

Defence is continuing to improve the alignment between the non-financial performance information in
the Portfolio Budget Statements and the Defence Corporate Plan to establish a clearer read about how
Defence is fulfilling its purposes.

**Recommendation 3**

The Committee recommends that the Department of Defence develop a transparent reporting
mechanism that demonstrates changes in effectiveness or efficiency resultant from the First Principles
Review related change for consideration by the Defence Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade by 31 March 2018.

**Government response**

**Agree.**

Defence agrees in principle with Recommendation 3, but suggests that the timeframe be amended to 31
July 2018.

Defence notes that a number of improvements relating to efficiency and effectiveness have been gained
by implementing the First Principles Review.

The Government has asked Defence to provide an update on First Principles Review implementation,
including progress measuring and reporting on improvements in effectiveness and efficiency, in July
2018. Given the timing of work already underway to measure efficiency and effectiveness and the
existing requirement to report to Government in July 2018, Defence suggests that it would also be
appropriate to provide the Defence Sub-Committee of the Joint Standing Committee on Foreign Affairs,
Defence and Trade with an update on measurement and reporting of effectiveness and efficiency improvements in July 2018.

**Recommendation 4**
The Committee recommends the Department of Defence consider leveraging private sector expertise during Investment Committee Gate Zero deliberations; where the addition of an industry expert may increase public confidence in approach to market decisions.

**Government response**
Agree.
Defence agrees with the intent of Recommendation 4. Defence will leverage private sector expertise in the development of Gate Zero proposals but does not propose industry representatives be invited into the Investment Committee as a part of the deliberative process. Defence intends to strike the right balance between early industry engagement and leveraging industry experience, whilst maintaining a competitive environment and protecting the Commonwealth's negotiating position.

Industry will be engaged at multiple points up to and including Gate Zero. Defence intends to leverage industry's expertise in a number of ways, including but not limited to:

- Ongoing engagement through the Australian Industry Capability Program and the Centre for Defence Industry Capability;
- Participation in Rapid Assessments, a Defence Innovation Hub service offering being developed to seek industry input and advice as part of a capability risk reduction and / or requirements definition activity;
- Engagement through the Defence Innovation framework, including the Defence Innovation Hub, the Next Generation Technology Fund, and the Special Notice mechanism where industry is invited to identify options to address capability challenges;
- Industry involvement in the Force Design process through the Defence Capability Assessment Program; and
- Industry engagement in the context of Defence's Smart Buyer workshops which inform the Investment Committee's consideration of Gate Zero proposals.

**Recommendation 5**
The Committee recommends that the Department of Defence work with the Defence Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade to harmonise and streamline reporting matrices to the Parliament to allow for independent Parliamentary oversight.

**Government response**
Disagree.
The Department of Finance has issued guidance to Commonwealth entities on how to meet the obligations under the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) and the PGPA Rule 2014 to provide a transparent approach to reporting on performance to Parliament.

In accordance with the Department of Finance's Resource Management Guides, Defence prepares a corporate plan and annual performance statements in the annual report.

**Recommendation 6**
The Committee recommends that the Department of Defence improve:

- the consistency between the Defence Portfolio Budget Statements and the Defence Annual Report;
- the reporting of Departmental expenditure on major projects in real as opposed to out-turn dollars; and
- the reporting on the cost and status of Australian Defence Force capability.
Government response


The Defence Annual Report 2016–17 also improved the transparency of reporting on planned expenditure set out in the Portfolio Budget Statements. This reporting will continue to mature in future reporting periods.

Recommendation 6.2: Disagree. Government approvals are required and obtained on an out-turned basis. To allow effective performance reporting, budget estimates are reported on the current price basis against actual expenditure.


Improvement in performance reporting must take into account that the level of aggregation and disambiguation required to make the report suitable for publication at the Unclassified level may compromise the meaning of the information, to the point that it becomes potentially misleading.

The Australian Defence Force Headquarters Governance and Coordination will work with line areas conducting performance reporting to improve the quality of performance reporting provided, within the constraints of the Australian Government Protective Security Policy Framework.

Recommendation 7

The Committee recommends that the Department of Defence investigate opportunities to partner with industry to advance research and innovation on space capabilities.

Government response

Agree.

Defence is already working with industry to develop innovative space related capabilities, including through the Defence Innovation Hub and the Centre for Defence Industry Capability.

Recommendation 8

The Committee recommends that the Department of Defence review the Plan Suakin scope and objective; its implementation timeframe and resourcing to ensure that this signature program is and continues to meet all of the Department's personnel capability needs.

Government response

Agree.

Since the Defence Annual Report 2015–16 was tabled the Services have implemented all but one component of the Australian Defence Force (ADF) Total Workforce Model, designed and developed by Project Suakin. A robust evaluation plan has been put in place to monitor the benefits envisaged by implementing the Total Workforce Model. Suakin as a project will close four years earlier than envisaged.

Navy, Army and Air Force are now able to apply a range of innovative service arrangements that enable them to provide Defence capability through a flexible, contemporary and sustainable workforce. The Total Workforce Model provides individual ADF members with access to service arrangements that
allows them to better balance their personal and military commitments. This enhances Defence’s position as an employer of choice and improves its prospects of attracting and retaining key ADF personnel.

**Recommendation 9**

The Committee recommends that the Department of Defence urgently review security clearance processes, resourcing and timeframe to ensure all organisations that require the Australian Government Security Vetting Agency to complete vetting and subsequent re-assessment of clearances are being serviced in a timely manner.

**Government response**

**Disagree.**

The Australian Government Security Vetting Agency (AGSVA) completed a review in 2016 and commenced a reform and renewal program which has significantly improved performance in the following 2 years.

AGSVA continues to work closely with stakeholders to identify further reforms and improvements in business processes to develop a sustainable whole of government capability to meet higher clearance demand into the future.

**Recommendation 10**

The Committee recommends that the Department of Veterans’ Affairs investigate options for an independent authority to review all unsuccessful Veterans’ Review Board determinations in consultation with the affected veteran or their delegate to alleviate the stress and burden of making their own case to appeal.

**Government response**

**Agree in part.**

The Department of Veterans’ Affairs has committed to undertaking an Advocacy Service Models Scoping Study in response to this recommendation and to the following two recommendations of the Senate Committee on Foreign Affairs, Defence and Trade report: *The Constant Battle: Suicide by Veterans*:

Recommendation 23:

*The Australian Government establish a Bureau of Veterans’ Advocates to represent veterans, commission legal representation where required, train advocates for veterans and be responsible for advocate insurance issues.*

and

Recommendation 24:

*The Australian Government establish an independent review to assess whether further support mechanisms for veterans appearing before the Veterans’ Review Board are required:*

Among other things, the Scoping Study will examine:

- current challenges and barriers in accessing entitlements and services, and the impact this has on veterans’ wellbeing;
- needs of different veteran cohorts for professionalised advocacy support and the potential benefits to each cohort;
- different models for professionalised advocacy both within Australia and overseas to determine the most suitable model;
- governance and quality frameworks available to deliver professionalised advocacy and service models; and
• roles and responsibilities of traditional, new and emerging stakeholders within the veteran community and articulating the value and contribution of those roles and responsibilities in professionalising veterans’ advocacy.

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Taxation

Great Barrier Reef Foundation

Senator McKENZIE (Victoria—Minister for Rural Health, Minister for Sport, Minister for Regional Communications and Deputy Leader of The Nationals) (16:44): I table responses to questions taken on notice during question time on 14 August 2018 asked by Senators Keneally and Patrick relating to the Great Barrier Reef Foundation and to the 2018-19 budget estimates.

BILLS

Airports Amendment Bill 2018

Legislation Amendment (Sunsetting Review and Other Measures) Bill 2018

Public Sector Superannuation Legislation Amendment Bill 2018

Treasury Laws Amendment (OECD Multilateral Instrument) Bill 2018

First Reading

Bills received from the House of Representatives.

Senator McKENZIE (Victoria—Minister for Rural Health, Minister for Sport, Minister for Regional Communications and Deputy Leader of The Nationals) (16:45): I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the bills listed separately on the Notice Paper. I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator McKENZIE (Victoria—Minister for Rural Health, Minister for Sport, Minister for Regional Communications and Deputy Leader of The Nationals) (16:46): I table a revised explanatory memorandum relating to the Airports Amendment Bill 2018 and move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

AIRPORTS AMENDMENT BILL 2018

We all recognise the 22 Australian federal leased airports are critical infrastructure assets to our nation’s productivity and economic growth.

The Government regulates planning and development on our airport sites through the Airports Act 1996. Under the Airports Act, all federal leased airports (except Mount Isa and Tenant Creek) are
required to prepare a master plan every five years to establish a strategic direction for efficient and economic development at the airport as well as prepare major development plans for specific major on-airport developments.

The Airports Act sets out the required content of each plan and prescribes the public consultation process an airport lessee company must undertake prior to the plan being submitted for Ministerial consideration. On average, the current legislative process requires an airport lessee company to expend significant resources and it can take the company two years on average to develop each plan.

Certain aspects of these processes are generating inefficient outcomes for industry as well as imposing unnecessary and onerous administrative and compliance costs. I also recognise on-airport developments are not immune to fluctuations in the marketplace and the economic climate.

The measures contained in this Airports Amendment Bill 2018 will fine-tune existing regulation and streamline policy intentions; it will not significantly shift policy or regulatory oversight. It reinforces the Government's commitment to implement measures consistent with its deregulation and productivity agendas. The Bill offers a more proportionate and efficiency-based regulatory approach that reduces administrative and compliance costs for operators. It also creates regulatory certainty for industry and maintains appropriate and effective regulatory oversight.

This Bill can be considered in three parts.

Part one proposes two key changes to the existing master plan process, the first of which is to implement a differential master plan cycle to enable federal leased airports, other than the major airports; Brisbane, Melbourne, Perth, and Sydney (Kingsford-Smith), to submit a master plan every eight years instead of every five years.

All federal leased airports are currently required to prepare a new master plan every five years irrespective of the operational, administrative, resourcing and financial capacity of individual airports or the level of impact their operations have on the community. Implementing an eight year master plan cycle for secondary and general aviation airports, will minimise the impacts of these factors.

I also recognise that implementation timeframes of various components of the master plan, including key airport infrastructure projects and other aviation and non-aviation developments, the ground transport plan and environment strategy, generally extend beyond the current five year submission cycle. Therefore, this amendment aims to enable longer-term planning at these secondary and general aviation airports.

Please note, this amendment will not change the current situation for Sydney West Airport; it will maintain a five year cycle along with the other four major federal leased airports, once the airport is operational.

The second change is to mandate the inclusion of a new Australian Noise Exposure Forecast in each new master plan. While the Airports Act currently requires an Australian Noise Exposure Forecast must be included in a master plan, it does not specify the Australian Noise Exposure Forecast must be renewed for each new plan.

The Australian Noise Exposure Forecast is a computer generated descriptor of aircraft noise widely used by State, Territory, Local Governments and land use planning agencies for long-term planning and development arrangements around airport sites.

Therefore, the Government maintains it is essential each new master plan contain the most up-to-date information to facilitate integrated, balanced and coherent planning outcomes and to inform incompatible and sensitive land uses from encroaching too close to airports.

Part two of the Bill relates specifically to the monetary trigger for a major development plan.

Major development plans are required for each major airport development at federal leased airports, excluding Tennant Creek and Mount Isa. The Airports Act prescribes the circumstances which trigger a
major development plan, including a monetary trigger, for certain development where the cost of construction exceeds $20 million.

In 2007 the Airports Act was amended to increase the monetary threshold from $10 million to $20 million due to ongoing increases in building costs since the Act came into effect. Further increases to the construction activity costs and inflation since 2007 have resulted in an increased number of on-airport developments unnecessarily triggering the requirement for a major development plan.

The Bill proposes to increase the current $20 million monetary trigger for a major development plan to $25 million. The monetary threshold will be reviewed and revised via legislative instrument every three years; having regard to changes in construction activity costs and associated indexations to ensure the monetary trigger accurately reflects and keeps pace with economic and marketplace conditions.

The Bill further proposes an additional legislative instrument to clarify the type of construction activities that should and should not be included when calculating if a project triggers the monetary threshold for a major development plan. For example, airports must include costs for base building fitout in its calculations. Base building fitout includes the internal cladding to finish off the base building prior to tenancy fitout. However, the airport is not required to include tenant specific fitout costs and tenant supplied items. This instrument will remove any confusion for industry and ensure a consistent costing application across all federal leased airports.

Part three of the Bill relates specifically to major development plan processes.

The first amendment imposes a new 15 business day statutory decision timeframe within which the Minister for Infrastructure and Transport must consider applications from airport lessee companies for reduced consultation periods for major development plans, with such applications deemed refused if there is no Ministerial decision within this timeframe.

This amendment will not impact the prescribed requirements for public consultation, however it will provide industry with certainty about the Ministerial decision timeframe, which could then be accounted for in the airport's planning process.

The final amendments proposed in this Bill relate to substantial completion of an approved major development plan.

The Airports Act currently requires an approved major development plan to be substantially completed, unless otherwise specified in the approval, within a maximum of five years with only one option for the Minister to extend the period by up to a further two years.

While the majority of approved major development plans are completed in the prescribed timeframe, on rare occasions some larger or more complex developments, such as a new runway, may be subject to unforeseen delays and exceptional circumstances beyond airports' control. As a result, achieving a substantially complete status may require more than the standard seven year timeframe.

Where an airport is committed to substantially completing an approved major development plan, the airport should be given the opportunity to do so without the threat of legislative penalty. Therefore, the Bill proposes to remove the restriction on the number of times the Minister may extend the timeframe for substantial completion.

In rare circumstances a project with an approved major development plan may become unviable due to exceptional and unforeseen circumstances beyond airports' control. For such instances, where the project has not commenced, the Bill proposes the airport can notify the Minister of its intentions to not proceed with the approved major development plan without the threat of legislative penalty.

These amendments recognise that airports would have already expended significant financial and administrative resources to have a major development plan approved. Therefore, these amendments will minimise regulatory uncertainty for airports and industry and ensure an efficient and streamlined process.
The Bill also includes:

- a minor amendment to correct an existing error;
- a technical amendment to insert a word to complete a provision; and
- a technical amendment to remove a provision that has been spent for some time.

On a final note, I would like to acknowledge our airports are nationally significant infrastructure assets that keep us connected to each other and connect Australia to the world. They continue to play a major role in driving the economic development of Australia as enablers of commerce and trade, and the social and economic benefits they provide to all Australians should not be understated.

