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**SITTING DAYS—2016**

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FORTY-FIFTH PARLIAMENT
FIRST SESSION—FIRST PERIOD

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

Senate Office Holders
President—Senator Hon. Stephen Parry
Deputy President and Chair of Committees—Senator Susan Lines
Leader of the Government in the Senate—Senator Hon. George Henry Brandis QC
Deputy Leader of the Government in the Senate—Senator Hon. Mathias Cormann
Leader of the Opposition in the Senate—Senator Hon. Penny Wong
Deputy Leader of the Opposition in the Senate—Senator Hon. Stephen Conroy
Manager of Government Business in the Senate—Senator Hon. Mitchell Peter Fifield
Manager of Opposition Business in the Senate—Senator Sam Dastyari

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

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

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<th>State or Territory</th>
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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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**PARTY ABBREVIATIONS**

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

**Heads of Parliamentary Departments**

Clerk of the Senate—R Laing
Clerk of the House of Representatives—D Elder
Secretary, Department of Parliamentary Services—R Stefanic
Parliamentary Budget Officer—P Bowen
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<td>Prime Minister</td>
<td>The 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>Senator the Hon Michaelia Cash</td>
</tr>
<tr>
<td>Cabinet Secretary</td>
<td>Senator the Hon Arthur Sinodinos AO</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for the Public Service</td>
<td>Senator the Hon Michaelia Cash</td>
</tr>
<tr>
<td>Minister Assisting the Cabinet Secretary</td>
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<tr>
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<td>Minister Assisting the Prime Minister for Cyber Security</td>
<td>The Hon Dan Tehan MP</td>
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<tr>
<td>Assistant Minister to the Prime Minister</td>
<td>Senator the Hon James McGrath</td>
</tr>
<tr>
<td>Assistant Minister for Cities and Digital Transformation</td>
<td>The Hon Angus Taylor MP</td>
</tr>
<tr>
<td>Deputy Prime Minister and Minister for Agriculture and Water Resources</td>
<td>The Hon Barnaby Joyce MP</td>
</tr>
<tr>
<td>Assistant Minister for Agriculture and Water Resources</td>
<td>Senator the Hon Anne Ruston</td>
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<tr>
<td>Assistant Minister to the Deputy Prime Minister</td>
<td>The Hon Luke Hartsuyker MP</td>
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<tr>
<td>Minister for Foreign Affairs</td>
<td>The Hon Julie Bishop MP</td>
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<tr>
<td>Minister for Trade, Tourism and Investment</td>
<td>The Hon Steve Ciobo MP</td>
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<tr>
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<td>Senator the Hon Concetta Fierravanti-Wells</td>
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<tr>
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<tr>
<td>Attorney-General</td>
<td>Senator the Hon George Brandis QC</td>
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<tr>
<td>(Vice-President of the Executive Council)</td>
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<tr>
<td>Minister for Justice</td>
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<tr>
<td>Treasurer</td>
<td>The Hon Scott Ryan</td>
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<tr>
<td>Minister for Revenue and Financial Services</td>
<td>The Hon Morrison MP</td>
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<td>Minister for Small Business</td>
<td>The Hon Kelly O’Dwyer MP</td>
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<td>Special Minister of State</td>
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<td>Minister for Regional Development</td>
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<td><strong>Minister for Health and Aged Care</strong></td>
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<td>Assistant Minister for Rural Health</td>
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<td>(Manager of Government Business in the Senate)</td>
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<td><strong>Minister for Employment</strong></td>
<td>Senator the Hon Michaelia Cash</td>
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<tr>
<td><strong>Minister for Social Services</strong></td>
<td>The Hon Christian Porter MP</td>
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<tr>
<td>Minister for Human Services</td>
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<td>Assistant Minister for Social Services and Disability Services</td>
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<td><strong>Minister for Education and Training</strong></td>
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<td>Assistant Minister for Vocational Education and Skills</td>
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<td><strong>Minister for the Environment and Energy</strong></td>
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<td>Hon Bill Shorten MP</td>
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Thursday, 1 September 2016

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

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

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

GOVERNOR-GENERAL’S SPEECH
Address-in-Reply

Consideration resumed of the motion:
That the following address-in-reply be agreed to:

To His Excellency the Governor-General

MAY IT PLEASE YOUR EXCELLENCY—

We, the Senate of the Commonwealth of Australia in Parliament assembled, desire to express our loyalty to our Most Gracious Sovereign and to thank Your Excellency for the speech which you have been pleased to address to Parliament.

Senator McKIM (Tasmania) (09:31): Before I concluded my previous contribution on this, I was speaking about the fact that the government's so-called border protection regime is crumbling before our eyes. I want to note in that context that that was effectively admitted by the immigration minister, Mr Dutton, who, in a media release less than two weeks ago, admitted that people smugglers are still targeting this country. We were told as a people that this cruel and inhumane policy, based on punitive, indefinite detention offshore and boat turn-backs, would actually deal with the issue of people putting their lives at risk at sea—that is, people seeking asylum—and also would smash the business model of the people smugglers. Well, neither of those things have come to pass. In other words, all the cruelty, all the inhumanity and all the people we are breaking on Manus and Nauru is for naught. This is a public policy failure almost without precedent in our country's history.

The election of four One Nation senators to this, the 45th Parliament, should give us all pause for reflection about the degradation of the public debate in this country, but particularly the institutional weakness of the Liberal Party under the leadership of not only John Howard but also now Malcolm Turnbull. Remember, in 1996 Senator Hanson was just disendorsed by the Liberal Party for expressing bigoted views about Australia's first people. Now, 20 years later, not only does Mr Turnbull fail to disendorse bigots and xenophobes, but he also placates them, promotes them and even gives them senior ministries.

Remember, in 2008 Minister Dutton infamously boycotted the apology to the stolen generation. Last year he was caught making a bigoted remark about Cape York before what he thought was a hilarious joke about Pacific Islanders losing their homes to rising sea levels. Since becoming minister, Mr Dutton infamously said that refugees are 'illiterate and innumerate' and would be stealing Australian jobs. He then doubled down on his hate speech by despicably trying to link refugees to terrorist attacks in Turkey and France. Let us call out...
Mr Dutton's remarks for what they are: turning your back on an apology to the stolen generation is bigotry; joking about 'Cape York time' is, at the very least, casual racism; calling refugees 'illiterate and innumerate' job thieves is xenophobia; and linking asylum seekers to terrorism is divisive bigotry that should have stopped over 50 years ago. But rather than demoting or disendorsing Mr Dutton for his repeated public expressions of racism, bigotry and xenophobia, Mr Turnbull has made him his immigration minister. Instead of lancing the boil of racism and bigotry, Mr Turnbull has allowed it to take root at the very heart of the Liberal Party.

Australia's immigration policy has been written by people who do not believe that asylum seekers are worthy of humane treatment, but instead that asylum seekers deserve arbitrary punishment and indefinite detention. Our current policy seeks to dehumanise those who seek safety in our country and seek the protection of our country. Our current policy seeks to do so in order to try to send a message to the rest of the world. The Australian Greens do not believe that we solve humanitarian crises by creating new ones. We will never accept the cruel and broken logic of locking people up indefinitely in punitively inhumane conditions and doing everything we can to break those people, tragically damaging many of them, potentially for the rest of their lives. We cannot help the displaced people of the world by turning boats around to meet an unknown fate at sea or to deliver them into the hands of those they are trying to flee. We, as Australians, can do better, and we must do better.

The far Right of the Liberal Party have not been placated by being able to write our offshore detention policies. Now they want undermine our legal protections against racial hatred and abuse. The campaign against 18C of the Racial Discrimination Act, effectively to destroy the integrity of that act, is being led by a rabble of media bullies, confused racists and self-anointed freedom warriors, none of whom seem to understand how this law works, how it operates or how it has been interpreted by our courts.

Section 18C makes it unlawful to 'offend, insult, humiliate or intimidate another person' on the basis of their 'race, colour or national or ethnic origin'. However, 18D of the same act creates widespread exemptions for artistic, political, scientific or academic communication, provided that that communication was done reasonably and in good faith. In other words: section 18D, which is ignored by those who want to destroy the integrity of the Racial Discrimination Act almost as much as the rest of the country ignores the second verse of Advance Australia Fair, provides sweeping freedom of speech protections. If these people, these self-anointed defenders of free speech, really cared about free speech, they would be moving to repeal the secrecy provisions contained in section 42 of the Australian Border Force Act. But they will not do that, because they want the veil of secrecy over what is going on in Manus and Nauru and Christmas Island and in Australian detention centres maintained. If they really cared about freedom of speech, they would be pushing for reform of our defamation laws. But of course they will not do that, because they are almost exclusively used by big corporations and politics to sue other people to try to keep them quiet.

Opponents of 18C say that the words are vague or set too low a standard, but there are clear precedents that set out exactly what those words mean. As Justice Susan Kiefel said in a 2001 case:

... offend, insult, humiliate or intimidate [are] profound and serious effects, not to be likened to mere slights.
On becoming Prime Minister, Mr Tony Abbott promised to change the law, with his Attorney-General, George Brandis, making his infamous claim, ‘People do have the right to be bigots.’ Of course Mr Abbott eventually backed down, following an impassioned and united from religious and other groups in this country. But just like the racism and bigotry that they seek to encourage, the anti-18C campaign has reared its ugly head once again. Having apparently never read a Facebook comment thread, these self-styled modern-day enlightenment thinkers of the IPA and their agents in this place—and there are many of them—claim that 18C is making Australians afraid to speak their minds. What utter, utter nonsense.

Even if 18C was a curb on freedom of speech, I ask this very simple question: what precisely is it that opponents of this section want to say or want to empower others to say that they cannot currently say without contravening that section? The only logical answer is that they want to either engage in or empower others to engage in racist hate speech. How much further do they want to go to poison our national conversation with abusive speech made in bad faith? The only answer is that they want to unleash more racism and bigotry. The Greens will not accept a weakening of the limited protections we do have against racial discrimination.