This Bill is yet another example of this Government consulting with and responding to the needs of industry to achieve better regulatory outcomes for all.

I commend the Bill.

LEGISLATION AMENDMENT (SUNSETTING REVIEW AND OTHER MEASURES)
BILL 2018

The Legislation Amendment (Sunsetting Review and Other Measures) Bill 2018 seeks to improve and streamline the operation of legislative frameworks for Commonwealth Acts and Instruments by making amendments to various Acts, primarily the Legislation Act 2003 and Acts Interpretation Act 1901.

The key purpose of the Bill is to implement those recommendations of the Report on the Operation of the Sunsetting Provisions in the Legislation Act 2003 that can only be addressed by legislative action.

Last year, a review of the sunsetting provisions in the Legislation Act was conducted by a committee comprised of three senior Commonwealth public servants.

The sunsetting provisions provide that a legislative instrument is automatically repealed approximately 10 years after commencement. Sunsetting ensures that legislative instruments are kept up to date and only remain in force for so long as they are needed.

The committee found that the sunsetting framework is, in general, fulfilling its stated purpose. As at 1 October 2017, over 2,000 legislative instruments have appeared on sunsetting lists tabled in Parliament under section 52 of the Legislation Act. Of those instruments, approximately 20% were allowed to sunset, 19% were actively repealed, and 24% were replaced (comprising approximately 63% of the listed instruments in total). These statistics indicate that the sunsetting framework has substantially contributed to keeping the statute book up-to-date.

The sunsetting of older legislative instruments is also an important mechanism for the Australian Government to reduce red tape, deliver clearer laws and align existing legislation with current government policy.

The Attorney-General's Department has made enhancements to administrative processes and internal guidance to assist Commonwealth rule-makers and agencies to manage the sunsetting of their legislative instruments efficiently, effectively and in accordance with the law.

However, some legislative action is necessary to further streamline and improve the operation of the scheme.

This Bill seeks to include more flexibility in the sunsetting framework by broadening the scope of the Attorney-General's power to issue certificates of deferral of sunsetting and declarations of alignment of sunsetting. It also provides for greater parliamentary scrutiny of the exercise of these powers.

The time restriction on the Parliament's power to roll over the sunsetting date of a legislative instrument will also be removed.
The Bill will provide that rules made by each of the federal courts are not subject to the sunsetting framework, as there are already numerous mechanisms in place to ensure that rules of court remain fit-for-purpose, relevant and required.

Further, this Bill provides a definition of 'sitting day' as it applies to the disallowance provisions of the Legislation Act. This definition is consistent with current practice, but will provide greater legal certainty about the status of legislative instruments in circumstances where the Parliament has sat on an unscheduled sitting day.

This Bill will also make minor changes to a number of provisions to clarify their operation, in particular the interaction between the disallowance, tabling and automatic repeal provisions of the Legislation Act.

In addition to the amendments resulting from the recommendations of the committee, this Bill will make other minor and technical amendments to the Legislation Act and the Acts Interpretation Act to clarify their operation, resolve inconsistencies between provisions and simplify language.

In particular, it will clarify that a provision in the Legislation Act allowing a legislative or notifiable instrument to commence before the instrument is registered operates despite any rule or principle of common law. Any retrospective commencement of a legislative or notifiable instrument, however, is displaced to the extent that the retrospective commencement adversely affects the rights or liabilities of a person other than the Commonwealth. This provides a protection against retrospectivity for adversely affected individuals without rendering an entire instrument or provision of an instrument ineffective in relation to all people both prospectively and retrospectively.

It will also clarify the limits of the First Parliamentary Counsel's power to rectify an error on the Federal Register of Legislation. This error correction power ensures that administrative errors, such as lodgement of the incorrect version of an instrument or compilation for publication on the Register, can be rectified without requiring the rule-maker to repeal and remake the instrument.

Finally, this Bill will clarify that, where an Act refers to a provision of another Act or State or Territory law, and that provision is repealed and re-enacted, a reference to the repealed provision extends to the re-enacted provision even if it is differently numbered.

This Bill provides an opportunity to improve and streamline the legislative frameworks for Commonwealth Acts and delegated legislation that ensure Commonwealth laws are up-to-date, clear and align existing legislation with current government policy.

PUBLIC SECTOR SUPERANNUATION LEGISLATION AMENDMENT BILL 2018

The Public Sector Superannuation Legislation Amendment Bill 2018 includes four key changes relating to the superannuation arrangements for parliamentarians, judges and civilian employees of the Commonwealth.

The first key change concerns a measure announced in the 2012-13 Budget relating to a reduction in the tax concessions on superannuation contributions of very high income earners, which is known as the Division 293 tax.

In 2013, the legislation for several Commonwealth superannuation schemes was amended to allow a person to request that they be paid a lump sum amount from their scheme to meet their Division 293 tax liability. This is done using a Division 293 tax release authority.

The Judges' Pensions Act 1968 was not amended as judges are exempt from the Division 293 tax for constitutional reasons. However, there are a small number of non judges that have been granted the same status as judges for the purpose of membership of the Judges' Pensions Scheme. These non-judge members, and any future non-judge members, are subject to the Division 293 tax.

The Bill therefore includes amendments to the Judges' Pensions Act 1968 that are similar to those made to the legislation for other Commonwealth superannuation schemes.
The second key change included in the Bill is to amend the *Parliamentary Contributory Superannuation Act 1948* to ensure that in all circumstances in the future that the calculation of any lump sum superannuation guarantee safety-net benefit payable to an estate is enough to ensure the Superannuation Guarantee requirements are met.

The actuary for the Parliamentary Contributory Superannuation Scheme has advised that, in certain limited circumstances, in the future, the current calculation method would not produce a benefit that would meet the statutory minimum Superannuation Guarantee requirements.

Under the current provisions of the scheme, this could potentially occur in the future, where a scheme member dies who had retired after age 65; had very long service; who had converted a significant proportion of their pension into a lump sum; and has no spouse.

The Bill therefore includes amendments to the *Parliamentary Contributory Superannuation Act 1948* to change the calculation method to ensure that any lump sum superannuation guarantee safety-net benefit payable to an estate will meet the statutory minimum Superannuation Guarantee requirements. The amendments do not increase any parliamentary pension entitlements for any individual members.

The third key change included in the Bill concerns reversionary superannuation benefits payable to or in respect of children. The *Parliamentary Contributory Superannuation Act 1948*, the *Judges' Pensions Act 1968*, the *Federal Circuit Court of Australia Act 1999*, the *Superannuation Act 1976* and the *Superannuation Act 1922* provide for benefits to be payable to, or in respect of, a person who is the child of a deceased member of one of the schemes established by those Acts.

Generally, the requirement is that the child must prove that from the age of 16 and above, they remain in formal full time education to be eligible for a reversionary benefit. In addition, in some schemes where the child is between age 16 and 25 the child must also not be ordinarily in employment.

The amendments increase the minimum age that a child will have to meet the test of being in full time education from age 16 to age 18 and remove the requirement for an eligible child to not be ordinarily in employment.

This reflects that the majority of current children do not leave formal education until at least the age of 18 and that part-time and casual employment is common.

These changes are consistent with those that have already been made to the Military Superannuation and Benefits Scheme.

The fourth key change included in the Bill is in relation to the Commonwealth Superannuation Corporation Board. Under the changes, the Commonwealth Superannuation Corporation Board will be reduced from eleven to nine directors.

The Bill also includes two minor amendments to the *Parliamentary Contributory Superannuation Act 1948*. The first provides the Parliamentary Retiring Allowances Trust with the flexibility to pass a resolution without a meeting. However, this flexibility is subject to the Trust first determining in writing that it may make decisions without a meeting and setting out the way in which trustees are to indicate agreement with proposed decisions. The second allows an actuary other than only the Australian Government Actuary to provide advice in relation to the Parliamentary Contributory Superannuation Scheme.

The Bill also corrects a misdescribed amendment relating to the *Judges' Pensions Act 1968*.
OECD/G20 Base Erosion and Profit Shifting (BEPS) Project, which identified fifteen specific areas in which countries should take action to address multinational tax evasion. The Multilateral Instrument is the output of BEPS Action 15.

Under this Government Australia has been a strong supporter of the BEPS project, and remains at the forefront of global efforts to ensure that multinationals’ profits are taxed in the jurisdiction where economic value is added or created. Since coming to office, the Government has implemented a comprehensive suite of integrity measures designed to prevent multinationals from shifting untaxed Australian profits offshore.

The Multilateral Instrument is a multilateral treaty that will modify the majority of Australia’s bilateral tax treaties to include new integrity rules that will help prevent those treaties from being exploited for tax avoidance purposes. More specifically, and from an Australian perspective, it will include rules designed to:

- Ensure that income derived through fiscally transparent entities (such as partnerships and trusts) will only be eligible for treaty benefits, such as reduced taxation, in appropriate circumstances;
- Prevent entities from changing their jurisdiction of residence for tax purposes in order to obtain treaty benefits;
- Ensure that tax treaty-based relief from double taxation does not result in double non-taxation (that is, no tax paid in either jurisdiction);
- Clarify that Australia’s tax treaties are not intended to facilitate tax avoidance or evasion;
- Provide Australia and its treaty partners with specific treaty-based anti-avoidance rules;
- Prevent entities from inappropriately increasing their shareholdings in Australian companies in order to obtain reduced taxation on dividends;
- Prevent entities from avoiding capital gains tax by diluting their ownership interests in Australian land-rich entities shortly before disposing of those interests;
- Clarify that Australia’s tax treaties do not restrict its right to tax its own residents;
- Prevent entities from fragmenting their business-related activities or engaging in contract-splitting to avoid having a permanent establishment (a taxable presence) in Australia or in a treaty partner.

The Multilateral Instrument will also improve the effectiveness of tax treaty-based dispute resolution mechanisms, including by allowing taxpayers to refer unresolved disputes to independent and binding arbitration (where Australia’s treaty partners agree to adopt these optional arbitration rules). These features will provide greater certainty to taxpayers in relation to tax treaty-related disputes.

To date, 78 jurisdictions have signed the Multilateral Instrument. Australia signed it on 7 June 2017. Pending its ratification by other jurisdictions, the Multilateral Instrument will modify the application of 31 of Australia’s 44 bilateral tax treaties; that is Australia’s tax treaties with Argentina, Belgium, Canada, Chile, China, the Czech Republic, Denmark, Fiji, Finland, France, Hungary, India, Indonesia, Ireland, Italy, Japan, Malaysia, Malta, Mexico, the Netherlands, New Zealand, Norway, Poland, Romania, Russia, Singapore, Slovakia, South Africa, Spain, Turkey and the United Kingdom.

This innovative multilateral approach will generate significant time and cost savings for Australia, by avoiding the need to bilaterally renegotiate each of these treaties individually to achieve similar outcomes, a process that could take decades.

Effective international cooperation is critical to maintaining the integrity of the international tax system and the Multilateral Instrument clearly demonstrates the results that such cooperation can produce.
The Government is committed to continuing this cooperation and to working actively with the OECD and the G20, and bilaterally with Australia's tax treaty partners, to ensure that Australia's tax system remains fair and open, and keeps pace with international best practice.

Debate adjourned.

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

Higher Education Support Legislation Amendment (Student Loan Sustainability) Bill 2018

Returned from the House of Representatives

Message received from the House of Representatives agreeing to the amendments made by the Senate to the bill.

REGULATIONS AND DETERMINATIONS

Product Emissions Standards (Excise) Charges Regulations 2018

Product Emissions Standards (Customs) Charges Regulations 2018

Disallowance

Senator BERNARDI (South Australia) (16:47): I seek leave to move notices of motion Nos. 2 and 3, standing in my name, together. I also indicate that I intend to address my remarks to both motions.

Leave granted.

Senator BERNARDI: I move the following motions together:


I rise to talk about these disallowance motions before the Senate in respect to legislative instruments which I will summarise as the product emissions standards, customs and excise charges, regulations 2018. They were registered on 12 June 2018 and tabled in the Senate on 18 June 2018. These regulations prescribe the amount of levy or charge to be imposed on the import or manufacture of emissions controlled products, essentially off-road engines like those in boats, dirt bikes, ditch diggers, mowers, chainsaws and small generators. In essence, they are the carbon tax on whipper-snippers, lawnmowers and outboard engines that were identified at the very passage of this bill and yet they were blithely championed through and sponsored through in the absence of a great deal of information and supported by people who said they had nothing whatsoever to do with the climate agreement reached in Paris. They were wrong.

The initial focus of these new assessments and certifications will be on non-carbon emissions such as sulphur and nitrous oxide. But, as the years pass, the real focus will turn to carbon dioxide emissions, to squeeze fewer and fewer emissions out of these products by tightening fuel-burning efficiency standards and ensuring that only the cleanest products and technologies can ever make it into the Australian marketplace.

These costly new assessments and certifications will be carried out by new emissions regulators and our future carbon commissars. For this privilege, a levy will be charged by
these commissars on a cost-recovery basis on the products assessed and certified, which will flow on to customers that just want to go about their business. This is a carbon tax by stealth. The new charge or levy will be set at 0.45 per cent of the value of each product made or imported. There is a value threshold, or a ceiling, of $20,000 to which the 0.45 per cent rate can be applied. This is to prevent high-value items being charged an assessment levy well beyond the regulatory costs of administration.

These regulations are a small part of a whole family of new red and green tape regulations coming down the pipeline. They're being foisted on Australian businesses and consumers in a thinly veiled attempt—you could even say the veil has been completely removed—to implement a carbon tax by stealth. It is a Turnbull government carbon tax instead of the more explicit Gillard-Greens carbon tax that we got six years ago. The Gillard-Greens carbon tax was comprehensively rejected by Australians, with all its paraphernalia and bureaucracies, at the 2013 election. But, due to a hostile Senate at the time—especially, if I may say, an erratic and spoiling Palmer United Party—egged on and propped up by an opportunistic ABC and other media cheerleaders, the Abbott government failed to abolish all or enough of the government bodies and legacy infrastructure that were shields for big climate. It failed to abolish or sufficiently gut the Rudd government's Renewable Energy Target, and we are all paying the price for that today. Nor had the Abbott government sufficiently made the case for zero emissions reductions or even more modest ones in the lead-up to the Paris climate conference in late 2015. Instead we've noticed in the last couple of days that Australia will be one of the only countries in the world to be legislating the Paris climate accord targets. This is an extension of that, because the disallowance relates to a bill in which the Paris climate accord is expressly mentioned.

All of this is costly and unnecessary, because even if Australia stops emitting any noxious fumes or carbon dioxide—even our Chief Scientist says it will make no difference at all to the global temperatures; it will make zero difference to the climate. Yet we are now faced with the very real prospect that there is going to be a tax on our whipper snippers, our lawn mowers, our leaf blowers and our outboard motors, and coming soon will be a tax on our farm machinery and a tax on cars—another tax on cars, I should say—all while this government says it's not true.

The consequences of these emissions policies have already crippled our electricity sector. It has saddled us with a weather-dependent and non-performing renewable energy sector. It is driving away the efficacious base load power sources like coal. Despite the rhetoric of the government, they are not technology agnostic or technology neutral in our electricity sector because they refuse to remove a blanket prohibition on nuclear power in this country. It is a power source that has been rolled out all over the world. The new generation of nuclear reactors for power are absolutely safe. You would have to defy the laws of physics in order to have something go wrong with them. They're not my words for it; I've met with experts in this field. They are being built and developed and rolled out all over the world, and Australia—with perhaps more uranium than any other country in the world—is, sadly, shutting our industry down. We're not even allowed to have a debate about it.

That proves just how dangerous this green ideology is. The one source of base-load power that can provide emissions-free electricity is nuclear, but they will not countenance it. We know there's an ideology here, and we know the ideology will disadvantage Australian
citizens, and not only in the electricity sector, because that only accounts for 30 per cent of carbon dioxide emissions. They're dressing it up in these bills by saying, 'You could harm your health by mowing your lawn.' Believe it or not, that was in the explanatory memorandum. They're saving people from developing terrible diseases from mowing their lawn. It beggars belief. This is about tax. This is about going ahead with a controlling ideology that seeks to enslave the world, and that is the climate scam.

The coalition's proposed National Energy Guarantee, which is in effect an emissions intensity scheme—a type of carbon tax by any other name—in our electricity sector, tries to minimise supply costs and unreliability, but subject to certain emissions targets. This is all about emissions. It is by definition not technology neutral, as I've explained. As the Energy Security Board's modelling predicts, there will be no cheap, reliable base-load power entering our market, because it dare not, unless there are very special circumstances provided for, such as massive subsidies. The proposal is: the government will probably subsidise that which was previously efficient but was made inefficient and uneconomical through government subsidies of another technology. Because that has had this impact on base-load energy, the government will now be forced to subsidise that. It's a catch 22 of idiocy, if I can put it like that. It is a recipe for disaster. It's a massive offshoring of Australian business, economic activity and jobs, and everyone behind it needs to look the people who lose their jobs in the eye and say, 'It was my fault.' I'm prepared to look them in the eye and say, 'I don't want to be a part of this disaster.'

But, not content with having knotted out our electricity sector and our energy sector, which, as I said, is responsible for around one-third of Australia's greenhouse gas emissions, the focus is now turning to the specifics of the regulations around this motion. It's turning to emissions in other areas, such as the agricultural sector, particularly livestock. We know that livestock emit methane or carbon dioxide, so they're a target. We know that the transport sector is a target, particularly trucks and freight, and it's only a matter of time before cars are targeted. There were discussions by the energy minister, about 18 months ago, floating cars. He was forced to back-pedal and deny it, but this bill, from which these regulations emanate, allows for cars to be included in the future. We know that it affects on-road engines of the smaller variety—so light vehicles—and non-road spark engines, as I've mentioned, and marine engines. That's outboards, so every fisherman who wants to get a new outboard engine is going to be on the hook for paying a little bit more, because their old one is emitting too much.

That brings in the question: how does the second-hand market work? Will there be any market? Will you be able to sell your second-hand outboard motor? It will be deemed to be not compliant with the new regime. We're going to see it in blower vacs, chainsaws and small generators. And, might I add, this was justified by the government at the time on health grounds. People could develop respiratory illnesses from being too close to their outboard engine or their lawnmower. I just wonder how many people have been hospitalised from the fumes of lawnmower. Perhaps, if they fall over and the lawnmower runs over them, they might get hacked up, but I'm yet to hear of someone hospitalised because of the fumes from mowing their lawn. That's how they justified it.

These regulations deal with the latter group of engines that I mentioned—the non-road engines and equipment—but they do create a part of a new bureaucratic architecture upon
which the emissions from these non-road engines and equipment can be reined in and controlled, whether they're made here or overseas. It is part of a creeping rollout of a carbon tax by stealth. They'll call it a national emissions standards regime or they'll call it a National Energy Guarantee, but, however you want to dress it up, it is all about emissions and putting a price on carbon dioxide, a price that every Australian is going to pay, a price that is going to damage and impact the ability of people to live comfortably in this country that is blessed with an abundance of natural resources. Somehow it's okay for us to utilise them, or dig them up and ship them somewhere else for use, but we're not allowed to use them in our own country.

It is a shameful indictment, I believe, and the effect of it will be felt very significantly in the years and decades to come, because there is a complete lack of will from both of the major parties to discuss the reality of what we're dealing with. They have all drunk the climate Kool Aid; they're not prepared to buck the system in which the United Nations gives us lectures. In pursuing these emissions trading standards—or these emissions intensity schemes or carbon tax by stealth—in order to get to the Paris climate accord agreement, they ignore the fact that Russia hasn't signed up, the United States has walked away and China and India are not subject to it until 2030, so good luck getting them on board. So 55 per cent of the global economy and the emissions-generating industry in the world is not signing up to the stuff that we're about to legislate about and that these regulations directly apply to, notwithstanding the statements from former Senator Malcolm Roberts, who said they didn't, when he was here supporting this legislation.

People need to understand what's going on here. The wool has been pulled over our eyes. The Australian people comprehensively rejected a carbon tax in 2013, yet here we are, scarcely five years later, and a coalition government is introducing an emissions intensity scheme in the form of their quaintly named National Energy Guarantee—it's like Safe Schools, if I could put it like that. Now we've got another carbon tax, an emissions intensity scheme, applying to people's weed-whackers, lawnmowers, leaf-blowers and outboard engines. These are things that add value to people's lives.

I don't mind saying that the Conservative Party has no time whatsoever for this new regulatory architecture. It is a massive bureaucracy that is being put in place to operationalise Mr Turnbull's long-held ambition to be celebrated on the world stage and to have a carbon tax. Remember, Mr Turnbull wanted to support former Prime Minister Kevin Rudd's emissions trading scheme. In fact, he crossed the floor to vote with it. He said he would never lead a party that wasn't as committed to action on climate change as he is. Well, he's actually got his wish. He's got his wish, but it's going to cost every single Australian. Saying that he's slightly less bad than the opposition doesn't cut the mustard in looking after the national interest.

We need to disallow these regulations because they will have an impact on every Australian. We know, despite the protestations of the government when this was introduced, that this is all about complying with the Paris climate accord, an accord that, as I said, 55 per cent of the world's emitters of carbon dioxide are not at all engaged with. Yet Australia is about to put in place one plank of emissions intensity trading in the form of the National Energy Guarantee. The second plank, applying to a whole range of other engines, is in the form of these regulations. There will be a third plank, and that third plank will be in the
agricultural sector. Then it may animate some in the National Party, who will say, 'Hey, we're sticking up for it.' But these regulations today can equally apply to farm machinery, to tractors and to off-road vehicles, all of which can have an impact on farmers. I'd ask them to think very carefully before supporting these regulations, because they are opening Pandora's box in respect of increasing bureaucracy and costs for all those involved.

It is going to drive up prices of emission-controlled products and it will drive down the range of products available. If you have any doubt, there was some modelling done on what it would cost Australian consumers if we were forced to comply with emissions criteria for motor vehicles similar to those they have in the European Union. The estimate is about $5,000 per car. We know that many of the motor vehicle manufacturers in the European Union were scamming their figures—they were just making them up and rigging the software system—so there was no material benefit. Yet it's coming down the pipe that these emissions standards will be put in place in Australia, and we'll all be paying more for it. In effect, we are stifling our country and choking the productive mass of our industry with green tape for absolutely zero gain.

As I said, these regulations are part of complying with the Paris climate accord. I believe, and the Australian Conservatives believe, we should walk away from the accord. We should never have signed it just a week after President Trump was actually elected in the United States, because that was one of his strongest election promises. Our competitors have virtually no constraints on their emissions, and we're going the full monty into it. We have put in place two of the three planks that will attempt to control our economy and put government at the centre of almost everything for absolutely zero environmental or climate benefit.

We've spent a decade debating the futility of these measures. Every time common sense seems to prevail, there seems to be a new attempt to impose these big taxes by stealth. I urge the Senate to disallow these regulations because I know that no amount of legislative and regulatory measures that attempt to enact the Paris creep will benefit our economy. Our economy stands at a crossroads. Government is already applying too many onerous costs, too many compliances and too many regulations on the people that are making a productive contribution to our way of life. I urge the government and I urge the Senate to disallow these regulations in the interest of all Australians.

Senator MOORE (Queensland) (17:08): Senator Bernardi will be unsurprised to know that we are not supporting this disallowance. I know in his contribution he thought he had us. I think it was just after, 'We reject the Paris agreement,' that perhaps we slipped away from you, Senator Bernardi!

In terms of the process, the Labor Party actually supported the primary legislation which led to these regulations. There were three bills in the package that came through that led to the regulations we have: the Product Emissions Standards Bill 2017, the Product Emissions Standards (Excise) Charges Bill 2017 and the Product Emissions Standards (Customs) Charges Bill 2017. I wouldn't be doing my job if I didn't again say that I continue to be concerned that we're required to pass primary legislation and then, several months later, we actually have the regulations which bring in the detail of the primary legislation. So there were those bills, and there was one other that went with it, which was the Product Emissions Standards (Consequential Provisions) Bill 2017. We had the debate in this place and I think very similar arguments were raised in that debate, Senator Bernardi, as those that you've
raised on the regulations. I think I remember some of those clauses—particularly the ones about the health issues.

The bills were directed to allow:

... the Minister to prescribe products as emissions-controlled products and make rules relating to those products ...

and set emissions standards, as the regulations have detailed. Products include, and I won't run through the list that Senator Bernardi has—he has a particular love for the weed blower—non-road petrol engines, lawnmowers, leaf blowers and outboard motors. Those particular products were itemised. The bills also enabled exemptions, penalties, certification, and trigger compliance and enforcement.

So these were brought through to a number of areas where there was going to be some regulation—and there is. There is a regulation process in the development of what came after months of consultation with industry, with health. Certainly, we know the health impacts of these particular products were studied. There was a great deal of evidence provided that there could well be health impacts with the use of non-road petrol engines and the other products, with people breathing in the fumes. There was concern about the emissions, but they came forward and said that the bills would come through, that the excise and charges bills will also allow charges to be imposed on imports or, if applicable, domestic manufacture of emissions control products. Any pre-existing products that people had were exempt from the process, and we talked about that when we had the primary legislation debate. Labor supported the legislation. We said it was a step forward. We hoped that there would be movement towards creating greater awareness in our community about the needs, towards educating people so that they would understand how this would actually work, and towards gradually building up more knowledge and awareness of how all of these products could have an impact on our environment and on people's health.

We have got to the stage where we have regulations to spell it out. Again, this is based on making sure that there is awareness and there is education and discussion with people who both produce and use these products. It's a wide market; it touches people across our community. The regulations will have to be made public. We'll get discussions going around them. But we, as a party, are standing by the fact that in this case—and, sadly, only in this case—the government is moving to bring in some regulation and ensure that there are processes where there is an indication that we will move forward with emission reduction targets that will make a genuine difference.

Senator Bernardi, in his arguments—these are the same arguments that we have heard in debates in this place for a decade. As he said, there are people who feel that it's perfectly appropriate to take no action, to do nothing here in Australia, to ensure that we have no commitment to be part of the global response to the issues around climate change. It's very clear that Senator Bernardi and his party fit into that area. I know I'm not verballing him; I think my point is a fair one. The Labor Party have been arguing, both in government and in opposition, that it is an absolutely essential element that people in Australia are part of a global response. The Paris accord? Absolutely that was one which we signed up to as a nation. We regret the fact that there has not been more action taken by the government. We have consistently argued that there needs to be more action taken. That is a diametrically
We believe that actions must be taken to be part of our response to global warming, to climate change; other people believe we don't have that role. We think these regulations that are coming through now will take a small step, sadly only a small step—actually, in some ways it's good that a small step has been taken. That's why Labor will be opposing this disallowance. We believe we've had the debate around the primary legislation, which actually has no implementation value if it doesn't have the regulations attached to it. It would be passing strange if we came into this place and supported the legislation and then supported this motion. Maybe Senator Bernardi was waiting for some Damascus-like conversion on this side, where we would suddenly 'understand' and that our longstanding public commitment to having an effective response and having an emissions trading process would somehow disappear during that period.

For us, sadly, that didn't occur, Senator Bernardi. We will be maintaining our support for this legislation and the supporting regulation. We will continue to argue that we have to do more. We have said, and our shadow minister, Mr Butler, has said consistently in the other place, that there needs to be more ambition around this process. We need to have more action, more engagement with the community and more engagement with people who are working so hard in industries across our country and internationally to come up with better ways to see where we can have a stronger response and stronger action. Given that, my job this afternoon is to reinforce the position we took when the legislation came through, to support the action that the government has made and to hope for more into the future. But we will absolutely be rejecting this disallowance motion and calling for more action into the future.

Senator PAYNE (New South Wales—Minister for Defence) (17:15): In relation to these notices of motion for disallowance, I can advise the Senate that the government's view is that the Product Emissions Standards Rules give effect to the Product Emissions Standards Act, which was passed through this chamber last year. Disallowing these rules will block a significant outcome which has been more than 10 years in the making with a $1.7 billion benefit in avoided healthcare costs. These rules set standards for the import and sale of new two-stroke engines, but they don't impact existing owners. These products can contribute up to 10 per cent of pollution in urban areas. The rules are about maintaining clean air for all Australians. They have been in effect since 1 July this year, and disallowing them at this point would cause industry a great deal of uncertainty and would come at a significant cost. The standards are fully cost recovered, with the vast majority of funding coming from a 0.45 per cent levy on the value of imports, which equates to 90c on a $200 imported lawnmower. The levy regulations enable the levy to be calculated and then recovered. If they're disallowed we would be left in a position where those standards would not be able to be enforced.

The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson): The question is that the disallowance motions, as moved by Senator Bernardi, be agreed to.

The Senate divided. [17:21]

(The Acting Deputy President—Senator Whish-Wilson)

Ayes ......................6
Noes ......................43
Majority.................37
Question negatived.