If we are serious about increasing freedom of expression in this country, then let us discuss the lack of diverse voices in our parliament and in much of the mainstream media. Let us talk about the widening gap between the haves and the have-nots, between the very well off and the poor, and the disproportionate say that wealthy and corporate entities have in our political debate. Let us talk about the systemic racism and entrenched disadvantage that keep many minority voices silent and out of the national debate. Let us talk about the massive secrecy that surrounds our appalling treatment of people seeking asylum, including section 42 of the Border Force Act, which means people speaking out about abuse in detention centres, if they work in those detention centres, face up to two years imprisonment for blowing the whistle. These draconian limitations act as strong disincentives for workers to make disclosures about breaches of human rights in detention centres for fear of conviction or imprisonment.

Those who seek to destroy the integrity of the Racial Discrimination Act by moving legislation that seeks to remove the words 'offend' and 'insult' from that legislation have spectacularly failed to make the case. For them to style themselves as warriors in defence of freedom of speech not only ignores the widespread protections contained in section 18D, not only ignores all of the other much more impactful restraints on freedom of speech that we have in statues in this country, it also ignores the fundamental and obvious truth that freedom of speech, like almost every other right that we have as citizens, is not an absolute right and never should be an absolute right.

That is why Australia needs a bill of rights. We have codified at length and in many statutes in this place our responsibilities as citizens, and rightly so. We do have responsibilities as citizens, and it is the parliament's job to codify those responsibilities. But we have not, to any degree, attempted in a meaningful way to codify our rights as citizens—even some of the most basic human rights that every Australian would support and which every Australian, to a degree, takes for granted. It is time that we had a bill of rights in this country, and I say to members of this chamber and, through this chamber, to the Australian people that the Greens will be moving on this in this term of the parliament. We will be
drafting a bill of rights for Australian citizens so that we can codify the rights that we have, and not just the responsibilities that we have as citizens. I very much look forward to that debate occurring in this place.

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (09:44): I will commence, in responding to the Governor-General's address, by congratulating you, Madam Deputy President, on your election to your position and wishing you well as you help with the governance of this chamber. And I would like to thank the people of South Australia, not only for their confidence in the Turnbull government and the coalition to provide government but also personally for their support for me to return as one of their representatives in this chamber. By way of extension from that, I also thank the members of the Liberal Party, who have put their confidence in me to represent the views that we bring in relation to ways to grow our economy to provide opportunity for people to build a better nation not just for this generation but, importantly, for the generations that follow.

We cannot start this session of the parliament without recognising that there are colleagues who, through no decision of their own, are no longer with us, and I would like to recognise from South Australia Senator Sean Edwards, Matt Williams and Jamie Briggs, who have served the people of Australia, and South Australia in particular, and who are no longer with us. But at the same time it is my pleasure to be able to welcome Nicolle Flint, the new member for Boothby, and to congratulate her on the campaign she so successfully ran in South Australia.

For the majority of the time allotted to me I would like to talk about part of the coalition's plan for Australia's economy and how we will grow that economy. I will particularly focus on the second point of the plan that was presented to the Australian people, which is around how we can better leverage investment in defence capability to make sure our defence forces have the equipment they need when they need it and that we can use that investment to benefit the broader Australian economy. The reason I wish to focus on this is that there has been a lot of discussion around this policy, including among those who have seen attempts at reform in the past and are somewhat cynical as to whether in fact reform of defence procurement will have an effect, particularly as they look at past ANAO reports that have commented on previous attempts at reform. They have commented that all that has occurred has been greater complexity and more process, cost and delay, as opposed to actually achieving the outcomes. That view extends to members of the public who saw announcements during the election campaign as being purely politically motivated as part of a broader strategy in the national interest, through to the Productivity Commission, who have challenged the underpinnings of the coalition's policy around defence industry and defence capability and have said that it is a step backwards to some of the worst protectionism they have seen, through to members of the crossbench who advocate for quite an expansive protectionist position in defence.

The policy the coalition is bringing forward is none of those things, and today I would like to talk through why the coalition's policy position is different from previous attempts and what the levers are that will actually enable us to change, as well as to articulate a little of what should change and, importantly, to highlight those people who should be responsible for driving some of that change. The first question is: why is this policy position different? Going back to 2013, one of the things the coalition took to that election was the fact that there was a need for a root and branch review of the management of Defence. That came out of the 2012
Senate inquiry into defence procurement. The then shadow minister for defence, Senator Johnston, was a member of that committee. What came forward was the promise to hold a first principles review. That first principles review, delivered after the coalition was elected in 2013, has looked at the fundamentals of how Defence manages its business and, particularly in this area of procurement, the need to have a scalable procurement process so we no longer apply the same process to buying large pieces of capital equipment as we do to smaller buys. That has been a consistent complaint from industry: that there has been huge cost; in fact, sometimes the cost of actually tendering and running the assessment process, even for the Commonwealth, has been an unreasonably large percentage of the total value of the procurement activity itself. So significant reform is coming out of the first principles review.

Secondly, there is the white paper, which, for the first time, actually tries to align our strategic imperatives with the defence capability that is required and then, importantly, not only to identify the resources that are required to fund the pieces of equipment but, looking at the more holistic view of capability, also to look at what we need to fund to have all of those fundamental inputs to capability: the people, the training, the infrastructure, the doctrine—all of those things that go towards making a capability and that need to be funded. So there has been a more holistic view of capability in the white paper than we have seen in the past.

But the one that really impacts on the election commitment to drive a better outcome for Defence as well as for the taxpayer and the economy, through defence procurement, is the Defence industry policy statement. The fundamental difference in this Defence industry policy statement compared with the previous ones is the concept of defence industry as a fundamental input to capability. That is important, because it means that no longer do we see industry as something separate from Defence that Defence just draws on when and how it needs it without really caring about its sustainability. Instead, the service chiefs, as capability managers, actually have an interest—indeed, they have an obligation—to care about those elements of defence industry that are critical to the sustainment of effective, affordable and available capability, and I will come back to those three key words later. That is a paradigm shift from the culture that has been in Defence—and to a certain extent in government—in the past. I will talk about why that is important. It is because one of the key levers for change is understanding how we define value for money.

In the past, procurement activities have largely relied on competition to obtain value for money, and, despite a few tacit acknowledgements that you need to consider whole of life, that has focused very much on the procurement stage—the actual acquisition of capability. Now, that is fine when your barriers to entry are quite small and people can enter or leave the market fairly quickly. But, when you have large investments in infrastructure, training and skills, and manufacturing capability, it is not a sustainable approach. You cannot have a range of industry players compete for every project, and sometimes for every phase of a project, and expect that they are still going to be productive and efficient, with low-risk delivery of capability.

So the DIPS takes a different approach. It says we need to look at value for money across the project's whole-of-life. There is no point buying something really cheaply up-front if the subsequent contractual arrangements make it almost unaffordable to sustain. There is no point buying something really cheaply up-front if the back-end and through-life arrangements mean that that equipment is not available when the service chiefs need it to respond to government
requests. There is no point buying something really cheaply up-front if we do not have the capability to keep that piece of equipment effective as the requirements of its role and its use against threats change. Value for money across whole-of-life means that Defence and the government need to understand which critical parts of industry we need to sustain; where necessary, repair or modify; and certify as equipment that is safe for use.

That does not mean, as some on the crossbench have indicated, that we should be doing everything here in Australia. Clearly, there are some things that it makes no sense to try and do here in Australia, because of either scale or complexity. For example, where there is a large, international user group of a piece of equipment with a common configuration, it is more sensible for us to tap into the engineering, design support, design assurance and manufacturing capability that support that large, international fleet than to try and do it here.

But where we have a small fleet of a unique configuration—pretty much all of our surface ships and submarines, and some vehicles, but particularly small aircraft fleets that are complex, like the armed reconnaissance helicopters—there is clearly a need for a sovereign capability in design assurance and some elements of manufacturing in order to, as a minimum, understand the consequences around equipment fatigue, repair schemes and the need to modify then certify as safe to use. In some cases, the only way to achieve that is through having the capability here to design, innovate, produce and sustain. So one of the challenges is: how do we decide what those areas are? If we are not going to do everything but we cannot afford to do nothing, how do we define where that middle road is?

One of the key elements of the Defence industry policy statement is the creation of the Centre for Defence Industry Capability, and a key task of that group is to define what elements of defence industry are fundamentally important to our defence capability—where we should be investing in that sovereign ability of Australians, whether they be uniformed, public servants or in industry, to have that knowledge so that industry has the capability and capacity to design, manufacture and, importantly, certify as safe for use.

Other nations, such as Singapore and France, have well-developed systems. The Defence Subcommittee of the Joint Standing Committee on Foreign Affairs Defence and Trade last year looked at the United Kingdom in detail. In 2005, the UK's industrial white paper explained the need for them to understand what their sovereign requirements were—and we see that in practice with things like their complex weapons program or, in 2009, their long-term partnering agreement around surface-ship building, where they said, 'We are going to avoid short-term competing contracts; we are going to have a long-term partnership with a joint venture that will build all of the UK's surface ships.' They have contracting models that drive productivity, efficiency and cost savings. In return, industry has the certainty of tenure to invest in its people and its facilities so that it can deliver those efficiencies and savings to the Ministry of Defence and the UK government. There is almost a warranty from the Ministry of Defence that, if they cannot line up consistent work, they will pay for that joint venture to keep people with those key skills employed, because in the long term, even the medium term, the cost of paying for those people to remain available and skilled is lower than it is to let their skills lapse and have to start again, with all of the attendant risk and costs associated with that. The Ministry of Defence have also taken the political pain of being prepared to say, 'We will consolidate down to three key shipyards,' rather than trying to sustain large numbers of shipyards in disparate locations around the country.
The Defence approach here to shipbuilding, and the coalition's commitment to a continuous shipbuild is a plan to consolidate down to Osborne in South Australia and to two key areas of shipbuilding activity in Western Australia. Some people were critical about this during the election campaign, saying that was all about pork-barrelling. But if you look at not only the commitment in 2013 to have a continuous shipbuilding plan but also the Rand review, which talked about the need to have a sustainable workflow, and overseas experience, you see that this is a well-considered, long-term strategic plan by the coalition to put our shipbuilding industry on a sustainable footing so that we have the capacity to make vessels for Navy that are affordable over whole-of-life, available when the Fleet Commander needs them and effective in their role. You only have to look back to 2011 and the collapse of the amphibious fleet, which led to the Rizzo review, to see that these are very real risks. They are not things that are just made up and fearmongering. We have seen quite dramatic impacts on our defence capability where we have not taken this whole-of-life view around how we should be sustaining defence equipment.