BILLS

Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015
Second Reading

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

Senator O’NEILL (New South Wales) (17:25): Just as we headed into senators' statements, I was making a point about the contribution to the debate by Senator Steele-John with regard to people with disability. I acknowledged the importance of his contribution to the debate. I also wanted to put on the record the words of the much loved Stella Young, Australian comedian, writer and disability advocate, who wrote on the implications of legalising assisted suicide for people living with disabilities. I acknowledge that many of us felt we lost an amazing Australian with her passing. This is what she said:

People make all sorts of assumptions about the quality of my life and my levels of independence. They're almost always wrong.
I’ve lost count of the number of times I’ve been told, "I just don’t think I could live like you," or "I wouldn’t have the courage in your situation," or, my favourite one to overhear (and I’ve overheard it more than once), "You’d just bloody top yourself, wouldn’t you?".

...  ...  ...  

Also, social attitudes towards disabled people come from a medical profession that takes a deficit view of disability. This is my major concern with legalising assisted death; that it will give doctors more control over our lives.

Senator Steele-John's confidence in legislators to create legislation that adequately protects people is a confidence I don't share. In my view, legislation, no matter how well crafted, considered and critiqued, cannot cover all the areas of concern that have been articulated in this place by many—and, hopefully, with some clarity in my contribution to the debate this morning. I'm also sure that there are many more concerns that haven't been raised in the course of this debate that are yet to be elicited and will deserve careful consideration. In my view, we're all right to fear assisted suicide as an extension of an increasingly alarming statistic of self-harm and suicide that reveals the despair of so many in our nation at this time.

Senators, data consistently demonstrates lower support for euthanasia and assisted suicide amongst physicians than the public. There's a reason for that. They know a lot more than most of us about the way in which people move on from this life. They see it all the time. They fight against death's victory every day. But to ask them to take a different position in relation to death, to demand by law that they offer services to the end of life, is fraught with extreme practical and moral risk for the medical profession and, indeed, for all of us and our families. Physician-assisted suicide is legal in the Netherlands, Belgium, Luxembourg, Colombia, Canada and five US states as well as in Switzerland. Research that reviews the practices of those jurisdictions indicates that between 0.3 per cent and up to 4.6 per cent of deaths are reported as euthanasia. If we were to apply that 4.6 per cent of deaths to the Australian death statistics of 2016, which were 158,504 Australians, that would mean 7,291 Australians could be removed from this world by assisted euthanasia if we were to follow these international trends. In jurisdictions where assisted suicide has been legislated for some time, the legislative containment that accompanied those first laws has slackened. Research shows that safeguards are being violated, with studies in Belgium now indicating that up to 32 per cent of physicians assisting suicide had gone outside the regulations.

Former Prime Minister Paul Keating published an article last year in the context of the Victorian debate. He said:

... the advocates support a bill to authorise termination of life in the name of compassion, while at the same time claiming they can guarantee protection of the vulnerable, the depressed and the poor.

No law and no process can achieve that objective. This is the point. If there are doctors prepared to bend the rules now, there will be doctors prepared to bend the rules under the new system.

The original containment of eligibility for assisted suicide has been extended in those jurisdictions in which assisted suicide is now legal. It's been extended from consenting adults to young children to the mentally ill to newborns with disabilities. I remind senators that right now in this country one in five Australians at any time are suffering from mental ill-health of some sort. In 2016, 2,866 Australians lost their lives to suicide. Research revealed around 65,000 people attempted suicide every year and that hundreds of thousands of people are affected by the impact of a suicide death. We're on a collision course between this national...
malaise and the potential of assisted suicide legislation, especially when depression and
cancer collide. I want to note that the finding reported in *European Psychiatry* in 2012
indicates that family members in Switzerland who assisted the suicide of someone they loved
reported after the fact a 20 per cent rate of post-traumatic stress disorder.

I will not be supporting this bill. I'm accused of being a person of faith and I freely admit to
it. My faith does colour my view of the world and it enriches it. I've often wondered what
people mean when they make a case for euthanasia by arguing that people should be allowed
to die with dignity. In my view, every person has dignity and value simply because they
exist. It matters not their sex, gender, age, colour, race or, certainly, creed. I can never be
persuaded that human beings need to have control over their bodies or their minds to have
dignity. In my view, each and every person, from conception to their last breath, is
endowed with a dignity that is inherent in their very existence. Dignity is not something you
lose on your journey to death.

How can legislating for the healers at the heart of our health system to actively bring on
death not be a conflict of interest for doctors? How can legislating for the healers at the heart
of our health system to actively assist in suicide not immerse them daily under the extreme
burden of ongoing and profound moral dilemma? The profession itself is not united in asking
for these powers. Indeed, there is a very lively debate amongst doctors on the public record.

Like everyone in this place and like Australians across the country, I've lost people I love,
four of them in my close family: my sister, my brother, my niece and my father—all from
cancer, all from the illness that evidence shows triggers up to 75 per cent of the requests for
assisted suicide. I've been in hospitals with the people I love as they have passed. Today
seems a very good day to thank all those health professionals who cared for them as they
passed and who cared for me and my family as we faced the profound loss and the initial
throes of grief that engulfed us. I never for one moment doubted their care or
determination to preserve the lives of the people I love.

Colleagues, in this place we know there has been the articulation of the awareness of the
complexity around making law around end-of-life procedures. This complexity—if this bill
passes here and we do allow the territories to discern their own particular legislation—cannot
be overstated. I remind colleagues that the Northern Territory and the ACT are both
unicameral parliaments—as, indeed, is the great state of Queensland. I fear that the march
across this nation towards the establishment of assisted suicide continues and that we may see
the emergence of differentiated legislation that will deal with life and death in different ways
across all of the jurisdictions. We train doctors for all of the country, yet we're preparing, with
this legislation, to create rights that will differentiate responsibilities across the borders.

In closing, colleagues, this debate asks us to consider and come to a point of discernment
about conflicting principles. On one side, there is the right of the individual and their
autonomy, a position so championed here today by this bill advanced by the libertarian
Senator Leyonhjelm and supported by many in this chamber. I put it to you, senators, that
there is a disproportionate response to the issues of both mental and physical distress that
have been discussed in the Senate over the course of the last two days. This is an argument
that drives us to wholesale change to law at the request of few, to the detriment of many.
Assisted suicide cannot, in my view, be safely legislated. On the other side is the right of the
public to safety and natural assumptions and instincts that drive us to make lawful the protection of life.

I believe in the fundamental right of a person to live in a society that values their life. This should not be put at risk. A community needs to ensure that institutions such as the law and the professions—especially our doctors—value lives, will save lives and will not take life. I close with Paul Keating's comments:

No matter what justifications are offered for the bill, it constitutes an unacceptable departure in our approach to human existence and the irrevocable sanctity that should govern our understanding of what it means to be human.

**Senator CORMANN** (Western Australia—Leader of the Government in the Senate, Minister for Finance, Special Minister of State and Vice-President of the Executive Council) (17:37): I rise to speak to this bill, the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015, which seeks to undo a decision of this parliament 21 years ago. The vote on this bill is, rightly, a conscience issue because good people across Australia have strongly held views on both sides of this argument. Personally, I will vote against this bill, and that is because, as a matter of deep personal conviction and faith, I am committed to upholding the dignity of human life.

There is no circumstance in which I could or would vote in support of any bill which would either directly or indirectly legalise or facilitate the state sanctioned taking of a human life. Of course, like all in this chamber, I want to see the right care and support available for our terminally ill. I want to see high-quality care for those that go through this very difficult process as they approach the end of their life—the appropriate pain relief and palliative care to help facilitate dying with dignity. But I cannot support the official, state sanctioned, deliberate taking of a human life. It goes against everything I believe to be right. I do not believe there is a safe way that it can be legislated. I do not believe it can be legislated in a way which provides the appropriate protections to the vulnerable, depressed or the poor.

Some have argued that this is not a bill to legalise assisted suicide or euthanasia but rather a bill to uphold states' rights. I would submit to the Senate that this is objectively wrong. Firstly, by definition, the territories are not states; they are territories. Under section 122 of our Constitution, the power to make laws for the government of any territory rests with the Commonwealth parliament. Having the constitutional power gives us the constitutional responsibility. We can't abrogate that responsibility. If we, as the Commonwealth parliament, vote in favour of this legislation, we are effectively voting in favour of legalising assisted suicide, except that we're doing so without having any capacity to influence the circumstances and the framework within which that is then done. We would be delegating the power to legalise assisted suicide to the territories. We would be abrogating our responsibility to ensure it is done in an appropriate way. As I say, I am opposed to state-sanctioned assisted suicide. But even those who are in favour should ask themselves the question whether they are comfortable with being responsible for whatever form that state-sanctioned assisted suicide takes on the other side of a process in the Australian Capital Territory assembly or the Northern Territory assembly, over which we then no longer have any influence.

It is also important to remember that, in the year after the Andrews bill—which this bill seeks to overturn—became law back in 1997, the Northern Territory had the opportunity to become a state. The people of the Northern Territory, by majority vote, chose not to do so. If
a majority of the people in the Northern Territory back in 1998, the year after the Commonwealth took away the Northern Territory's power to keep euthanasia legal, were offended by that and wanted to preserve their right to make laws into the future to legalise assisted suicide, then surely they would have voted in favour of statehood, which would have removed the constitutional power of the Commonwealth to continue to maintain the prohibition that is currently legislated. I put it to the chamber that the fact that, on the back of the federal parliament's intervention, they did not do so shows that the people of the Northern Territory at the time supported the actions of the federal parliament at that time.

In conclusion, I will vote no both as a matter of deep personal conviction and faith as well as on the basis that I do not feel comfortable to abrogate the responsibility to get the framework and safeguards right, if assisted suicide were to be legislated, to either the Australian Capital Territory or the Northern Territory. I don't believe that there is a safe way to legalise assisted suicide in a way that would not inappropriately expose the vulnerable, the depressed and the poor to inappropriate pressures. Finally, given that the Constitution gives the Australian parliament the power to enact this legislation, I believe we have a responsibility to maintain the legislation as it currently stands and not to undo the decision, which I believe was the right decision back in 1997, to prevent the territories from legislating state-sanctioned taking of human life.

**Senator URQUHART** (Tasmania—Opposition Whip in the Senate) (17:42): Australians who are terminally and incurably ill should have the right to choose a humane and dignified end to their life. They should be able to choose to end their pain and suffering, and their families should be afforded compassionate support in this decision. I rise to speak in support of the territories to legislate for assisted suicide in their respective jurisdictions. It is no longer appropriate, nor has it been, for the Commonwealth to interfere with the ability of the territories to determine their own legislative futures on this incredibly important matter. While the passing of the *Restoring Territory Rights (Assisted Suicide Legislation)* Bill 2015 will not automatically legalise assisted suicide in the territories, it will significantly improve the ability of those governments to demonstrate empathy and leadership to those who are suffering in their communities.

Australia is rapidly falling well behind the rest of the world on this issue. Switzerland has the world's oldest act, in effect since 1942, and, some 20 years ago, the state of Oregon in the USA enacted the Death with Dignity Act. There are increasing numbers of jurisdictions providing their citizens with the dignity of choosing when to end their suffering. There are now eight countries and six states in the United States where you can choose to die with assistance. In these jurisdictions, there are a range of safeguards and checks and balances to ensure that society's most vulnerable are cared for and protected. There are an extensive range of measures to avoid elder abuse, a commonly forwarded argument used by those against voluntary assisted suicide. To do nothing, however, is also, in my eyes, abuse. Poll after poll continues to show that a majority of Australians—indeed, up to 80 per cent of them—support voluntary assisted dying laws. It is abundantly clear that people want a choice in when and the way in which they choose to die.

The Northern Territory has shown leadership in this area before, as has the ACT. We would all be aware that the Victorian government has just become the first to pass its *Voluntary Assisted Dying Act* late last year. Tasmanian Labor continues to work tirelessly to
demonstrate compassion, courage and leadership on this issue, fighting to win the right for those in our state to be afforded the dignity of dying when they see fit. My state colleagues have campaigned vigorously to end this example of government overreach. Government should not take on the role or the authority of telling people in excruciating pain when they can die; it is inhumane. The Tasmanian state Labor caucus believes people should have the right to end their life when they have a serious and incurable medical condition that is causing them to suffer in a way that is intolerable to them. I support them in those beliefs.

As incredible as palliative care and those providing the care can be, we must recognise that it does not alleviate all suffering for all people. No person should have to suffer intolerable pain but, rather, should be able to choose to die with assistance with appropriate supports and safeguards in place. During the numerous times that this topic has been debated, we have all heard harrowing stories of those forced to endure intolerable pain and suffering, sometimes for months and years on end. I have no doubt that all of us in this chamber have at some point been moved by a story or an experience of a family member or friend who wished only for their pain to end.

I've been touched by the story of Andrew Denman and his family. Andrew is a very well-known Tasmanian. Some of my colleagues here today would know him for his passion for our specialist timber industry. He shared his story with us after he watched his mother, Carol, die a long, protracted, terrifying and painful death. An advanced directive to cease food and water was enforced and she starved to death. I will paraphrase what he wrote when sharing his story with my Tasmanian colleague. Andrew wrote, 'Another injection, more pain, more suppositories, more indignity. It is excruciating to watch knowing that I made a promise to her not to ever let things get to this stage. I will be forever haunted by mum's pleading looks every time her eyes partially open, asking me to end it all.' At her passing, he shared, 'Mum died this morning at 11:00 am. She died a so-called good death imposed upon her by the laws of Australia. Thirteen days she lasted with no food or water—death by dehydration until her internal organs failed one by one.'

In May 2011, I lost my own father to cancer. Our family watched as he fought this disease until it took his life. He used to talk to us for a very long number of years about wanting to be able to choose when his life ended, when his suffering would be ended. It was his wish always to have control over the end of his life and, in the end, he had no control. Earlier this year, again we felt the sting of what's happened with overreach when we lost our mum. The night before she passed, sitting with her, she asked if I could make it end, make the pain go away with an injection. And, just like dad, in the end, she had no control.

People are suffering and they feel trapped within that suffering, with many looking for a way to peacefully make it end. They are not provided with that and, as leaders, we continue to actively deny them that. This denial must stop. In an attempt to gain back control, people are taking their own lives in the most horrific and tragic methods. Those who are suffering are sometimes making the decision to end their lives with often catastrophic consequences for their loved ones who find them.