What will change? The procurement processes will change. The first principles review is already starting to drive change in that regard. The feedback that I have from industry is very positive about that. The culture needs to change. The strategic culture of government, both within the Department of Finance and the Department of Defence, needs to understand that we have to rethink how we assess value for money. It needs to move beyond a focus on competition over multiple phases of a contract to long-term partnerships for these areas where there are high barriers to entry. The individual culture needs to change. I encourage Defence, when they are teaching about doctrine, personnel training, collective training and other fundamental inputs to capability—not only at the senior levels but right down to their junior officer training—to train their young officers to understand the role that industry plays as a fundamental input to defence capability.

When I was speaking at an industry conference just a couple of weeks ago, I saw an example of that long-term culture manifested in somebody with a key role of managing capability in Defence. They said what they were really interested in was military off-the-shelf acquisition. That was saying to Australian industry that they just wanted to buy offshore without seeing the opportunity for those key elements of Australian industry to be involved in development of the innovative technology and IP that makes the capability of our Defence Force greater—here you can think of current things like CEA and their radars, Saab with their 9LV combat system and other Australian innovations that have been affordable and effective and that provide a suitable base for moving forward.

That culture in Defence does need to change, and the key to it changing is this process being run by the CDIC which asks, 'What are the strategically important defence industrial capabilities we need to have?' and then allows the outcome of that assessment framework and the capability plan that will flow from it to shape the procurement decisions. So, when Defence are considering procurement and provide a brief to the government, the government can see the linkages between the proposed procurement activity and the capability plan and have the assurance that the investment decisions are going to be: firstly, good for defence and defence capability, and secondly, good for Australian industry in terms of developing those things which we want to be sustainable and where we want to develop IP and afford industry
the opportunity to have a product that they can export under suitable controls to keep industry sustainable.

With this whole area of defence and its impact on the economy, it is important that we do not allow the cynicism of some in the public and the rationalist view of the Productivity Commission, who have not necessarily done their homework, to prevail. The Productivity Commission's claims about the premiums on things like shipbuilding were quite ill informed. They were talking about premiums of around 30 per cent, but the premium with ship 3 on the AWD at the moment is 13 per cent and decreasing; it is likely to be well under 10 per cent. If you take into account the fact that the human labour component of the total cost of the ship is only around 30 to 35 per cent then that premium is actually even smaller. If we commit to this continuous-build program, if we commit to getting this assessment—the CDIC process of assessing what the critical areas of industry are—we will drive more affordable defence capability looking over whole of life. We will drive more available defence capability looking over the whole of life. We will drive more effective defence capability over whole of life. The spinoff—it is a spinoff; it is not a driver—will be better jobs, better innovation and a better future for our younger people who are training, whether they be in trades or university, so that they will have a decades-long industry. This is a long-term strategic plan by the coalition, and I believe it will transform our defence and our nation.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (10:04):
Thank you, Acting Deputy President Bernardi. Can I take the opportunity to say we will miss you while you are away on the delegation. We will miss you more than others, I suspect!

I rise to respond to the address by His Excellency the Governor-General on Tuesday. I am going to talk on one of your favourite topics, one that I know you are a big fan of, Acting Deputy President Bernardi. In his remarks, prepared for him by the Prime Minister's office, the Governor-General said:

The rollout of the NBN is ramping up and NBN Co has continued to meet its targets.

It was the only moment when silence was broken, as people openly laughed out loud in the chamber. I cannot dob you in, Acting Deputy President Bernardi, by saying that you were one of them. I suspect you might have been though!

On this point, I regret to inform the Senate that His Excellency would appear to have been sadly misinformed by the Prime Minister's office. Under Mr Turnbull's direction, first as the communications minister and now as the Prime Minister, NBN Co, stacked with Mr Turnbull's hand-picked mates, has failed the Australian people. And what stunning failures they have achieved! While in opposition, Mr Turnbull liked to say that his second-rate copper NBN would be built for a third to a quarter of the cost of Labor's proper fibre NBN. This began unravelling in April 2013 when Mr Turnbull promised he would build his second-rate NBN for $29.5 billion in total funding and get it to all Australians by 2016. That is a mere four months away. Other than you, Mr Acting Deputy President Bernardi, could anybody else in the chamber who is on the NBN please put up their hands? There is nobody but you, Mr Acting Deputy President Bernardi. Three months away and we are all going to have it. What a cracking pace the NBN are going to set the next three months!

But worse was to come. By December 2013 the cost had blown out to $41 billion—that is $29.5 billion to $41 billion—and the time frame had blown out from 2016 to 2020. 'It is just four small years; don't worry about that,' he told everybody. But in August 2015 Mr Turnbull
conceded that his second-rate NBN was now going to cost even more, Senator Hinch. I am trying to make sure I keep you awake, Senator. Mr Turnbull had taken it from $29.5 billion to $41 billion, and do you know what the cost today is? It is $56 billion. It was $29.5 billion in 2013 and $56 billion is his cost today.

But it keeps going. When he announced this massive blowout he tried to blame the failures on the previous former government and the former management of NBN Co. But at that point inside the company something broke. People who were putting their heart and soul into building the National Broadband Network could not take the lies that were being told by NBN Co's CEO, by the chief executive, by the minister and by the Prime Minister. So from late last year documents started to emerge that put at Mr Turnbull's door responsibility for the debacle that the NBN has become. Senator Hinch, I know that these are issues which you will have to discuss and debate in the future. In November 2015 a document emerged about Mr Turnbull's acquisition of the old Optus pay TV network—a network Optus agreed to shut down, that they had not invested in, that they tried to sell to me when I was the minister. I said, 'No, thanks,' because I had a report on it and I knew, based on the best advice going, that the Optus network was not fit for use.

This document—this 'official secret', this 'commercial-in-confidence' issue, this 'national security issue', which are all reasons being quoted at the moment by that side of the chamber about why the police should be investigating my staff and people at the NBN—said that the HFC network that Mr Turnbull bought from Optus was not 'fit for purpose'. This is advice from inside the company itself. This is an internal document from NBN Co which completely contradicts the stories being told by the Prime Minister and the minister and told by the CEO and the chief executive when they appeared before Senate estimates. You will expect these people to tell you the truth when they turn up and you question them, Senator Hinch, because the understanding is that if you ask the right question they have to tell you the truth.

The ACTING DEPUTY PRESIDENT (Senator Bernardi): Please address your comments through the chair, Senator Conroy.

Senator CONROY: My apologies, Mr Acting Deputy President. Through you, Mr Acting Deputy President, Senator Hinch—

The ACTING DEPUTY PRESIDENT: To me, Senator Conroy.

Senator CONROY: To you. When Senator Hinch asks a question of any official in front of him he will expect the truth to be told. Well, you are in for a very, very sad time—through you, Mr Acting Deputy President. When they sit there and say, 'We bought the HFC network believing that we could use it,' we know that internal documents say that they knew that it was not fit for purpose.

There is a lot of technical jargon in this particular world. You will, tragically, come to have an understanding in not too short a time. The document went on to explain that the nodes were oversubscribed—this is about the HFC network—that equipment was nearing the end of life and that NBN Co was considering overbuilding it entirely at 'significant cost'. So the internal document said, 'It is not fit for purpose, the equipment is at the end of its life and we actually have to overbuild it rather than use it.' That is what the internal working document said. That is the national security issue; that is the commercial-in-confidence issue; that is the intellectual property issue—all of the defences they are using.
In 2012 Mr Turnbull himself said that this network that they bought—and we are talking hundreds of millions of dollars, not 50 bucks; we are talking $800-plus million—could be upgraded for 'a modest cost to provide NBN equivalent services'. It was rubbish then and this document proves that it is rubbish now. So little wonder that, in all of the hullaballoo and excitement that Senator Hinch has enjoyed—or endured, depending on your perspective—over the last few days, the NBN snuck out their report last week. Do you know what they did? They said that they were going to connect 1.5 million fewer premises to the HFC than they had predicted the year before. So 1.5 million Australian homes were not going to get, as they had been promised, the HFC connection, with many to be forced to use Mr Turnbull's favoured, even slower, second-rate copper network.

So 12 months ago they promised to connect about four million Australian homes using this network, and they already knew about the issues. I publicly said it was a dog. I did not buy it. I refused, because I knew that it was a dog and that it could not deliver 21st century broadband speeds. It was built in the last century and Optus had not spent a cent on it. But, no, Mr Turnbull knew better than all the experts and all of the advice. So last week the board themselves had to fess up to this 'national security' issue, this commercial-in-confidence issue. Then, in December 2015, another document appeared which revealed two key things about Mr Turnbull's botched administration of the NBN. First, it showed that the cost of patching up the old copper network was estimated not at $55 million, as Mr Turnbull had claimed in 2013, but that it was going to cost $641 million. That is a blow-out, if you do the maths quickly, of 1,000 per cent. These clowns go it wrong by 1,000 per cent. Three years ago, when talking about his fiction of $55 million, Mr Turnbull assured the parliament:

... very conservative assumptions have been taken about the level of proactive remediation of the copper network ...

Three years on—despite the best advice and despite, in an incoming government brief, being given categorical statements from people who know something about the copper network that it needed massive remediation—he told parliament that 'very conservative assumptions have been taken'. That is what happens, Senator Hinch—through you, Mr Acting Deputy President Bernardi—when you hire your mate whom you own a yacht with in Sydney into the company at $800,000, and you tell him the outcome you want before you start: he comes up with a very conservative estimate of $55 million to repair the copper network. Seriously? I know you are going to sit there and go, 'No, he's making this up.' I promise you, on my daughter, that is what he did. So, he hired his mate whom he owns a yacht with, he stacked the board with his old telco-sector mates who he has worked with before, and he came up with a 'conservative assumption'.