The time to provide a legal framework for these decisions to be made is well overdue. It's time to eliminate this end-of-life trauma that many Australian families are having to experience. I support the bill before the Senate.
Senator FIFIELD (Victoria—Minister for Communications, Minister for the Arts and Deputy Leader of the Government in the Senate) (17:49): I'd like to lay down three markers to frame my contribution to this debate on the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015. Firstly, territories don't have equal constitutional standing with the states. States are sovereign and territories are creations of the Commonwealth parliament. Secondly, had I been in federal parliament in 1996, I would have supported the Kevin Andrews bill. Thirdly, had I been a member of the Victorian parliament in 2017, I would have opposed the Daniel Andrews bill.

Victoria made a mistake, and I don't want to see other jurisdictions make the same mistake. I can't do anything about what states may do, but I can around what territories do. My reasoning is straightforward. In jurisdictions, before Victoria changed their legislation, I believe there was adequate space in the law for parents, families and doctors to put in place good and appropriate palliative care. My experience with a parent in Queensland 21 years ago and a parent in Victoria 16 years ago is that this was the case. I'm deeply troubled by the current Victorian law at a number of levels. I can't support the Senate allowing a jurisdiction within the Commonwealth parliament's control to go down that same path. I'll, therefore, be opposing this bill.

Senator GALLACHER (South Australia) (17:51): I also want to make a contribution to this debate on the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015. I want to take a slightly different tack at the start of my contribution. I actually think that it's appalling that the Prime Minister of this country has traded away about five per cent of the nation's legislative time with respect to a vote on another piece of legislation. In order to get Senator Leyonhjelm's vote on the ABCC legislation, the Prime Minister dedicated precious legislative time in this chamber to advance Senator Leyonhjelm's electoral prospects. The reality is we have no jurisdiction in this issue anyway. We don't have any jurisdiction to legislate for assisted suicide, euthanasia or the like. For a deal—in my view, a very tawdry deal—to be done on such an emotive and important issue of territory rights and euthanasia is just another symptom of the dysfunction of this government.

I rely on my information coming from those good people in the Parliamentary Library. If I get a Bills Digest, I ask the Parliamentary Library about it and they always provide all of the information. In the Bills Digest on this bill, there is a description of this deal—a clear and concise description—alleged by Senator Leyonhjelm and there is, at the end of the information provided, disagreement about what the deal actually was. It's contained in the Parliamentary Library's Bills Digest on the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015. For the life of me, I cannot understand how we can take an issue like this and make it a tradeable commodity for a vote on another piece of legislation. I find that very disturbing.

I've listened to the debate and many of the speakers on this. For what it's worth, I used to live in the Northern Territory. I have family that live in the Northern Territory right now. I've consulted with those family members in the Northern Territory. I had a brother in Royal Adelaide Hospital, very recently, getting treatment. My daughter-in-law's brother-in-law died at 43 of leukaemia after a very critical cancer treatment. His treatment was, incidentally, delivered mainly in South Australia. I've been lobbied quite substantially on this issue. One of
the most compelling people who I've spoken to is that good person Andrew Denton. Andrew Denton pointed me in the right direction on a number of these matters.

Over a period of time, I've sourced the original legislation from Oregon, which, I think, was the first jurisdiction to put this type of legislation in place, and I've had a look at the legislation in Victoria. I can say very clearly that, if you look at the evidence and the assessment of what happened in Oregon—under the legislation there I think there were some 1,969 prescription recipients, and 1,275 of those patients actually ingested the medication—you can get a very good view of how big an issue this is. I understand the population of Oregon is currently 4.1 million. You can actually dive into the 2017 annual report and you can see that there were 143 deaths during 2017, and most of the patients, 80.4 per cent, were aged 65 or older. The median age of death was 74 years. As in the previous years, recipients were commonly white, at 94.4 per cent, and well educated, with 48.9 per cent having baccalaureate degrees.

I hear all the contributions from various sectors of the chamber and I listen to my colleague Senator Dodson, who says there are grave reservations in the Indigenous community. It's probably not the most pressing issue in the Indigenous community; I think that's fair to say. But if people are not accessing health services because of the fear—whether it's mistaken or whether it's a misunderstanding—that there is an assisted dying process, that's absolutely catastrophic, in my view.

I can go on about this probably more than most of the people in this chamber. I saw my father die during an episode of chemotherapy. In those days, chemotherapy was catastrophic. You would get a dose of chemotherapy which was so caustic that it overcame most of your bodily functions, but you got six weeks. You got six weeks of respite. I think, after two periods of that chemotherapy, he was at least able to put his affairs in order. He was at least able to do the things he wanted to do. He never wanted to go a second earlier. He endured. Ultimately he died of a heart attack while I was actually physically there, during an episode of chemotherapy. But it's come a long way from there.

Palliative care has come a long way from there. Just last week a colleague of mine, who was 76 years old and a president of the TWU South Australia and Northern Territory branch, was doing something that was probably a little untoward at the age of 76: moving a fridge. He suffered an incident when he was transporting that fridge and collided with a pole. He was admitted to intensive care and put into a coma. As always, our very, very good intensive care people did their absolute best to maintain life and the rest of his functions, but ultimately he was taken out of the coma and was found to have no cognitive functions. He basically had been deprived of oxygen; it was unclear how long he'd been in the car before the retrieval teams got there and took him to the appropriate facility. So the decision was made then that they would not continue with restoring his bodily functions or getting him to breathe unaided and, after a reasonably short period of time, he passed away.

I go from one end of the scale to the other end of the scale and, in the middle, I could stand here and reiterate many cases of friends and family—close family, including both my mothers-in-law and my first wife—who all went through cancer treatments and palliative care and passed in the company of their children, grandchildren, friends and relatives. I'm not certain that there are a great number of people who are rushing to take a solution here. The evidence, if we look at Oregon, is 4.1 million people and about 143 per annum in that 20-year
zone. It's very clear. People like Andrew Denton and other very competent people in this space say: 'You need to recognise, Alex, that five per cent of people will not get the benefit of palliative care. Five per cent of people will suffer inordinately from their condition, and they should have the right to choose.' That's the prevailing argument. They also say that 40 per cent of that five per cent will not take it, but they should have the right to it.

I have been entirely conflicted by this debate. The argument in respect of people in the Northern Territory having the same rights as every other Australian is probably where I started out. I thought that looked like a no-brainer. What's the difference between an Australian in the Northern Territory and an Australian in South Australia? But when you dive back into it, there probably is a little bit of a debate. If you go back to the Northern Territory referendum on statehood, 94,000 people voted. That's probably smaller than a federal electorate. Of those, 44,702 voted yes, 48,241 voted no and there were 1,065 informals. There was an attempt to set up a bipartisan NT Legislative Assembly committee, chaired by former Chief Minister Steve Hatton. That committee proposed a draft constitution and said that it should be debated at an elected constitutional convention. The Hon. Shane Stone ignored that recommendation, nominating a convention membership of 53 members at short notice, and presented the convention's draft constitution, which was different from the committee's recommendations. The former CLP Chief Minister Steve Hatton later said that one of the campaign slogans at the time was 'We want statehood, not Stonehood.' So it was very clear that there was a very divisive character leading the Northern Territory at that time. It beggars belief that the Northern Territory would vote against statehood, but they did, and clearly because they had reservations about the way the place was being run.

The starting point of my statement is: if you can trade off five per cent of the nation's legislative time for a vote on another bill, what certainty will we ever have that there won't be another deal in the future which will change the parameters of whichever state or territory comes out and puts into place some assisted suicide legislation? I'm not certain that this is as clear-cut as people are making out. I've lived in the Northern Territory, and the saying in the Northern Territory is: if you're in pain, get on a plane. You're generally going to get better advice from specialists and/or medical treatment if you go to Adelaide or Melbourne or wherever. That's no criticism of the Northern Territory. It's a very small population base. Obviously, they can't have all of the attendant specialist services and expertise that a major population centre will have. They do great work. You can see that in the work they did with respect to East Timor and the like. But if you do get crook in the Northern Territory, a lot of people choose to get their treatment in another state.

I'm not sure, if we do not support this right to go and discuss assisted dying, assisted suicide or the like, that we're going to be doing anyone in the Northern Territory a great disservice. I'm not sure that anybody in the Northern Territory is really going to be tremendously upset. They may have an in-principle objection, but they voted against statehood because they didn't like the way their leader was taking them to it. That's essentially what the evidence says. They've been used very unfairly in this issue, in my view.

I asked initially: 'Why is this a conscience vote? Why hasn't our leadership done what they do on most issues?' The answer that came back was: it's a conscience vote because in 1998 it was a conscience vote. Okay, I'll accept that. I've sought some advice from the Northern
Territory, and some of the advice coming back was: 'Shouldn't this be done at a higher level? Why should a small jurisdiction like the Northern Territory have to go through and do this?'

One of the things I do disagree with Senator Leyonhjelm on is this position about competitive federalism. What does that mean? I can point to a couple of examples of what it means. It means that if you are a jurisdiction that is in favour of online gambling—and I'm not opposed to that—then you seek to base yourself in the Northern Territory, and that's essentially what's happened. I have no particular view on pornography or the rest of it, but when in recent times you want to go into that business, the place do you it is the ACT. That's what the history was.

I'm opposed to this notion of taking the smallest group of constituents, getting a position up and then trying to expand that around the country. Basically, I think my bottom line position is that I'm not convinced that, although a good death is desired by all, we can prescribe that adequately and in perpetuity. It will change. We've got an example here where a Prime Minister traded a position for a vote. So ultimately I'm going to come down on the basis that I'm totally unsure about the effect of what we're doing here on the Northern Territory and, on balance, I don't think we're going to strenuously disadvantage anybody in the ACT or the Northern Territory with regard to not passing Senator Leyonhjelm's bill.

I will sum up by saying I don't like the way it came to this chamber. I don't like the fact this nation's legislative time has been used as a bargaining chip. I'm unsure whether we can carefully and appropriately prescribe in perpetuity for end of life choice. My own lived experience of quite a number of people extremely close to me is that they all went the way they wanted to go, fighting for every last breath in their body and, really, surrounded by the people they loved. And I don't know if we should be doing too much more than that. Thank you.

Senator RUSTON (South Australia—Assistant Minister for Agriculture and Water Resources) (18:07): Before I start my contribution on this particularly important bill before the chamber, can I just correct something that Senator Gallacher asserted during his contribution. He made the assertion that the government had allocated precious government business time in the Senate on this bill as part of a deal. This assertion has been made by previous contributors today, and it is not correct. The reason that this bill is currently being debated is that the Labor Party, the Greens and enough of the crossbenchers voted in favour of a motion to make this happen. I'd now like to move onto the substantive part of my contribution.

Before us today are two very serious concerns: one of great emotional divide and the other in pursuit of legality and federalism. It conflates the two issues of assisted suicide legislation and recognising the autonomy of the territories. I fear it is too simplistic to be debating this proposed legislation as it is. These are concerns that warrant full and frank discussion, whereas the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015 concurrently discusses multiple matters at once. Some have said it's not about territory issues, while others have said it's not about euthanasia. In the same vein, others have said this legislation before us goes to the rights of territories to make decisions for themselves and contend it does not ask senators to give a view approving or disapproving of euthanasia. Are we discussing territory rights or human rights? Are we discussing social issues, ethical issues, jurisdiction issues or constitutional issues?
The message falls flat on what is actually before the Senate. In my opinion, there are two intrinsically unique matters, each of which unfortunately masks the other. Before us currently, the legal inquiry cannot ignore the philosophical question, but, with equal merit, the philosophical concerns cannot navigate its legality. The two are individually separate, yet the very title of this bill binds them together.

There should be other means through which we can have a full and frank territory rights debate. Similarly, this is not the setting for an assisted suicide debate, with external motives potentially roadblocking a serious policy discussion that can touch the lives of all Australians. This bill purports to encourage competitive federalism. Territories have a distinct role within our federal parliamentary system—they always have—but the existence of the powers retained by the Commonwealth under section 122 of the Constitution can suggest that the debate before us is to be determined by political means, not legislative ones at the hands of local assemblies. The Commonwealth is the supreme law-making body and, as it stands, the Commonwealth can retain legislative oversight for the government of a territory.

In acknowledging the intentions of this bill, it confirms that the Howard government’s Euthanasia Laws Act 1997 successfully repealed the Northern Territory Rights of the Terminally Ill Act 1995. To this end, the proposed legislation recognises the respective roles and powers of the territories and the federal parliament in acknowledging that the federal parliament is the body that is ultimately responsible for the laws of the territories. To ignore this important function without considerable consultation and dialogue could be ill-advised, and I'm not sure whether this discussion is rightly placed against this issue.

However, in saying that, I'm a strong supporter of the inalienable rights and freedoms of all people, underpinned by the most minimal government intrusion in their private lives as possible. Individuals are almost always best positioned to make their own choices. To this end, I appreciate Senator Leyonhjelm's pursuit. However, the inextricable linking of the two issues in this bill makes it impossible to separate the discussion. I firmly believe that these two distinct issues must be debated separately. Euthanasia and territory rights are not one and the same. By binding them together, we overlook their respective significance and unconsciously belittle their inherent worth. I deeply respect the views and opinions of all who have participated in this debate. However, I find myself unable to support all aspects of this bill.

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (18:12): I am opposed to the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015 because I believe in the sanctity of human life. Leaving the state to assist and sanction suicide, in my view, would diminish the special and unique gift of human life. I recognise that, while the bill seeks to restore territory rights, it explicitly does so for the purpose of sanctioning assisted suicide. Indeed, the words 'assisted suicide' are in the title of the bill.

While the matter of euthanasia is a matter for the states, the Commonwealth does have the constitutional right to legislate in this area for the territories. I believe this is a matter of such ethical importance that it should be reserved for the national parliament and not be delegated to jurisdictions that are not recognised as states under our Constitution. I will confine the rest of my marks to the ethical question of the legalisation of assisted suicide.

I want to very clearly outline in my contribution what I mean by euthanasia or assisted suicide. Euthanasia is a deliberate act that causes death. The failure to provide or to accept
treatment is not euthanasia. The provision of pain relief, providing it's administered without the intention of ending life, is not euthanasia. I think we can all agree that we should seek to adequately fund palliative care to help all people at the end of their lives to avoid unnecessary suffering.

Of course, we don't all agree on whether the legalisation of assisted suicide is a good idea. This is a deeply ethical question and I appreciate and respect other views on this issue. My views stem from the ethical views that I hold—in particular, that there is a natural law that demarcates certain acts as good and other acts as evil. I've heard many times in this debate that we put down animals to end their suffering, so why shouldn't we allow humans to do the same? There are a number of things that I think are fundamentally wrong with such a metaphor. The first most practical one is that animals have no agency in their euthanasia. A dog is not asked for its permission before a needle is administered, because a dog cannot give its permission. It has no free will. Human beings do have free will, however. We are remarkable creatures. We are not mere animals. We have an innate desire to seek the good. We make choices after contemplation and consciousness. There is something unique, special and sacred about every human life, and we should fight to cherish and protect all human lives.