The document shows a 1,000 per cent blow-out in the cost. Apparently this is another national security issue, another commercial-in-confidence issue and another reason why we have to send the police in. But the document went further. As I said, it showed that the cost to the taxpayer of fixing the old copper network increased by more than 10 times. But the second thing that the December leak revealed was that in 2013—when Mr Turnbull was already the minister and had his yachting mate prepare the report—the report said that the second-rate copper network would only cost $600 per home, when in actual fact the cost has nearly tripled to $1,600 per home.
Senator Hinch—through you, Mr Acting Deputy President—you might think that it could not get any worse. There cannot be a set of steak knives to go with this fine meal that has been served up! Well, another document from December 2013, a document from inside the company while Mr Turnbull was the communication minister, revealed that Mr Turnbull was warned by experts in the company about the high cost of fixing up the copper network. NBN Co's input to the incoming government brief in 2013 made this clear. This is what the experts in the company told Mr Turnbull on his first day in office in that brief:

… significant network remediation will need to occur in the copper plant …

But Mr Turnbull knows best! Senator Bernardi, you have experienced it yourself. Mr Turnbull is the living expert. Mr Abbott, the then Prime Minister, described him as the man who invented the internet in Australia. I am not joking, Senator Hinch. Mr Turnbull ignored all of this advice. He hired his yachting mate, who had the cost of the NBN Co network presented to the parliament under his name. He got it wrong by nearly $30 billion and the time frame wrong by four years, and that bloke—believe it or not, Senator Hinch—has been promoted inside the company and given a bonus. Mr Turnbull's yacht-owning mate got a bonus. He did not get shown the door because he got the costing wrong by $30 billion, he did not get shown the door because he got the time of the build wrong by four years—he actually got a bonus and was promoted and given more responsibilities.

In February 2016, just this year, another document came out from inside NBN Co and it revealed that the NBN Co was running hopelessly behind on its internal targets. You might say, 'But just last Friday'—just yesterday in the parliament—the minister claimed they had met all their targets.' This document revealed that the low-ball targets that NBN Co publishes once a year are so low, Senator Hinch and Senator Bernardi, that the three of us together could meet them if we got out there and said that we were in charge of connecting the homes. Just the three of us could meet their external targets.

But this document showed that the NBN Co were not actually meeting their own internal targets. It completely contradicted all of the claims of the Prime Minister, the minister, the CEO and the chairman of the company. Well! National security has been invoked! Official secrets have been called upon and the police have been unleashed to get to the bottom of who has dared to contradict the Prime Minister—who has dared to show that inside the company they know that they are not meeting the targets, because that contradicts what the Prime Minister and what the minister are saying. There are actual internal targets that they are failing to meet, and the documents showed that NBN Co has hit less than a third of its internal targets—less than a third for Mr Turnbull's second-rate solution—due to the poor quality designs and problems with connecting nodes to the electricity networks. You might think, 'How could you possibly not work out that you need electricity to run a node—those cabinets in the street? How could you get this so wrong?'

In April 2016, just a few months ago, another set of documents was leaked that revealed that not one single fibre-to-the-node area built by NBN Co itself under its own steam had been completed on time, not one. So in March—just go back one month—another document revealed that, under Mr Turnbull's fabulous brand-new $56 billion network to be built using the copper, up to five dropouts a day on this network were considered 'acceptable'. Fifty-six billion dollars of taxpayers' money to build a network that can drop-out five times a day is 'acceptable' to Mr Turnbull's mates on the board.
Acting Deputy President Bernardi has the NBN. He has got the real NBN. Do you get five dropouts a day, Mr Acting Deputy President? I know you are not in a position to answer from the chair. But ask Acting Deputy President Bernardi: does he get five dropouts a day on his fibre network, on the real NBN? He will tell you. He is trying not to embarrass the Prime Minister—the first time this year. There is a reason they will send you, Mr Acting Deputy President Bernardi, to New York three times in the next three years. Okay?

Mr Turnbull wants to flog off NBN Co in the future. I tell you what, Mr Turnbull is turning the NBN Co into the FAI of the telco sector. He is going to have one valuation for the public when they want to buy it and he is going to have his own private valuation where he knows it is a dog. He has destroyed the internal rate of return, and is now going to try and borrow $20 billion. You and I are all going to pay the extra tax tab on that. (Time expired)

Senator WHISH-WILSON (Tasmania) (10:24): I am sure you will be much relieved, Acting Deputy President Bernardi, that it is now my time. I rise to respond to the address of the Governor-General and I note that it is the third time in three years that the Governor-General has come in here and delivered the Prime Minister's speeches for the nation, which tells a story in itself. It is an unusual time in political history but an important time for each and every one of us—I am speaking for myself here and no doubt for some of my colleagues. It is an opportunity to reflect on why we are here, what we want to achieve and what our legacy is going to be for our short time in parliament.

The story of what happened in Tasmania in the last three years and in the Tasmanian election is a story that I think needs more telling. I do not do this to gloat or to rub in the face of the Liberal Party the catastrophe that the 2016 double dissolution election was for them in Tasmania; I raise it because it tells a very important story about the 45th Parliament that we are going into. It concerns me that already within the first week of being back in here it is a bit like groundhog day—I feel like history is repeating already and that none of us have learned from the mistakes of the very volatile 44th Parliament.

A week into the double-dissolution election campaign, I did an interview with Brian Carlton from Tasmania Talks, down in Tasmania. At the end of the interview, he said to me, 'Senator, what is your call, what is your bet on the three amigos—the three Liberal MPs in Northern Tasmania?' I said, 'Brian, my call is that they are all going to lose their seats in a landslide.' He said, 'Senator, you would be the only one saying that.' Most of the polls at the time and the expectation on the street was that those electorates were going to be tightly contested and held by the Liberal Party. My reasoning was simple: I do not believe any of those three Liberal MPs in my state of Tasmania ever recovered from the 2014 budget. The impression I got from speaking to constituents and from being on the ground was that the lack of vision and the cruel harsh budget cuts deeply impacted my electorate of Bass and the other northern electorates, which are some of the most disadvantaged electorates in the country—all the statistics tell us that; it is not something to be proud of and is something we have to work hard on. I felt and the constituents felt that that cruel, ideological budget of the Abbott Liberal government at the time was going to be devastating for many Tasmanians.

We had rallies and people spoke to their local members but what did they get back from their local members, including from my local member in Bass, Mr Andrew Nikolic? What they got told was that we needed to do this because we were in a budget emergency. They got told that they were going to lose, that they were going to take cuts to their pensions and that
they were going to lose entitlements on social security. They were told they would have to wait 12 months before they would get payments, that there were going to be cuts to health care and education because of a budget emergency. Well, it did not cut the mustard in Tasmania then and it will not now.

Fast forward to 2016 to this address of the Governor-General and the same thing is happening. We have a new Prime Minister who delivered his speech a couple of days ago through the Governor-General, which I must say was a total fizzer. I understand why Senator Hinch fell asleep. I think we all have to be honest with ourselves: most of us were employing every trick in the book to keep our eyes open during the speech. My trick was actually focusing on the Governor-General's aide-de-camp, who stood—

Senator Conroy: Wasn't she magnificent!

Senator WHISH-WILSON: to attention throughout the whole thing and did not flinch once. I have got to say, if that sets the tone for this government then I have to ask the question: where is the vision? Where is the plan? 'Jobs and growth' is a three-word slogan. Where is the plan to sail this economy through the doldrums?

Where is it? The only plan Mr Tony Abbott had was to rip up all the good work of the Greens and Labor in 2013. There was no vision, no mandate to do anything. Nothing has changed.

It pains me to read the media release from TasCOSS yesterday. They talk about the omnibus bill, the first piece of legislation that we are going to get here. They say that this bill, to be tabled in federal parliament, will 'make life for the 16,000 jobless Tasmanians even more difficult'. The CEO of TasCOSS, Kym Goodes, said:

The instability of Tasmania's labour market combined with the proposed changes to NewStart … will put even more financial pressure on the entire generation of Tasmanians currently looking for work.

Then she goes on to say:

The NewStart Energy Supplement could be paid for many times over by withdrawing proposed Government tax cuts and cutting Capital Gains Tax and negative gearing concessions.

There are so many elements already in the first piece of legislation to this Senate that are going to hurt disadvantaged Tasmanians.

But there is no other plan on how we are going to stimulate the economy or generate jobs for Tasmanians. All we are going to do is put forward the same measures to make life hard for people in my state. It is Groundhog Day. We have learnt nothing from the last couple of years and nothing from the clear political outcome of a double dissolution election. The Greens do have the courage and vision to put forward an economic plan for this country—a plan that not only looks after the environment but actually delivers ideas on how we can stimulate the economy and how we can raise revenue, because we have a revenue crisis if we have a crisis in this country. We have a government that is not prepared to raise revenue.

We are talking about the Prime Minister's key focus this week as the parliament has come back. It was very evident in his speech in response to the Governor-General's speech: the massive moral obligation that we all have is to retire debt—a massive moral obligation. We heard something similar from Kevin Rudd about climate change. Now, that is a massive moral obligation for us to tackle. But it sounds very much like Mr Joe Hockey's budget emergency. We have already heard several speeches over the last two days about what Treasurer Scott Morrison calls 'the taxed and the taxed-nots'. It is the same kind of divisive
language we saw two years ago. Haven't we learnt anything? Why are we going over this old ground when there is so much that we can do as a parliament to actually make Australia a better place? Why the divisiveness?

We can act on housing affordability. We can tackle negative gearing and capital gains tax.

Senator O'Sullivan interjecting—

Senator WHISH-WILSON: You may not agree, Senator O'Sullivan. I know you have many real estate investments.

The ACTING DEPUTY PRESIDENT (Senator Bernardi): Address your comments to the chair, thank you, Senator Whish-Wilson.

Senator WHISH-WILSON: To you, Acting Deputy President.

Housing affordability is a serious issue for many Australians. Senator Ruston yesterday talked about intergenerational debt—the debt that we are leaving to future generations—as being our biggest issue. It is very similar to our massive moral obligation on retiring debt. She did not actually break down what that debt was. I do not think any of us disagree that personal debt, especially when it is debt-fuelled consumption or debt on a dangerous housing market, has serious implications for the future of this economy. I do not think any of us disagree with that. But where is the discussion about good debt and bad debt? Where is the discussion about debt that we actually need to spend on future generations of Australians and on productive and transformative infrastructure? It is missing from the rhetoric and spin of the Turnbull government. It is disappointing because, going into the election, Mr Malcolm Turnbull did make several comments about the need to look at innovative infrastructure, financing and development of this country. But all we have had since the election is more three-word, or even five-word, slogans. So I will give the Prime Minister that—there has been an advance on the slogans. Nevertheless, we need a lot more than that; we actually need some substance.

The taxation system is riddled with incentives for property speculators. It is inflating house prices. We know that a lot of Australians—and I have met a lot of them—are not fortunate enough to own their own home. This comes at the expense of an entire generation who are being locked out of the housing market in this country. Capital gains discounts, negative gearing and free passes for self-managed superannuation—the money that is flowing into investment properties—has put a handicap on young people looking to own their own home, and it is forcing them to spend more and more of their income on sky-high rents. Where do we hear the discussion about a dangerous housing market from this government and how we are going to tackle that? Well, the Greens have led on policies to tackle negative gearing and capital gains tax. Labor had a variation of that during the election. I understand—that there is certainly speculation—that it is being discussed in the Liberal party room. But if we can work on that together as a parliament—on ways that we can actually tackle that—and work on intergenerational equity and inequality in this country, that would be a positive thing for the Australian people. That would be showing true leadership and true vision.

Let's talk about monetary policy. We know that it has reached its limits and that it is struggling to stimulate aggregate demand. This is a theme all around the world. The world economy remains fragile. So, essentially, we are in uncharted waters. With Australian bond rates so low the government should be borrowing right now to invest in our future.
I would say the massive moral obligation of our time, Senator O'Sullivan, through you, Chair, is actually avoiding underinvesting in future generations of Australians. I went around the country, including to some areas in your state, Senator O'Sullivan, and heard about the infrastructure gap in this country. Nearly a trillion dollars is needed around this nation to invest—to create jobs and to invest in our communities. I am not just talking about roads and pouring concrete; I am talking about public transport, renewable energy, telecommunications, social infrastructure, pipelines. We came up with a massive list of asks from regional and rural communities as well as cities. There is so much we can do to actually build this nation now for future generations, if we have the courage to make the decisions and get over this obsession with the spin and rhetoric that debt is somehow bad.

I am especially talking about debt raised at historically low interest rates and invested in the right kind of infrastructure with the right process—an independent Infrastructure Australia so that we have a depoliticisation of the way money is allocated and spent in this country, working with markets for bond issuances against certain kinds of expenditure, developing new capital markets. I was pleased that new senator, Senator Hume, has some interesting ideas in this area. You will be pleased that we have something in common there, Mr Acting Deputy President Bernardi, because this is the kind of thing we need to be talking about. While interest rates are at record lows, we can lock in issuances of things like bonds. We can make pools and finance available to state and local governments.

In Tasmania we need $900 million now to invest in water infrastructure. Senator Bushby, through you, Chair, knows all about this: 15 communities in our state do not have clean drinking water. They still have to boil water before they drink it, and they want money. They have not been able to get any money from the federal government. Why don't we have low-interest capital available for local governments and state governments? We have some. They are very targeted and very specific programs where federal government infrastructure spending is targeted at communities around this country, but it is nowhere near enough. We could play a leadership role, if we had the courage, vision and leadership. The Senate select committee that I worked on spent a lot of time looking at this.

Interestingly, Standard & Poor's—we have heard a lot about AAA credit ratings, Senator O'Sullivan, and no doubt you will be talking about this when you get up—chief economist, Paul Sheard, is quoted in The Guardian today in an article by Martin Farrer in which he talks about the AAA impact on Australia. He said the federal government had to try to reduce 'bad debt' related to recurrent expenditure but also needed to increase 'good debt' to fund capital spending.

He talks about underinvestment in infrastructure. That is from the credit rating agencies. Yesterday I quoted TD securities—a big article by Jacob Greber in the Financial Review—also saying we needed to watch our AAA credit rating, but they excluded specifically investment in productive infrastructure.

There are two articles in two days supporting the Greens push to have a nation-building program to put on the table for this country. I am very pleased to say—and it is very good timing for me today—that there is an excellent article in the Financial Review today by Tim Pallas, the Victorian Treasurer. So all Victorian senators, please take note—unfortunately, Senator Hinch is not here. He wrote an op-ed this morning talking about how Victoria has gone out there and spent a lot of money on productive infrastructure, how it stimulated
economic growth in their state and has delivered and in fact improved their credit rating. He says:

The departing Governor of the Reserve Bank, Glenn Stevens, recently called for a more ‘nuanced’ debate—

and by nuanced, he means a political debate—

about public-sector debt, saying ‘the most powerful domestic impetus that comes from low interest rates surely comes when someone has both the balance sheet capacity and the willingness to take on more debt and spend’.

The federal government has the balance sheet capacity to do that, if that pool is taken away from recurrent expenditure and targeted specifically at infrastructure spending.

It goes on:

This is a debate the Victorian Government has been leading for some time, echoing the sentiments of S&P, which in a submission to a Senate Select committee—

which is a committee I chaired—

inquiry talked of the ‘productivity effects of high quality infrastructure delivery’. That is, government investment in high quality projects has a direct and positive impact on GDP.

We have consistently maintained that public investment in infrastructure is a key piece of the jobs puzzle, which is why we re-shaped that debate by announcing a 10-year capital plan in the 2016-2017 budget – looking beyond the budget and electoral cycle.

And as the Premier made clear last week, the private sector needs a willing partner in government; one that listens and is prepared to act. Governments need to be willing to roll up their sleeves and get to work.

In other words, the Australian people want to see their government taking an active role in their life, not leaving it to big corporations to make big profits in the hope that some of that is going to trickle down to the economy and to Australians at the bottom of the pile. It does not work, and that is what you are going to get from the Turnbull government—a $50 billion tax cut to big business. That is their GDP stimulating policy—that is it: give businesses a tax cut. Guess what? A lot of these businesses do not pay their fair share of tax already, so why give them another tax cut? This is a more direct way of governments getting out there and spending money where it is needed. Get money moving in this country, create jobs and invest in future generations of Australia, in the right kind of infrastructure and the right kind of projects.

Tim Pallas, the Victorian Treasurer finishes by saying:

While future generations may not have a voice in influencing today's investment decisions, our legacy for them should be a Victorian economy enjoying higher growth potential than if we'd sat on our hands. We have been sitting on our hands in federal parliament. We have no plan, no vision, under this government for jobs, for stimulating the economy, for sailing us through the doldrums; however, the Greens do have a plan. I am pleased that Mr Shorten in his Press Club speech said that infrastructure could be the one thing in this parliament, the 45th Parliament, where all political parties could work together. This is certainly something that we have been very keen on. We have done a lot of work in this area and we have collected evidence from—

Acting Deputy President, you would be quite surprised—many right-wing commentators who also support the Greens’ push for an infrastructure spending boost in this country.
We also have revenue-raising, fully costed, through the PBO, policies to raise nearly $140 billion of revenue, Senator O'Sullivan. We have a revenue crisis in this country, because the government does not want to take on the hard decisions. Twenty-four billion dollars that we give to the mining companies in fossil fuel subsidies—guess what? We do not need to take any money off poor Tasmanians; let's take it off wealthy mining companies that get a direct subsidy from taxpayers, and they should.

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (10:44): I woke up this morning under the heavy effects of the flu and, as I sat on the side of the bed, I thought the only redeeming feature was that the day could not get any worse. Then I walked in here, smack-bang into a lecture from the Greens on matters of the economy. I tell you, that smacks of complete hypocrisy.

This is a party that is determined to shut down the black coal industry, taking away the tens upon tens upon tens of thousands of jobs in the economy—a vital part of our economy, the resources sector. They do not want us to dig another hole or scratch another bush out of the way to take the wealth out of the ground of this nation and spend it for the benefit of all; they want to shut down agricultural industries—everything. They do not want us just to change the practices in the bush and agricultural industries; they want to shut them down. This is the crowd that joined the Australian Labor Party with such blinding vision in terms of economic production with pink batts and school halls and hundred-dollar cheques for every individual in the country, leaving us with this massive, massive, massive national debt. And you are a part of it—through you, Mr Acting Deputy President.

I sit here and have had a lecture for 20 minutes on why we do not have a problem and, of course, they would never attach themselves to the problem. If you listen carefully to the contribution of Senator Whish-Wilson—and, I am sure, to all the contributions that will come from this line of vision—you will not hear one of them tie themselves to an issue or a campaign that will resolve this atrocious economic situation that we find ourselves in, that is a legacy of mismanagement from the Greens-Labor coalition all those years ago. We now have deficits running at over $40 billion annually. You want to talk about generational debt? From the Howard years, my children were left with a clean bill of health on the economy. We were in the black. Imagine that: we were in the black; and you want to compare the investment decisions that your side of politics made to ours over time. We have a $50 billion infrastructure program going on.

Let's talk about my home state. You want to talk about infrastructure? I will talk to you about the range crossing. I will talk to you about $2 billion being invested there so the commodities of Western and south-western Queensland can make their way to the markets. You want to talk about investment? I am happy to talk about Sky Muster, where we are now going to provide, for the first time, communications to people in the bush and regional Australia on a level that they have never been able to experience, which will increase their capacity to increase their productivity and ability to bring the nation's books back into account.

You ignored all the programs laid out yesterday by the Governor-General's speech about the economy. You did not talk about the impacts on national security and the investment being made by this government to make sure that we live in a safe and balanced society here in Australia—all the issues and the investment and the effort that has been made with
counterterrorism, working on the digital defence and cybersecurity that this nation requires. But it is the infrastructure that I want to come back to for a few moments, because you talk about Tasmania—Tasmania needs our share of infrastructure spending than someone else's because it is an economy that has lagged for decades underneath the glove of the Greens preventing economic growth in that home state. What you need to do is to take a leaf out of our book and start to become pro-development, where you can properly exploit the natural resources of your state and start to pay your own way. That is what you need to do. You made no mention of that during your contribution in this place.