Another thing human beings uniquely do is love. We should celebrate and love life. That must start by learning to love our individual selves and the gift of human life that we have been given. That will let us love others as well and will let us seek a good and virtuous life. I believe that this parliament and the state more generally should pass laws that celebrate life and that help establish a culture of life; unfortunately, in my view this bill does not celebrate life.

Some will argue in rebuttal to me that assisted suicide will only be permissible in limited circumstances—those in great suffering or those at the end of their life. But a society is judged by the values it holds most dear, the thing it will not trade off for some other thing of higher worth. For a Judeo-Christian society, that most valuable thing, that thing that is most sacred, that cannot be violated, is human life. I believe that such a standard helps deliver more good. In a society that allows the state to sanction suicide, clearly human life is not the highest good, not the most sacred thing. Such a society is willing to trade off life for less human suffering. Instead, in such a society the greatest good would be the minimisation of human suffering and the promotion of untrammelled human liberty towards that end. This would be a fundamental change to the bedrock moral and ethical standards of our society.

The problem with this change is that there is no clear definition of who is to decide what is too much human suffering and what restrictions would be placed around the maximisation of human welfare, even potentially at the expense of the suffering of others. At its limit, this philosophy replaces the 10 commandments with a Microsoft Excel spreadsheet. We can calculate one person's suffering—or the antiseptic jargon, 'their quality of life'—against the happiness of others. When human life is not infinitely valued, our lives literally become the inputs to a morally vacuous mathematical formula. This is not just a theoretical concern; it has been the lived experience of societies who have gone down this path.

Take the example of the Netherlands, where assisted suicide has been legal for more than 15 years. A recent survey found that 60 per cent of Dutch physicians do not report their cases of assisted suicide, even though reporting is required by law, and about 25 per cent of physicians admit to ending patients' lives without their consent. There is even a reported case
where a Dutch doctor euthanised a 26-year-old ballerina with arthritis in her toes, because she could no longer pursue her career as a dancer, she was depressed and requested to be put to death. The doctor complied with her request and merely noted, ‘One doesn’t enjoy such things, but it was her choice.’

I fear that a right to die could soon transform into an expectation to die. This would then cause a fundamental shift in how we interact with our families and our loved ones. If we are seeking to maximise happiness, not protect life, soon people will be seen as, or will see themselves as, a burden on others, not someone with intrinsic value in their own life. I don’t want to encourage a society where the disabled or sick are not seen as anything other than fully human with all the God-given rights that we all enjoy. Again, this is the lived experience of jurisdictions that have legalised state sanctioned suicide. The Oregon Health Authority found that 40 per cent of those who assisted a suicide cited being a burden on family or friends or their caregivers as their motivation to end their life.

As I said at the start of my contribution on this matter, my views on this are deeply personal; they do stem from the fundamental ethics that I hold. I do hope we can vote for life in this chamber, because I believe that, if we do not, we will return to a harsher, less forgiving world that we should not return to.

Senator CHISHOLM (Queensland) (18:18): When it became clear in the last sitting week that this bill was going to be debated, my initial view was this was a matter of territory rights and that it would be a relatively simple issue for me to deal with. But, obviously, in the winter break, with the opportunity to engage with more people and to talk about the issues at stake in this matter, it became a more complex decision for me to make. I want to put on the record that I appreciate those people, from both sides, who have come and spoken to me about this. They’ve done so in good faith; they believe in their case. I very much value the opportunity to discuss this issue with them. It would be fair to say that I am uncomfortable with euthanasia, without being outright opposed to it.

I keep coming back to this being an issue of territory rights, which I strongly believe in. A couple of things have influenced this more than others. Since the right of territories to legislate on this issue was taken away, we have seen state parliaments debate euthanasia legislation. Recently, we saw Victoria become the first state to pass that legislation, and that will begin in approximately 12 months time. And it is likely that, in other states throughout Australia, this legislation will be debated in coming years as well.

Some people opposed to this legislation have argued that the unique unicameral nature of the territories makes them unsuitable to deal with such complex issues. As a Queensland Labor senator, that’s not an argument that I can sustain, given the make-up of the Queensland parliament, which has only one chamber. The thought that it would be able to deal with this in an adequate manner also gives me the confidence that the territories would be able to do so as well.

So, given that the debate has occurred in Victoria and other states and will likely occur in the future, I believe that territories deserve that same opportunity. I obviously urge them to progress that carefully, but I will be voting to support this bill, the restoring territories’ rights bill, when it comes to a vote.
Senator IAN MACDONALD (Queensland) (18:20): I seek leave to speak for about five minutes.
Leave granted.

Senator IAN MACDONALD: I thank the Senate for that. I had spoken very briefly previously, so I'm technically barred without leave, but I thank the Senate for giving me leave for this short period so that I may just put on record my views on the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015, although I suspect my views are reasonably well known.

I was one of the few senators who was in this place when the Andrews bill was first dealt with on 19 March 1997. At that stage, I opposed the Andrews bill, which actually brought about the situation that this bill is trying to reverse. If people are interested particularly in my views, I would refer them to my speech in the Hansard of 19 March 1997, where I indicated why I was opposing what was then euphemistically called the Andrews bill.

I just want to briefly also mention that I chaired the Legal and Constitutional Affairs Legislation Committee when it dealt with the exposure draft of a private senator's bill, the Medical Services (Dying with Dignity) Bill 2014. That committee looked into this whole question in great detail, and there were an enormous number of witnesses. The one that sticks in my mind most was the young man, a family man, who attended the hearings in Melbourne with his wife, his three children and his uncle, former Senator Jim Short. He had three or four weeks left to live. He asked us to bring the hearing forward so he could give evidence. He was pleading with the committee as someone who, in his situation, was terminally ill. He wanted to pass away with his family, his loved ones, around the bed, at a time of his choosing. He knew there was no hope. He didn't want to wake up at two o'clock in the morning and die by himself. It was the most telling piece of evidence given to the committee at that time.

The committee didn't make recommendations on the bill or otherwise. It did, however, raise some issues which I think Senator Leyonhjelm might like to look at. I'll just quote from the committee’s report:

Although the evidence received enabled the committee to consider some of the provisions of the Bill in detail, there remain some technical issues with a number of the provisions of the Bill. These include clarification of the definition of a dying with dignity service, clarification around the definition of a terminal illness, the number of medical practitioners required to consider the request, consistency of definition around decision-making capacity, and the serious consequences for medical practitioners who relied upon the immunities in the Bill if such immunities were later found to be unconstitutional.

The committee went on to say:

The committee notes conflicting evidence it received in relation to the primary constitutional basis for the Bill under—

section 51 of the Constitution. It continued:

The committee was told that there could be very serious consequences for medical practitioners who relied upon the immunities in the Bill, if such immunities were later found to be unconstitutional. This concern is enlivened by the virtual certainty that any federal legislation dealing with voluntary euthanasia will face constitutional challenge.

That was for another bill that was before this parliament. The bill we're dealing with now would give the Northern Territory parliament the right to make these decisions. It's a bit strange to quote my own words, but back in 1997 I said:
My opinion is, I believe, no better formed than the views of a democratically elected parliamentarian of the Northern Territory—a parliamentarian who was required over a much longer period of time than I to determine how the laws of that state like territory should apply. I am not one of those who believe that because I am in the federal parliament my opinions are that much superior to those of representatives of the people of the Northern Territory.

So I would vote in favour of this bill, as I have consistently done when this has come before this parliament on a couple of occasions previously. (Extension of time granted).

I have heard a lot of the speeches here and I've had a lot of people come to talk to me, both for and against. I just want to make it clear that this is not like animals and it's not like dealing with someone against their will. We don't know what form a bill on this will take should one be introduced into the Northern Territory in future, but a lot of the conversation here talks about other people putting a person to death or agreeing to a person being put to death. The bills that we have looked at over the period of time are all about decisions by individuals who are capable of making decisions. People talk to me about dementia and people who are imposed upon or who are depressed. If a similar bill came into force in Australia, those people would not be eligible to make the decision, because you need a number of doctors to certify, first of all, that you are capable of making an informed decision and then, having made that informed decision, that it was your choice and not anybody else's—nobody could put you to death; it was solely your decision.

My own position comes from a brave Christian lady, a committed family person—in fact, my mother. She knew she was dying and she fought it for four years. In the last three years of her life, her quality of life fell by so much that she just wanted to go. There was nothing in it for her. She was being comfortably looked after, but she tried every trick in the book to terminate her own life. She couldn't do it. She eventually starved herself to death because it was the only way she could terminate her own life. (Extension of time granted). I do appreciate the chamber in this matter, which is a matter of conscience. I saw my mother in that situation back in 1997. In the end, after a long, uncomfortable and torturous battle, she did pass away, and I suspect that at the very end she was assisted in any case. I believe, from the medical profession, that this often happens.

The same sort of situation happened with my sister, a very Christian lady. She fought the good fight for so long, but, in the end, she was begging to move on. There was no quality of life. There was nothing in it for her. She knew she couldn't last and she just wanted to terminate her despair and hurt at an earlier time. Those are my two personal experiences, and a lot of experiences have been related to me by others. I acknowledge that many other people in this chamber and across Australia have a different view to me, but that is my view. I wanted to put it on the record yet again. I thank the Senate for their indulgence for me being able to do this.

Senator McKENZIE (Victoria—Minister for Rural Health, Minister for Sport, Minister for Regional Communications and Deputy Leader of The Nationals) (18:30): Over the course of this debate, I've been able to listen to many senators provide their second reading debate contributions on the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015. I would like to thank them all for their thoughtful, considerate and compassionate contributions irrespective of which side of this debate they're on. This is a very personal matter. I recognise your contribution, Mr Acting Deputy President Williams, around the concept of dying with
dignity. You made some very poignant points that the Senate should read if they didn't get a chance to hear your contribution.

For many people around this debate, they've argued that this is actually a bill about state and territory rights. I took the opportunity to read the second reading speech of the mover of this bill, and there's not a lot there. It makes very clear through the second reading speech that this is about euthanasia. I guess Senator Leyonhjelm wants to move this bill because he's concerned that the law says we are only permitted to die by our own hand without assistance. For me, that is how it should be if you feel life and death are part of the human experience. The joy of life, the mixed experience of living and the finality and inevitability of death are part of the human condition. For me, it is a bit like what the Stoic Seneca said: 'death is the wish of some, the relief of many and the end of all.' It is, for me, part of that human journey.

Additionally, when we look at dying and making sure that the experience of death for those in Australia is as painless, sensitive and compassionate as possible, we've come a long way. Think about the last two decades and how palliative care is practised in this country now. Patients and families have the choice to ensure that their emotional, spiritual and physical care needs are being met, and everybody can be supported by a professional who's trained and knows how to assist. We need to focus on that aspect of the death experience. It's not a state, territory or Commonwealth government's role to say who should live or die. It is an individual's decision. We know from experiences overseas that if we open a decision then we get perverse outcomes. It is a government's role to actually protect the most vulnerable in our society. Even opening the door by a fraction to the potential of another person, another officer of the state or the state itself to be taken advantage of for monetary gain or convenience is something that I can't be a part of. I will be voting against the bill.

Senator MARTIN (Tasmania) (18:33): I rise today to put on record my position on the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015, introduced by Senator Leyonhjelm. This bill is one of the most important. It quite literally deals with the prospect of life and death. This is not an issue that I or honourable senators can take lightly. Regardless of one's philosophical and emotional views on this issue, such significant changes must be considered with the wellbeing of territorians foremost in our minds. For the record, I am a supporter of an individual's right, when facing the prospect of long and painful suffering with no hope of recovery, to have the ability to choose to end their own lives.

But, like many issues that come before us as parliamentarians, this issue is not black and white. I cannot simply impose my beliefs about voluntary euthanasia on this matter when asked whether or not to support this bill. I would like to recognise the work of former Chief Minister of the Northern Territory, Mr Marshall Perron, in passing Australia's first euthanasia laws some 22 years ago. This was our country's first attempt at giving the terminally ill the option of making an informed decision to end their own lives. However, within two years this legislation became invalid after the passing of the Euthanasia Laws Act 1997 by this parliament to amend the Northern Territory's and Australian Capital Territory's self-governing acts to remove those territories' ability to legislate in this area. It is this change, made over two decades ago, that we are now essentially being asked to overturn.

I have sat and listened carefully to the contribution of honourable senators to this bill. I have also watched with great interest the public contributions of the Chief Minister of the Northern Territory, the Hon. Michael Gunner MLA; and the Chief Minister of the ACT, Mr
Andrew Barr MLA. They have framed this argument around this debate to be one of the legislative rights of the territories. In fact, thousands of dollars of territorial taxpayers' money was spent by their respective governments on taking out full-page adverts in *The Australian* to put forward their case. However, I strongly hold the view that such arguments overtook the core function of this bill. The fact is that, if this bill were to pass the Senate and the other place, it would enable territorial parliaments to legislate once again in the area of voluntary euthanasia, and legislate they would. Whilst I acknowledge the passionate contributions of territory senators in this place, particularly that of my Nationals Senate leader, Senator Scullion, this is where my greatest concern with this bill begins.

Whilst considering this bill, I reflected on the debates on this matter in 1996 and, in particular, I reflected on the second reading contribution of the honourable member for Menzies in another place, where he said:

- It is not a debate about territory rights;
- It is not about the separation of church and state;
- It is not about regulating current practice; and
- It is not a simple issue of personal autonomy.

I believe that these words of the honourable member for Menzies in the other place are just as applicable to this debate as they were two decades ago.

I would like to place on the record my recognition of Australian territories' rights to make laws for those Australians who call these unique parts of our nation home. However, I cannot in good conscience offer my support to this bill, which will provide the territories the ability to legislate in the area of voluntary euthanasia certainly not without ensuring that appropriate safeguards are put in place, because the fact is there are no second chances for us as legislators if we get this wrong.

It is a matter of public record that the original Rights of the Terminally Ill Act of the Northern Territory, passed by the Legislative Assembly of the Northern Territory in 1995, was carried by just a handful of votes in a unicameral parliament, unlike the parliaments of other jurisdictions, with the exception of Queensland, who themselves have instituted a comprehensive committee system. The territories do not have a house of review. There are no other legislators to provide sober reflection on such complex matters, which are literally ones of life and death. The decisions on these matters are left in the hands of just 25 members in a chamber which maintains a government majority. Whilst I do not wish to cast aspersions in any way on the competencies or efforts of the hardworking members of our territory parliaments, I firmly believe that such a final matter should be canvassed by a group of concerned citizens in greater numbers and be subject to substantially more legislative scrutiny. This just further adds to my concerns that the safeguards, as well as the processes, which will determine if and how an individual can choose to end their life, are simply insufficient.