My contribution is going to be short today, and I know that that will disappoint Senator Whish-Wilson. But I want to say that the Governor-General's speech yesterday laid down a balanced program. It laid down a plan—a plan that has courage. It is a plan that has a government that is prepared to go forward and implement the measures it puts in place to ensure that our government leaves behind it, in the fullness of time, legacies for the next generation so they will not be burdened with massive levels of debt, massive deficits, structural deficits that are going to go on for decades. The government cannot do it without the support and cooperation of the other side, and it would appear that, once again, it is business as usual—they are not going to support us in this endeavour.

Senator McALLISTER (New South Wales) (10:50): Yesterday morning as senators were taking their oaths of office in this chamber, the ICAC report into corruption and political donations was being tabled in the New South Wales parliament. It is unfortunate that Senator Sinodinos's name was relevant to both proceedings. The Independent Commission Against Corruption's report is the product of years of investigation into the breach of electoral donation laws by the New South Wales Liberal Party using an associated entity called the Free Enterprise Foundation. It is a report that details a deliberate, well organised and systematic undermining of electoral laws by senior officials of a major party, and it is a report that merits our attention.

I would like to take the opportunity this morning to set out in this place some of ICAC's findings about the operation of the Free Enterprise Foundation. The following quotes are extracted directly from the ICAC report, and they explain the scheme that was put in place by the New South Wales Liberal Party.

From 14 December 2009 … the Election Funding Act prohibited political donations by property developers.

…… …

Key personnel in the NSW Liberal Party recognised that the prohibition on seeking and receiving donations from property developers … could have a serious negative impact on its budget …

…… …

Mr Nicolaou—
the chairman of the Liberal Party's fundraising arm—
suggested that donations could be made by prohibited donors through a body known as the Free Enterprise Foundation and come back from the Free Enterprise Foundation to the NSW Liberal Party. The Commission finds that Mr Nicolaou's suggestion was, in terms, implemented.

…… …
The Commission is satisfied that, during November and December 2010, the Free Enterprise Foundation was used to channel donations to the NSW Liberal Party for its 2011 NSW state election campaign so that the identity of the true donors was disguised. A substantial portion of the $693,000 provided by the Free Enterprise Foundation and used by the NSW Liberal Party in its 2011 state election campaign originated from donors who were property developers and, therefore, prohibited under the Election Funding Act from making political donations.

The report also states:

By these means, it was only the large donors whose identity would ever become publicly known, and those donors would appear on the public record as having made their donations to the Free Enterprise Foundation, not to the NSW Liberal Party.

So how is it that Senator Sinodinos was involved with this scheme? He had oversight of it. Again, I turn to the words of the ICAC report:

Specific tasks and functions of the NSW Liberal Party are delegated to committees … Under the party constitution, the Finance Committee has responsibility for the management of income and expenditure of the State Party.

Mr Sinodinos was the chair of the Finance Committee. He was actively involved in fundraising and, in this regard, had a fundraising role second only to Mr Nicolaou.

The report states:

The Commission also accepts the evidence of Mr Nicolaou that he raised the matter specifically with … Mr Sinodinos …

The report continues:

Mr Neeham said that either Mr Webster or Mr Sinodinos raised the question of whether the proposal was legal. According to both Mr Nicolaou and Mr Photios, the need for legal advice was raised. There is no evidence that relevant legal advice was obtained.

That is where the quotes end but it is not where the issue ends, because this report raises serious concerns for Senator Sinodinos to explain to this chamber.

We have been asking questions of Senator Sinodinos and the government about the Free Enterprise Foundation for quite some time. Those questions have been batted away for as long as we have been asking them. Earlier this year, for example, Senator Brandis declined to give a substantive answer to a question relating to the foundation on the basis that it related to mere allegations. In his usual way, he very helpfully explained that:

All sorts of allegations are made against people all the time, and the fact that the statements are made does not make them true. If they are not supported by a finding by the relevant court, tribunal, commission or board, they amount to nothing.

Well, the quotes I read out earlier were not allegations; they were the findings of ICAC. Thus, by Senator Brandis's metric, they amount to something.

After the report was handed down, Senator Sinodinos rushed out a statement to the effect of 'there is nothing to see here'. I intend to step this chamber through why this is not the case. This report raises serious questions of integrity. Senator Sinodinos has said that no findings were made against him, and it is true that no findings of corruption were made against him. But ICAC found that Senator Sinodinos's evidence was, in parts, not believable. As the report states:

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Mr Sinodinos was the chair of the Finance Committee. He was actively involved in fundraising and, in this regard, had a fundraising role second only to Mr Nicolaou. Yet … Mr Sinodinos denied knowing that the Free Enterprise Foundation was a major donor.

The report also states:

The party received $629,000 in three days from one donor, but no one on the Finance Committee admitted to knowing anything about it in their evidence.

ICAC found this evidence:

… difficult to accept.

We now have the situation where ICAC has questioned the credibility of a senator of the Commonwealth and a minister of the Crown.

Senator Sinodinos said:

I gave my evidence and respected the process throughout.

In fact, the transcripts of ICAC proceedings reveal 101 separate instances where he claimed he could not answer a question because he could not recall. Just for reference, that is 23 more memory lapses than President Ronald Reagan had during an eight-hour deposition about the Iran-Contra affair.

The report also raises very serious questions about Senator Sinodinos's judgement. The report's findings depict someone who was uninterested in knowing the detail of a program he was responsible for. This carelessness seems at odds with the person described by others who know him—a man who Prime Minister Turnbull described as:

… a pillar of the Howard government, as he is of mine.

In 2009, a year before the proposal to use the Free Enterprise Foundation was raised with Senator Sinodinos, Fairfax published a retrospective about Senator Sinodinos's time as chief of staff to former Prime Minister Howard. Former Prime Minister Abbott was quoted as saying of him that:

He was calm, articulate, measured, thoughtful, intelligent, one of those people it's hard to fault.

Those qualities are not evident in ICAC's findings.

In fact, ICAC expressed surprise that the pattern of donations from the foundation to the Liberal Party did not raise Senator Sinodinos's suspicions. ICAC did not have enough evidence to find that he was knowingly involved in channelling prohibited donations. However, the report expresses suspicions:

The question arises as to whether anyone else in the NSW Liberal Party was aware that donations were being channelled through the Free Enterprise Foundation.

The course of events demonstrated that the expected shortfall in funding from $1.5 million to $1 million, as a result of the introduction of the prohibited donor provisions, was a matter of serious concern to the NSW Liberal Party Finance Committee and state executive. It was accepted by Mr Sinodinos that he and the Finance Committee wanted to know from Mr Nicolaou how the party was "tracking" against budget. The NSW Liberal Party was actually receiving donations at a rate exceeding the old budget. This should have raised questions as to the source of the unexpected funds, but the evidence before the Commission is that no member of the Finance Committee asked that question.

The report describes someone who was either very careless about whether the operations of the Free Enterprise Foundation were legal or was very careful to avoid finding out whether they were legal or not. ICAC found that the finance committee was cognisant of the potential
illegal nature of the Free Enterprise Foundation scheme right from the beginning. The need for legal advice was raised at a meeting with Senator Sinodinos—possibly even by him. Despite this, no legal advice was ever obtained.

This carelessness stands at odds with the very strong commitment to strict legalism that has characterised Senator Sinodinos's approach to any scrutiny of his conduct. It is also curious that Senator Sinodinos did not satisfy himself of the legality of the arrangements given that he was actively involved in fundraising. ICAC found:

… some members of the Finance Committee were actively involved in soliciting donations for the party. It is not clear whether this was carried out as an official function of the Finance Committee, itself, but it is clear that committee members, including Mr Sinodinos … were given the task of approaching potential donors.

The ICAC transcripts are silent on what, if anything, Senator Sinodinos told these donors about the legality of the Free Enterprise Foundation and the process of donating to that body. They are also silent about the basis on which he might have provided that advice. How could he have known or understood or been in a position to give advice, given that no legal advice was ever obtained?

Taken together, these findings raise questions about Senator Sinodinos's integrity and judgement. These questions would be serious enough on their own; however, to make matters worse, they suggest that there may be a risk that Senator Sinodinos possibly misled parliament about this matter. On 2 May this year, Senator Wong asked the Cabinet Secretary:

… did he ever participate in, or witness, discussions about the use of the Free Enterprise Foundation to channel and disguise donations by prohibited donors?

Senator Sinodinos replied:

The answer is no.

Well, ICAC has made a finding seemingly contradicting this. The report states:

Mr Neeham said that Mr Nicolaou raised the use of the Free Enterprise Foundation at a Finance Committee meeting in the context of a discussion of how the NSW Liberal Party would deal with the ban on property developers. … The Commission also accepts the evidence of Mr Nicolaou that he raised the matter specifically with each of Mr Sinodinos, Mr Webster, Mr Photios and others.

Senator Sinodinos's statement in recent days suggests that ICAC's findings exonerate him. They do not. ICAC's report has not put the issue to bed. If anything, it has raised further questions for Senator Sinodinos to answer—the types of questions that Senator Sinodinos has repeatedly failed to answer, whether before ICAC, in this chamber or when ignoring an order to attend a Senate committee hearing to explain himself.

This chamber has options available to it to satisfy itself as to whether the conduct of its members is appropriate. We should keep these options in mind whilst we wait for the next report to be handed down by ICAC about Senator Sinodinos's conduct, and that is due in just a few months. In the meantime, I would invite Senator Sinodinos to consider offering to explain himself properly to the Senate. Last year Senator Sinodinos said:

… I'm prepared to stand in the public square and defend myself in that regard.

It is a suggestion he also made to ICAC during his testimony and a suggestion he has never followed through on, despite being ordered by the Senate to appear before an inquiry. He
should explain himself. And, before he does so, he should read the Ministerial Code of Conduct and reflect on its contents.

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (11:03): The Australian people must be thinking to themselves: 'What was the point of the double dissolution election? One of the longest campaigns in Australian election history—all for what? To make the Senate completely unwieldy? To make Mr Turnbull vulnerable to any disgruntled backbencher in the House who decides to block government legislation just because they can?' Mr Turnbull's decision to reform Senate voting then immediately go to a double dissolution—foolishly backed by the Greens, who actually lost a senator, in a moment of political naivety that would make the Democrats laugh out loud—has delivered a chamber with 20 crossbenchers, including the Greens. It is a chamber where there is even less chance to pass legislation than the previous chamber, which the government were so keen and so eager to dismiss. We are looking at a period—however long Mr Turnbull lasts as Prime Minister—of inaction, division and desperation. It has only been a couple of months since the election, but we already have a multitude of Senate backbenchers defying the will of the Prime Minister. We are facing a period where Mr Turnbull will be too busy trying to stop himself being rolled to actually spend time governing.

When we were here last, the government used the opportunity not to pass legislation that would benefit ordinary Australians but to produce a double dissolution trigger. It has literally been months since this chamber has had anything of substance to deal with. In fact, most of this year has been spent orchestrating a double dissolution trigger for the government's political benefit. That is extremely disappointing because Australians have real problems that need to be solved. Australians face real challenges that the government has the power, although not the will, to fix. Instead of listening to the endless internal Liberal bickering and rumours about when Mr Turnbull is going to be rolled, Australians want real solutions.

For the Labor Party and me, one of the most important issues is education. It cannot be understated just how important education is for Australians and for the future of Australia. Education is the key to opportunity, innovation and the future economic and social prosperity of our nation. The Gonski review linked quality educational outcomes for students to increased national productivity. Individuals who reach their full potential in schooling are usually able to make better career and life choices, leading to successful and productive lives. Success in schooling also helps to provide the skills and capacities needed to keep a society strong into the future. It deepens a country's knowledge base and level of expertise and increases productivity and competitiveness within the global economy.

The Gonski panel found that higher educational achievement leads to significantly bigger economic returns, when they investigated the relationship between cognitive skills and economic growth in developed countries. Australia must become a clever country again. We can do that through properly funding our schools and higher education institutes. It is particularly vital for the people of Tasmania, the state that I am honoured to represent, that we get our education system right. On 2014 figures, Tasmania had the second-lowest year 12 retention rate, behind the Northern Territory, with a rate of around 67 per cent. While the latest NAPLAN result showed that Tasmania is not at the back of the pack, Victoria and the ACT are scoring considerably better, and there is still considerable work to be done. As a
small state, we need to ensure that we give our children the best opportunity possible to allow us to innovate and take every advantage available.

Time and time again during the election campaign, I heard from parents who were angry—and they were really angry—about the government's unwillingness to support the full Gonski education-funding reforms. Parents want to make sure their children are getting the best education possible, and they know that that will not happen under the Turnbull government's policy.

On this side of the chamber, Labor understands the importance of the federal government's properly funding all Australian schools. This is why we committed to fully funding Australian schools in accordance with the Gonski funding model. Unfortunately, the unity ticket on which the Liberals claimed to be with us on education dissolved just like magic as soon as Mr Abbott became Prime Minister. This is very disappointing, because Labor argues that, as found by the Gonski review, education is not just a cost; it is an investment which will ultimately benefit Australia as a nation.

Labor's 'Your Child. Our Future' policy represented the most significant improvement in schools education in Australia for two generations. No matter what their background, no matter where they live—in a city, a suburb or the regions—and no matter what type of school they go to—government, Catholic or independent—Labor wants every child to have the same chance of succeeding at school and in life as any other child in the country. As part of 'Your Child. Our Future', the Gonski funding and reforms would have been delivered on time and in full, and the Turnbull government's cuts would have been reversed.

This $37.3 billion investment would have seen every child in every school funded on the basis of needs. 'Your Child. Our Future' would have driven reforms that improved teaching and learning, securing Australia's long-term economic future and giving students the basic skills they need for the jobs of the future. This funding was not a blank cheque. It came with strict obligations and benchmarks for systems, schools and teachers so that parents could track improvements in their children's learning. Labor's policy would have invested $3.8 billion more than Mr Turnbull in Australian schools in 2018 and 2019.

And we would have seen a $60 million increase in funding in Tasmania, including $14 million in Bass, $21 million in Braddon, $10 million in Denison, $9 million in Franklin and $9 million in Lyons in 2018 and 2019. Around 80,000 students in public, Catholic and independent schools would have benefited. Unfortunately, though, under the Liberal Party, Tasmanian children will miss out. Over a 10-year period, the Liberal Party's model sees $640 million funding ripped away from Tasmanian schools and Tasmanian students. It is extremely disappointing that this Liberal-National government chooses not to make our children a priority.

A part of the 'Your Child. Our Future' policy that I am particularly interested in is the increased investment in students with disability. Ensuring that children with disability can get the quality education they deserve is a central part of this policy. Had we won the election, Labor would have more than reversed the Turnbull government's cuts to the More Support for Students with Disabilities program, investing a further $320 million in children with disability. The government's own education department admits that the program had a positive impact on students with disability before it was cut. Students with disability, their
parents and teachers have waited long enough for proper schooling support. Under Labor, the wait would have finally been over.

I call upon the government to put politics aside and adopt our 'Your Child. Our Future' policy for the sake of Australia's future. Labor's new needs-based funding model would deliver additional per-student funding for students with disability, ensuring that they receive the additional resources and support they need to achieve their potential.

We all remember that, before the 2013 election, the Liberals promised an 'absolute unity ticket' on school funding, and we all know that instead they dumped the Gonski reforms, cut $30 billion from our classrooms and cut the $100-million-a-year More Support for Students with Disabilities program. The Liberals promised to fully fund the needs of students with disability in line with the Nationally Consistent Collection of Data on School Students with Disability, but instead they will go a whole term of government without doing anything at all, leaving tens of thousands of students missing out on the support they need. Completing the Gonski reform on time and in full and reversing the Liberal cuts to students with disability would mean better training and development for teachers and more targeted support for students learning within the classroom.

Under Labor's plan, by 2020 Labor would ensure 95 per cent year 12 or equivalent completion, and by 2025 Labor would return Australia to the top five countries in reading, maths and science. For Mr Turnbull's Liberals to talk about innovation while they are cutting funding to education is just that—all talk. That is because, as well as failing our school students, Mr Turnbull and his government are failing the vocational and higher education sectors.

This government just does not realise the value of the higher education and VET sectors. We can see this by its continued assaults on the higher education sector. This is a government that wants to bring in $100,000 degrees while slashing funding to universities. We have with our current HECS-HELP scheme one of the best and fairest higher education systems in the world, and the government just wants to destroy that. Our nation's future prosperity and social cohesion require public investment in quality higher education that is available to all who merit a place, as our major competitor nations already realise.

The pathetic attempt by those opposite at higher education policy is a discussion paper released on budget night which still promotes deregulation, with $100,000 degrees and a lifetime of debt a real prospect for Australian students. And the budget still incorporates the 20 per cent cut to university teaching. In fact, higher education expert Mark Warburton estimates that the cut to university budgets could be a ruinous $3.75 billion. The Liberals' assault on universities and students from the 2014 budget has already been rejected twice by parliament, despite the government trying every trick in the book to get it passed. Even though the Senate and the public have comprehensively rejected the unfair and unnecessary $100,000 degrees and savage cuts to university teaching, the Liberals continue to cling to those measures.

I call upon the new senators in this place to put education first and reject the government's deregulation and defunding plans for Australian universities. Universities and students have a right to know if the minister has learned the lesson of the past two years and whether he will push the delete button on damaging changes to higher education policy.
Mr Turnbull likes to talk about innovation, jobs and economic security; yet the measures he has supported so far undermine each of those objectives. Students and their families, businesses and communities all benefit from a strong higher education sector. If Australia wants to be a clever country that really does hold innovation as a central tenet, we have to properly support the higher education sector and the students who want to gain higher education qualifications.

The previous Labor government opened access to university; 190,000 more students are at a university today as a result of our reforms. Access will always matter to Labor, and we will continue to support the demand-driven system. But our next wave of university reform will focus on completion and quality. We want Australian students who start university to finish university with a degree. Department of education figures show that 23 per cent of people who started a degree as full-time students in 2006 had not completed it after eight years. So there is evidence that attrition rates have been getting worse in recent years, meaning that even more students are likely to leave university with a debt but no degree. And, with the Commonwealth investing $14 billion of taxpayers’ money in universities every year, Australians are right to expect outcomes that benefit the entire community: young Australians graduating as teachers, nurses, doctors, engineers and scientists, enhancing our society and our economy.

Labor want to see an ambitious goal to increase the number of students completing their study by 20,000 graduates per year from 2020. A future Labor government will work with the university sector to ensure that incentives within the demand-driven system are introduced to achieve this goal. And, because students need to graduate with skills, knowledge and resilience for their working life, not just mark their name off at a class, we committed, prior to the election, to invest an additional $31 million in the Tertiary Education Quality and Standards Agency or TEQSA. The boost to TEQSA would have lifted the quality of teaching and resources to ensure that students graduated with a high-quality education that would win them the jobs of the future. This additional investment would have provided the assurance that our investment in higher education was achieving the right outcomes for students as well as for our economy—highly skilled, highly adaptable, technology-literate graduates who are ready to compete in the world.

Investing in education is the single most important thing we can do to maintain Australia’s prosperity and secure the jobs of the future. Labor has always been committed to opening access to higher education to more Australians and supporting universities as critical drivers of innovation across the economy. Labor stands ready to work with Mr Turnbull and Senator Birmingham to find a better way to fund universities sustainably over the long term. But they have to genuinely want to put the needs of the sector and their students first.

The three Tasmanian members who were opposed to Gonski funding, Andrew Nikolic, Brett Whiteley and Eric Hutchinson, are now the ex-members for Bass, Braddon and Lyons, and, in large part, that is due to their opposition to an education policy their government overwhelmingly supported. The self-described ‘three amigos’—and my colleague Senator Polley did a wonderful speech on it yesterday—failed to listen to their constituents who called for action on education funding reform, amongst a host of other issues, and they have paid the price. I call upon the remaining Liberal senators in Tasmania to take heed of the fate of the former members for Bass, Braddon and Lyons, and call upon them to advocate for a full
return to the Gonski funding model, because that is what Tasmanian students and schools need and want.