I conclude by saying that, as legislators, we cannot create laws that will cover every aspect of someone's life. We can only put into place laws that, to the best of our knowledge, with consultation and experience, will not only provide freedom of choice but also adequately protect people. Given those concerns, I will not be supporting this bill, and encourage honourable senators to do the same. Thank you.
Senator WHISH-WILSON (Tasmania) (18:40): I've thought long and hard about this over many years. I don't want to give the impression that I'm being simplistic in what I say tonight, but dying with dignity and voluntary euthanasia decisions made to end life and end suffering are happening informally anyway, from my personal experience. My dearly beloved grandpa passed away a few years back. Sadly, I wasn't there that night, but my family were. A family discussion was had, medical staff were consulted and my grandfather was given a dose of morphine and sent on his way. Having spoken to many friends, I understand this is quite common.

Tonight, I want to very quickly tell a story about a friend of mine. Her mother was terminally ill and was suffering. They put an end-of-life plan in place. They lived on the North Coast of New South Wales. When their mother deemed the time was right, the family were going to convene at a coastal town. They knew the family doctor very well. All of them had known the family doctor, including the mother, and it was agreed that he would be there when the time was right and she would die with dignity under her own terms, with her family and loved ones there. As it turned out, when the time came, the doctor was away on leave and a locum was in town. When the mother said she was in pain and she wanted to go, they called the doctor and the locum said, 'She has to go to emergency.' He refused to administer a dose of morphine. Although the family tried to plead with the doctor, he said, 'No, it's against the law. She's going to emergency. She needs medical help.' They put her in an ambulance to take her to Brisbane emergency, some 45 minutes away, and she died in the ambulance, alone, on the way to the hospital. Her family were sitting in the lounge room when they got the phone call. They had planned this for months. That's what their mother wanted: to die with dignity. How many other stories do you need to hear about people who choose to end their life on their own terms?

So, while I understand that these things need to be carefully thought through and there need to be the right checks and balances, I believe—and it may sound simplistic—that this kind of thing is happening anyway and decisions are being made. It isn't actually official or regulated or legal, but it happens anyway. We probably will never get statistics on that, but certainly that's my experience. You may want to take a sample and ask the question: who should be making decisions about this? Of course, we are voting on this tonight, and they may very well vote on legislation in the Northern Territory. The people we should really be asking are those who are terminally ill and are in the situation where they may wish to die with dignity. None of us, I hope, in this chamber are in that situation. Some of us may be one day. They are the people we should be asking. I find it very difficult to sit in here and listen to people saying 'it's against their values and their beliefs.' It's actually the people who are suffering who should be the ones making this decision, not us in here today, and we should provide the ability for them to do that.

On behalf of Senator Di Natale, I would like to indicate that we do not intend to move the amendments as circulated following any second reading vote. Those amendments were on sheet 8493.

I will conclude my contributions by saying I do support this legislation. I think it's critically important that we give every human being the right to go on their own terms and to die with dignity. We should accept that death is a fact of life and we should deal with it in a mature and open way.
Senator URQUHART (Tasmania—Opposition Whip in the Senate) (18:46): I seek leave to incorporate the speech of Senator Carr into Hansard for this debate.

Leave granted.

Senator KIM CARR (Victoria) (18:46): The incorporated speech read as follows—

I support this bill, which removes a longstanding injustice done to citizens of the Northern Territory and the ACT.

And that's all it does.

It is not a bill that legalises medically assisted suicide.

Or which creates a system of safeguards to define and regulate the circumstances in which people may seek medical assistance to end their lives.

It may be argued that there are two separate issues:

- Whether Australian citizens should be entitled to equal rights wherever they live.
- And whether the states and territories should have the right to legalise medically assisted suicide. (The Commonwealth does not have the power to do that.)

My answer to both questions is yes, and I wish to state briefly the reasons why I believe this bill should be passed.

I am one of the few in this place who took part in the 1997 Senate debate on the legislation the bill seeks to overturn.

My view has not changed.

In 1997, I said:

"I am probably the last one in this chamber to argue that the state has no right to interfere in the lives of its citizens.

To the contrary, I believe that the role of the state is to provide some form of sensible regulation which is vital for the fair and equitable running of a society.

Therefore I won't say that the state has no right to tell a person when they can or cannot die, because I am aware that people are already making those decisions.

What I believe the state must do is ensure that people have access to safety, proper medical advice, and as much decent care and support as can be given.

There are others who also oppose the bill before us today on the grounds that the state has no right to restrict the freedom of an individual to seek their own death and to seek medical assistance to do that.

It gives me a sense of ironic pleasure to quote John Stuart Mill, who argues that 'the only justification for restricting freedom through law is to prevent harm to others'.

It puzzles me somewhat that so many of the free marketeers in this Parliament, who would normally proclaim the sanctity of the individual and invoke the name of Mill, are in this instance opposing the individual's right to self-determination.

I also acknowledge that many senators support this [1997] bill on genuinely held religious grounds ... However, Australia is a secular nation, and as its Parliament we have an obligation to make secular laws, not religious ones."

One of the consequences of the 1997 Act was that it restricts equality before the law on the basis of where people live.

If you live in one of the states, your state's parliament is considered competent to legislate on euthanasia.
But if you live in the Northern Territory or the ACT, your territory's assembly is denied that competence.

The bill now before us removes that geographic inequality.

And in doing so, it would restore to the territories the right to allow their residents to seek medical assistance to end their lives if they are facing a protracted, painful death from incurable illness.

There is no justification for elected parliaments refusing to allow individuals to make that decision.

If you apply the John Stuart Mill test—that a restriction of freedom is only justified to prevent harm to others—who is harmed when the law denies individuals of sound mind the right to end their lives in the circumstances I have described?

The harm is done to the individuals whose autonomy has been denied.

They have lost control over their lives.

A law on assisted suicide should stipulate appropriate safeguards to ensure that personal autonomy is respected.

The Northern Territory law overturned in 1997 did have these safeguards.

That is also true of the assisted dying law recently enacted in Victoria.

It is important to be aware of this, because one of the most common cited reasons for opposing voluntary euthanasia is the fear that some people will not be choosing freely when they ask to be helped to die.

Perhaps, the opponents of assisted suicide say, because of subtle pressure from families who see them as a burden.

Or pressure from hospitals that are short of beds for patients who will recover.

These are familiar scenarios put forward in the course of any debate on euthanasia.

It is claimed that legalising voluntary euthanasia will start us on a slippery slope to a society of manipulation and abuse.

I do not accept the notion that we cannot devise laws to avoid such an outcome.

And I remind senators that the unregulated environment that applies in every Australian jurisdiction except Victoria is much more likely to result in the manipulation and abuse of the terminally ill.

We should not pretend that medically assisted suicides do not already take place, but without safeguards.

Opponents of medically assisted suicide like to evoke images of fascist regimes that used euthanasia to eliminate the unwanted.

That is not what the NT Act overturned in 1997 and the present Victorian Act allow.

Both those laws contain safeguards to prevent abuse — safeguards that do not exist in jurisdictions without such laws.

The NT law allowed medically assisted suicide only in strictly defined circumstances.

A person seeking assistance to die had to be an adult, and suffering from a terminal illness causing severe pain for which there was no treatment acceptable to the patient.

They had to have proper medical advice about the likely course of their illness, and about other options such as palliative care.

The doctor had to be satisfied that the patient was of sound mind and acting voluntarily, after due consideration and without restraint.

A second doctor with specialist qualifications in treating the patient's ailment had to confirm the first diagnosis.
A psychiatrist had to confirm that the patient was not suffering from treatable depression.
There had to be two cooling-off periods.
Seven days between the patient requesting medical assistance to die and the issuing of a certificate authorising that assistance.
And another 48 hours between the certificate being issued and being acted upon.
A request for assistance to end life could be rescinded by the patient at any time and in any form.
And, the law provided penalties for any person who attempted to influence a doctor to end the life of another person.
And for anyone who improperly induced another to sign or witness a form requesting medically assisted suicide.
Under the NT Rights of the Terminally Ill Act, no doctor or other health-care professional could be obliged to assist someone to die.
There was no attempt to force people to act against their moral beliefs.
A law with those stringent safeguards is not a law that de-values human life.
It is a law that respects the choices people make.
I support the principle that the will of the Senate should not be distorted.
In this case, arrangements are made informally and not through the parties.
This is a conscience-vote bill.
Accordingly I have agreed to pair with Senator Sinodinos.
However, for the reasons I have set out I hope that this bill will be passed.
The Northern Territory and the ACT assemblies should be able to resolve this matter democratically, just as the parliaments of the states are able to do.
That is the question posed to us by this bill, and our answer should be yes.

The PRESIDENT (18:46): I'm taking this relatively rare opportunity to participate in debate as President. This is an issue that most people have a well-developed opinion of, based on deeply-held personal, philosophical and even political values, and experiences of loved ones and friends, as well as professional experiences and insights. Both sides of this debate are, I believe, motivated by the highest aspirations to care for our fellow citizens. Defending human dignity comes in various forms and there is nothing more difficult than caring for those most vulnerable in their last days, weeks or months.

Both perspectives on this issue are entirely respectable. I don't believe any should condemn another for holding the opposite view to that which they hold in this debate. But, in outlining my position and why I'll be opposing this legislation, I would like to explain the perspective I bring and the reasons I hold that view, both in principle, regarding the issue of euthanasia, and the administrative matter—the authority of this parliament in relation to the territory legislatures.

First, the matter of euthanasia. I am a liberal first and foremost. I start from the principle of limiting the actions of the state or the collective will of people limiting the autonomy of their fellow citizens. But I'm not a libertarian. A liberal believes in the existence of the state and that there are limits on the autonomy of individuals. The debate over where to draw this line is
the defining one in a liberal democracy. Every instinctive liberal, at some point, comes across the writings of JS Mill, with his famous harm principle that, in short, provides the framework to assess whether a restriction on the choices an individual can make is legitimate and asks: does it bring harm to others?

On another matter, if Mill was correct—and I think he was—that there is a legitimate limit that someone cannot voluntarily submit themselves to slavery, then I think euthanasia needs to be considered differently to other matters of choice, because, when it comes to matters of ending life, there is a different element because of the finality of the consequences of any choice or incident.

I fear euthanasia not because I distrust individuals but because I distrust the state and the scope of it that now exists with the public health system we are all part of through a very strong and effective national insurance system and the public provision of health services. I fear it not because engaged citizens, like many of us in this chamber, are able to navigate the health and aged-care systems; I fear it because of the risks to the most vulnerable, who do not have the capacity for choice many of us have. I simply do not believe the checks and balances can guarantee that no innocent person will have their most important right, that of life, taken from them through the lack of care or even the feeling of being a burden upon those close to them or their fellow citizens. I also fear the inevitable expansion of this to those not equipped to make such a choice, let alone the pressure they may feel in the most difficult of circumstances. I happen to oppose capital punishment in all its forms, no matter the justification claimed, because I do not believe the state has a right to take a life and because I believe the risks of error are too grave to contemplate, and that thinking drives me in this particular instance as well.

Second, I'd like to turn to the issue of territory rights. Territories and states don't have rights; people do. The territories have a different status in our constitutional arrangements than do the states. The people of the territories are in a different situation than are the people of the states. Therefore, we have a different set of responsibilities here than we do with respect to the states. I note that this parliament has previously legislated to prevent the states and territories from enacting capital punishment. While I agree that such a regime has no place in Australia, I find it difficult to accept as persuasive arguments about territory rights and disregard the fact that it's actually about the issue in question—in this case, euthanasia. I don't raise this to draw into question the motives of anyone, only to explain my own position.

We do have a different role with respect to the citizens of our territories than we do with respect to the citizens of our states. It is not about this parliament forcing its view on the territories; it is about my responsibility that I feel to the citizens of the territories. As someone who does not believe that euthanasia can be made safe, that there are risks of it causing the most grievous harm to the innocent, I have a responsibility to protect the citizens of the territories for whom this parliament is ultimately responsible. Accordingly, I will be voting against this bill.

**Senator LEYONHJELM** (New South Wales) (18:51): In wrapping up the second reading debate on my Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015, I wish to thank each senator for their contribution. We haven't had such a demonstration of individual honesty since the debate on same-sex marriage. In fact, I think this exceeds that debate. On the crossbench, we each form our own view about bills every day. But I understand this is a
fairly novel experience for many in the major parties. I would particularly like to thank Labor and my crossbench colleagues for helping me bring this bill on for debate after it became clear that the Prime Minister was reluctant to stick to his deal with me. I have listened to as many of the speeches as possible, mostly while in my office, and I have been very impressed by the honesty and sincerity of my colleagues, if not necessarily all of their arguments. I know that the debate has been influential, with some senators changing how they were leaning in response to the contributions of other senators. That's good.

Now that I have the floor, I hope the debate continues to be influential, because I'd like to dispel some myths and misrepresentations that have been repeated during the debate. We've heard that we don't need assisted suicide legislation as long as we improve palliative care resources. In fact, palliative care is not an alternative to assisted suicide. You can have both. Indeed, in my opinion, you should have both. But what we haven't heard is how the best palliative care is ineffective for one in 20 patients with a terminal illness. Those Australians die a slow death in agony, and we are unable to help them.

We've heard how a nine-year-old girl was killed in Belgium, under the laws there. I'm personally not in favour of extending assisted suicide to children. But no mention was made when that subject was raised of the laborious processes taken to confirm consent. No mention was made of the untreatable brain tumour that, according to unanimous medical opinion, was to cause death in the near term, and no mention was made of the excruciating, untreatable pain.

We've heard a lot about slippery slopes but no mention of how the loose European laws have always been loose and how the tight law in Oregon has hardly changed over two decades—so, no slippery slope. We've heard how doctors can't be trusted but there has been no mention of how doctors deal, right now, with dying patients in an unregulated environment. Assisted suicide laws that require crystal clear consent can actually save lives from doctors who think they know best. There are many overdoses of morphine given with absolutely no consent. We've even heard claims that assisted suicide laws would reduce the willingness of Indigenous Australians to attend hospital, for fear of being killed against their wishes. This is insane. The only thing that could make any Australians fearful of being killed against their wishes is irresponsible and baseless fearmongering, unrelated to any law that could be legislated in Australia.

We will have an opportunity to further explore these issues in the committee stage, provided we pass this bill at the second reading. So I implore all senators: please question the fearmongering you have heard. Please ask yourself whether this fearmongering is coming from a source that knows what they are talking about, and please ask yourself what the basis of the fearmongering is, when this bill does not legislate for assisted suicide and the only legislation in Australia that does is the very tight legislation of the state of Victoria. But, contrary to what many have said, this bill is not about assisted suicide. It is about the freedom of the elected parliaments of the Australian Capital Territory and the Northern Territory to legislate on assisted suicide.

In 1995 the Northern Territory parliament adopted the world's first assisted suicide legislation. Four people took advantage of it to end their lives. However, in late 1996, with the debate extending into 1997, Mr Kevin Andrews introduced a bill into the Commonwealth parliament to overturn that legislation and to prevent the territories from legislating on
assisted suicide. Twenty-one years later, that bill remains on the books, and yet, during that
time, 14 jurisdictions have legalised assisted suicide in one form or another. Victoria is one of
them. Other states, including WA, South Australia and New South Wales, have debated bills
to legalise it and voted against it. However, the elected parliaments of the ACT and the
Northern Territory can't do that. Big Brother, otherwise known as the Commonwealth
government, doesn't allow it.

Surveys repeatedly show that between 75 per cent and 85 per cent of the public supports
assisted suicide, including in the territories. It's the social issue with the most clear-cut public
support. It's been that way for decades too, as this week's *Australian* newspaper confirmed. If
this parliament were genuinely representative of the people, this bill wouldn't be necessary.
The fact that we don't have assisted suicide in this country exposes a serious flaw in our
democracy. It reminds me of the old joke about when the parliament and the people disagree
with each other: some people believe we should change the people because the government
can't be wrong.

I'm confident that there is majority support in this chamber for this modest bill and even
greater support for the bill to at least reach the committee stage following the second reading.
But I would like the support to be as strong as possible to reflect how this truly is a modest
and reasonable bill. The time has come for this parliament to respect voters in the Northern
Territory and the ACT. We in this parliament were all elected, but so were the members of the
parliaments of the ACT and the Northern Territory. We are no smarter or more insightful than
they are. We should not be denying them the ability to make decisions about a matter that
their equivalents in Victoria, South Australia, Queensland, Tasmania, New South Wales and
Western Australia can make. Whether we like the decisions those elected politicians make is
not our concern. We can't decide whether assisted suicide should be permitted in the states, so
what gives us the right to decide for those who are not in one of the states? I say we shouldn't
make that decision. We should leave it to the people who were elected to represent them. I
commend the bill to the chamber.

The PRESIDENT: The question is that the bill be read a second time.
The Senate divided. [19:03]
(The President—Senator Ryan)

Ayes ......................34
Noes ......................36
Majority ...............2

AYES

Bartlett, AJJ
Birmingham, SJ
Cameron, DN
Di Natale, R
Hanson, P
Hinch, D
Leyonhjelm, DE
Macdonald, ID
McCarthy, M
Moore, CM

Bilyk, CL
Brown, CL
Chisholm, A
Griff, S
Hanson-Young, SC
Keneally, KK
Lines, S
McAllister, J
McKim, NJ
Patrick, RL
AYES
Payne, MA
Rice, J
Siewert, R
Smith, DPB
Sterle, G
Urquhart, AE (teller)
Whish-Wilson, PS
Pratt, LC
Scullion, NG
Singh, LM
Steele-John, J
Storer, TR
Watt, M

NOES
Abetz, E
Bernardi, C
Burston, B
Canavan, MJ
Colbeck, R
Cormann, M
Duniam, J
Fawcett, DJ
Fifield, MP
Georgiou, P
Hume, J
Martin, S.L
Molan, AJ
O’Sullivan, B
Polley, H
Ruston, A
Seselja, Z
Stoker, AJ
Anning, F
Brockman, S
Bushby, DC
Cash, MC
Collins, JMA
Dodson, P
Farrell, D
Fierravanti-Wells, C
Gallacher, AM
Gichuhi, LM
Ketter, CR (teller)
McGrath, J
O’Neill, DM
Paterson, J
Reynolds, L
Ryan, SM
Smith, DA
Williams, JR

Question negatived.

DOCUMENTS
Order for the Production of Documents
Senator CASH (Western Australia—Minister for Jobs and Innovation) (19:06): I table a document relating to the order for the production of documents concerning company tax returns.

ADJOURNMENT
Senator CASH (Western Australia—Minister for Jobs and Innovation) (19:06): I move: That the Senate do now adjourn.

NAIDOC Week
Senator McCARTHY (Northern Territory) (19:06): I wanted to speak—
The ACTING DEPUTY PRESIDENT (Senator Sterle): Sorry, Senator McCarthy, your microphone is not on at the moment.

Senator McCarthy: Gee, I only get half a vote, but have I got a voice yet or what?
The ACTING DEPUTY PRESIDENT: Yes, a very strong one!
**Senator McCARTHY:** People of the Northern Territory, we're still here. We will not give up. I would like to speak about an important theme in July, in NAIDOC Week: Because of her, we can! NAIDOC across Australia was especially significant because of the celebration of the achievements of First Nations women. I had the honour of being present in NAIDOC in Sydney.

Firstly, I want to take the Senate to the Northern Territory and commend the many events that took place in Alice Springs, Tennant Creek, Katherine, Darwin and the many communities across the Northern Territory. I was there for the celebration and the opening and official launch in Borroloola, with the Yanyuwa, Garrwa, Mara and Gundanji peoples, where we celebrated the work and the wonders of our women. There are people like Dinah Norman Marmgawi, our senior elder of the Yanyuwa, who reminds the women of the gulf region and the Northern Territory of the importance of relationships with country, culture and kin. In Western ways, Dina is like our great-great-grandmother, and that is the relationship and kinship term in which I refer to her and her knowledge of the gudjiga and the songs, especially of the mermaid country. 'Mermaid' is 'ngardiji' in our language. We celebrated the importance of the women and the women dreaming, songs and stories. The young girls who danced with us at the beginning of NAIDOC Week danced as li-antha wirriyarra, which means 'our spiritual origin comes from the sea country'. There was a special significance in the theme, 'Because of her, we can'. These young girls, children, young women, older women, aunties and grandmothers felt a real sense of solidarity and pride with each other, and that was carried through the events of the week.

Then in Darwin, when I was on Larrakia country, we were able to again celebrate the importance of women—'Because of her, we can'. The celebration there took place on various areas across the Darwin and Palmerston community, culminating in a ball on the Saturday night. I want to commend the national NAIDOC committee, and I know that it is a farewell as well, for Anne Martin in particular, who has spearheaded the national NAIDOC committee for the last 10 years. I know that the theme 'Because of her, we can' holds special significance for Anne in terms of her own children and grandchildren. I want to take this opportunity to thank Anne and the NAIDOC committee for the work that they did.

It was beautiful to see the final culmination of national NAIDOC celebrations on Gadigal country and I pay my respects in particular, to the Gadigal clan of the Eora nation, but also to the Metropolitan Local Aboriginal Land Council, who hosted all participants of the gathering at the ball; thousands of people turned up that evening. The Chairperson of the Metropolitan Local Aboriginal Land Council is Yvonne Weldon. She is a Wiradjuri woman and she welcomed, on behalf of the Eora nation, all people who attended.

It was an opportunity to see so many award winners, and I have a tremendous list of those award winners. I want to congratulate each and every person who was recognised by their peers across the country. I also want to say to all Australians that NAIDOC week is an opportunity in our country to respect the diversity of First Nations people. There are so many languages, so many different groups across this beautiful country we all call home, and it is an opportunity to get to know the people in your area. I certainly hope that senators had the opportunity to get to know the women, in particular, in their respective states, on this beautiful theme of 'Because of her, we can'.
Senator BARTLETT (Queensland) (19:12): Back in May, I spoke in this place about a group of Australians—Australian residents and Australian citizens—who have come to this place in recent years. I revisit the topic I raised then tonight partly because of a meeting I had today with an organisation working to support this particular unique group of Australian residents, but also in light of the debates and speeches that happened at the start of today in the Senate and the motion passed without any voice of dissent in this chamber in support of non-discriminatory immigration policy and in support of the great contribution that people from all lands and faiths make and continue to make to this nation.

Whenever I make that comment I try to always acknowledge that it is still a nation that was built on land that was never ceded and still has much unfinished business with the First Nations peoples of this land. The group I refer to—which I referred to back in May—are people, originally from Iraq and Afghanistan, who worked alongside, assisted, supported and in many cases, without doubt, saved the lives of Australian Defence personnel serving in those locations.

It is no secret that the Greens do not support the government's ongoing deployment of our troops and the wars fought in those locations. But we do recognise Defence personnel go where they are directed by governments and that it is the job of all Australians, the job of this place and the job of the government of any persuasion, to support those people when they return. I think we have a double debt to those Afghans and Iraqis who served as interpreters, not just interpreting language but interpreting and navigating the culture, politics and atmospherics on an hour-by-hour basis in sometimes very dangerous situations. They put their lives very much on the line, witnessed horrendous scenes of violence and put not just themselves but also their families and relatives at severe and ongoing risk.

To its credit, our government has issued visas to a number of those people. It's hard to be sure exactly how many, which is a bit of an issue in itself. I've been told 600 by one source; another source suggested perhaps 200 or so individuals but maybe 900 or a thousand when we're talking about family members and children as well. But the common core problem for all of them, even when they have been given visas and allowed to settle here, is the lack of ongoing support. Back in May, I wrote to the then new veterans affairs minister, Mr Chester, to ask him to look at providing some form of recognition and some form of support for this group of people.

I met another of those people today, a man called Jan who lives in Newcastle, alongside Jason Scanes, who has founded an organisation called Forsaken Fighters Australia—I referenced him in my speech back in May—and also another veteran who lives locally, Lieutenant Colonel Damien Hick. They and their organisation are very determined to get recognition and ongoing support for this group of people, who cannot, for very obvious reasons, return to their homeland for the foreseeable future and who have suffered significant trauma directly as a result of supporting and defending Australians. It's particularly and sadly ironic, in the context of the debates we've had today, that these people are Muslim Australians who are nonetheless being vilified, despite having put their lives on the line to save Australian defence personnel.

I believe we have an ongoing and unique obligation to those people. If they don't fit the criteria for particular service recognition under current defence laws then create a special
package of support for them. We can pull $440 billion out of our back pocket to give to a Barrier Reef foundation that didn't even ask for it. Let's give some proper resourcing to this group of people, who have ongoing needs for health support and educational assistance for their children and families, and ensure that they can make the contribution to Australia in the future that we know so many other people of migrant background have made and continue to make.

National Disability Insurance Scheme

Senator CAROL BROWN (Tasmania) (19:17): Today I would like to speak about the average staffing level cap on public servants. This blunt instrument, as it is described by the secretary of the Prime Minister's own department, causes unnecessary cost, reliance on external contractors, loss of government knowledge and a consistent failure to deliver critical services. This service delivery failure is something Australians know only too well. We have seen in the most recent NDIS quarterly reporting how only 69 per cent of targets have been met in the quarter to June, resulting in the equivalent of over 56,000 people missing out on the NDIS. The significance of such a failure cannot be overstated. The staffing cap is clearly affecting the NDIS in a negative way, and it rests on the premise that cutting or freezing Public Service jobs is an efficient thing to do. In reality, this way of thinking reflects a disdain for the Public Service and for the employees who implement some of our nation's most important projects. Unfortunately, such disdain has forced a reliance on external contractors in the name of efficiency dividends—and such efficiency dividends clearly don't work.

While the government has cut 15,000 public sector jobs since 2012-13, a National Audit Office report last year revealed that this coincided with a ballooning of the amount spent on external contractors, from $200 million in 2012-13 to more than $700 million in the financial year 2016-17. Perhaps that's why, in a report on NDIS costs last year, the Productivity Commission recommended that the government remove the cap on staff employed directly by the National Disability Insurance Scheme. This recommendation is from the very organisation that helped provide the economic basis for the establishment of the NDIS in the first place.

If we look at the implementation of the NDIS, it's no wonder that this is the conclusion reached by the Productivity Commission. The rollout of the scheme is so far behind that there is not only the equivalent of 56,000 people missing out on the NDIS already but there is also a major backlog of plan reviews. As the most recent NDIS quarterly report shows, there is an increasing stream of complaints as well.

These figures should alarm anyone. Unfortunately, we know that this is not the fault of the NDIA. We know that the organisation has been working hard to implement a monumental reform and that implementation issues can be expected for any project of this size. But, with constraints such as the average staffing level cap placed upon the agency at the same time as the Productivity Commission is estimating the disability workforce will need to 'roughly double over the transition period', how could one expect anything other than major problems to emerge? As I have said, a staffing cap is nothing other than a blunt tool, one that imposes on agencies constraints that need not exist. Scrapping the staffing cap would give the NDIA and other agencies the flexibilities that they need to determine how and when to recruit, where to recruit from and how to meet the needs of people with disabilities most effectively.

As the Secretary of the Department of Prime Minister and Cabinet put it in December last year:
The question is really does the APS have the capability set it needs to deliver for the challenges Australia faces in the next quarter century?
And in going on to discuss speciality skills, such as data analysis, he asks:
… do we have sufficient capability? Answer: absolutely not.
It's time that the government allowed organisations to build their own capabilities. It's time that they lifted the staffing cap and let the NDIA recruit for itself. That's the only way they'll stop the runaway spending on consultants and contractors. It's the only way they'll help to get the NDIS on schedule. Labor calls on the government to lift the ASL cap immediately. Australians who use critical government services can get the service they need from trained, full-time professionals. Lifting the staffing cap is something this government needs to do for the benefit of all Australians.

Senate adjourned at 19:22

DOCUMENTS

Tabling

The following documents were tabled by the Clerk pursuant to statute:

[Legislative instruments are identified by a Federal Register of Legislation (FRL) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]


Migration Act 1958—
Migration (LIN 18/036: Period, manner and evidence of labour market testing) Instrument 2018—LIN 18/036 [F2018L01108].

Migration Regulations 1994—


Public Governance, Performance and Accountability Act 2013—
PGPA Act Determination (Austrade SOETM Special Account 2018) [F2018L01111].

PGPA Act Determination (Bureau of Meteorology SOETM Special Account 2018) [F2018L01112].

Tabling

The following documents were tabled pursuant to standing order 61(1)(b):

Document presented by the President

Government documents