I am extremely pleased to see the election of three new Tasmanian Labor members in the other place: Ross Hart in Bass, Justine Keay in Braddon and Brian Mitchell in Lyons. They have worked extremely hard in the months and, indeed, the years leading up to the election, engaging with their communities—something that the three amigos failed to do. They did the work, as I said, that the previous Liberal members failed to do and actually talked to their constituents, listened to their concerns and supported policies that would make the lives of everyday Tasmanians better. It was a wonderful achievement by the Tasmanian Labor team. I know that the new Labor members for Bass, Braddon and Lyons will work extremely hard and will continue to stand up for the people of Tasmania, particularly for better education funding. The new members, along with the re-elected Julie Collins, member for Franklin, and the Tasmanian Labor senators, are all fully committed to the Gonski funding model, through our 'Your Child. Our Future' policy.

Unfortunately, despite my hopes, we are unlikely to see the Liberal-Nationals government prioritise education. They only want to cut services, not fund them. They want to cut services to cover up their failure to manage the budget. And, after three years in power, the Treasurer and those on the other side continue to try and blame Labor for the coalition legacy of debt and deficit blow-outs and their run of reform failures. This is a government, we need to remember, that has tripled the deficit since 2014—tripled the deficit since 2014—and has blown out net debt by $100 billion.

The government could fund education properly, but the Treasurer would need to reach out across the chambers and make sensible and fair budget savings. Labor has put on the table over $80 billion in savings that the government could support and move swiftly through the parliament. But, unfortunately, Mr Turnbull quickly turned his back on that offer. Instead, Mr Turnbull will give a $50 billion tax break to business, including over $7 billion to the big four banks. The banks need a royal commission, not a massive tax cut. It is clear where the priorities of Mr Turnbull and his Liberal and Nationals colleagues lie, and it is not with the children of Australia. Those opposite should go back to school and learn something about fairness and building a clever nation, because they are currently receiving an F for fail.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (11:21): Two days ago my colleague Senator Bernardi raised serious allegations concerning the payment to Senator Dastyari revealed in the Register of Senators' Interests of a financial benefit described as 'Support for settlement of electorate staff travel budget overspend paid by Top Education Institute'. That entry, which seems to have been written in deliberately opaque language, refers to the apparent payment to Senator Dastyari of an undisclosed sum of money to meet a personal debt. Yesterday in a brief statement to the Senate Senator Dastyari said that the amount of the payment was $1,670.82. However, he provided no further information. He did, however, acknowledge that he should not have accepted the payment and offered to donate the equivalent sum to charity.

Senator Dastyari's explanation, which ran to a mere 66 words, was woefully inadequate. It raised more questions than it answered. We now know that Senator Dastyari's benefactor, the Top Education Institute, is a Chinese company with links to the Chinese government, in
particular through its principal, Minshen Zhu. Senator Dastyari must provide more information about this payment. He must explain to the Senate, as he significantly failed to do yesterday, why it is that this company paid a personal debt of his. What is the nature of his relationship with this company? Why has it chosen to act as Senator Dastyari's financial benefactor?

It is very important to emphasise that we are not talking about a political donation. This is the payment of a personal debt. Whether the Top Education Institute has made donations to political parties is not the issue here. Indeed, many of us have met Mr Minshen Zhu and had dealings with the Top Education Institute, but it appears that only Senator Sam Dastyari has accepted money from him in settlement of a personal debt. The issue is why this company is paying Senator Dastyari's personal debts.

In relation to the payment of a debt by Top Education Institute, I call upon Senator Dastyari to answer the following questions. What travel did the electorate staff overspend relate to? Which of his staff undertook the travel and for what purpose? What was the specific debt in relation to the electorate staff overspend; in other words, was it the sum, disclosed by Senator Dastyari, of $1,670.82 or was it a larger sum? On what date was—

Senator Conroy: I call a point of order on relevance. So far Senator Brandis has not at any stage mentioned Julie Bishop's $600,000 receipt of money to the Western Australian branch from a Chinese company that doesn't do business in Western Australia. So, unless Senator Brandis is prepared to address that, I ask you to call him to order on a relevance point.

The ACTING DEPUTY PRESIDENT (Senator Sterle): This is the address-in-reply. There is no reference of relevance, so there is no point of order. Before you go on, Senator Brandis, there is argy-bargy going across both sides of the chamber. Could I just ask for senators to control yourselves as much as you can for a little while longer.

Senator BRANDIS: Thank you very much, and let me emphasise once more, lest it be lost on Senator Conroy or others: our concern is that this was the payment of a personal debt. We make no criticism of the payment of a properly disclosed political donation. In fact, the very reason we have a regime that regulates and obliges the disclosure of political donations is to protect against the appearance of influence. But this is the payment of a personal debt, not a political donation, and what the parliament is entitled to know is: what was the specific nature of the debt? Was an invoice issued and on what date was the invoice issued? If an invoice was issued, Senator Dastyari should table it.

What were the available payment methods and what method did the senator elect to use to receive the payment? Was the payment of the debt made directly to the Department of Finance by the Top Education Institute or was it paid to Senator Dastyari or was it paid to some other person or entity? If it was paid to another person or entity, what was the name of that person or entity?

Was there only one payment or were there multiple payments? When was the debt discharged? Was the payment receipted and, if the payment was receipted, will Senator Dastyari table a copy of the receipt? Assuming the Top Education Institute made the payment directly to Senator Dastyari rather than to the Department of Finance, again we are entitled to know what the method of the payment was, whether there was only one payment or whether there were multiple payments and in what amount. If the payment was made into a bank
account, what was the identity of the bank account to which the payment was made and who controls that bank account? If the person who controls the bank account is someone other than Senator Dastyari, who is that person or entity and what are Senator Dastyari’s links to that person or entity? And, if such a payment was made to a bank account, what was the date of the payment or payments and the amount of the payment or payments? If the payment was made directly to the Department of Finance by Top Education Institute, how was the invoice brought to the attention of Top Education?

What conversations or correspondence were entered into between Senator Dastyari, his staff, the Department of Finance and the Top Education Institute? When and how did Senator Dastyari become aware that the payment had been made?

Senator Conroy interjecting—

Senator O’Sullivan interjecting—

The ACTING DEPUTY PRESIDENT (Senator Sterle): Senator Conroy and Senator O’Sullivan.

Senator BRANDIS: In his statement in the Register of Senators' Interests, Senator Dastyari said that there was 'support'. Why did the Top Education Institute agree to pay what appears to have been a personal debt? By whom was Top Education Institute approached? Senator Dastyari needs to come back into the chamber to explain the details of all conversations to which he was a party which made the arrangement for the payment by the Top Education Institute.

Senator Conroy interjecting—

The DEPUTY PRESIDENT: Senator Brandis, please resume your seat.

Senator Fawcett: Under standing order 197, a member has the right to be heard in silence. Senator Conroy is continuously and deliberately disobeying standing order 197.

The DEPUTY PRESIDENT: Senator Brandis has the right to be heard in silence. I would ask all senators to listen respectfully.

Senator BRANDIS: Let me return to where I was. Why did Top Education Institute agree to pay what appears to have been a personal debt? By whom was Top Education Institute approached? Senator Dastyari must provide information to the Senate of all conversations and table in the Senate all documents that evidence the agreement whereby this debt was paid by Top Education Institute. He must also tell the Senate who at Top Education Institute was involved in arranging the payment of his personal debt. What was the nature of Senator Dastyari's relationship with Top Education Institute and with Mr Minshen Zhu? Was Mr Minshen Zhu involved in the making of the payment? Was Senator Dastyari or were any members of his staff aware of Mr Zhu’s involvement?

Senator Conroy interjecting—

The DEPUTY PRESIDENT: Once again, Senator Brandis has the right to be heard in silence. Please observe that standing order.

Senator BRANDIS: Was Senator Dastyari aware of Mr Zhu's links with the Chinese government? At a press conference on 17 June 2016, Senator Dastyari stood alongside Huang Xiangmo, Chairman of the Yuhu Group, which is a substantial political donor with a history with Senator Dastyari. This Tuesday, 30 August, Mr Huang was reported in *The Australian*...
Financial Review as having been quoted in Chinese media complaining that Australian MPs were 'not delivering' on donations from the Chinese community. Given the support for China's position on the South China Sea, delivered alongside Mr Huang in Sydney only this June, Senator Dastyari needs to answer whether he is in fact 'delivering' on the extensive support provided to him.

On 20 November 2014 Senator Dastyari disclosed on the Register of Senators' Interests 'support for settlement of outstanding legal matter provided by Yuhu Group Pty Ltd'. Once again, this is not a political donation but appears to be the provision of a personal financial benefit. In that regard, I bring to the attention of the Senate Senator Dastyari's declaration of the payment from Yuhu Group and ask Senator Dastyari to answer the following questions in relation to that financial benefit. What was the specific nature of the debt? What was the method of payment of the settlement amount? Was there only one payment or were there multiple payments? When was the settlement amount paid? How was it receipted? What was the method of payment? Was there only one payment or were there multiple payments?

Senator Conroy interjecting—

Senator O'Sullivan: Madam Deputy President, Senator Conroy is showing complete contempt for your authority in this chamber. You have asked three times for Senator Brandis to be heard in silence. We ask you to direct him now—

The DEPUTY PRESIDENT: Once again, I will ask people to respectfully listen to Senator Brandis. Senator Brandis, please resume.

Senator BRANDIS: Was the payment from Yuhu Group receipted and will Senator Dastyari table all relevant receipts? What was the method of that payment? Was there only one payment or were there multiple payments? If the payment was made into a bank account, to what bank account was the payment made and by whom is the bank account controlled? If the bank account is controlled by a person or entity other than Senator Dastyari, what is Senator Dastyari's link with that person or entity? On what date was the payment made? How was the matter brought to the attention of the Yuhu Group? What conversations or correspondence took place between Senator Dastyari or his staff and members of the Yuhu Group? And why was the Yuhu Group paying Senator Dastyari's personal debts in relation to a legal matter in any event?

Senator Conroy interjecting—

Senator Bernardi interjecting—

Senator Polley interjecting—

Senator Sinodinos interjecting—

The DEPUTY PRESIDENT: Senator Conroy, I would ask that you respectfully listen to Senator Brandis and for other senators also to listen. Some interjections are okay but this is becoming disorderly, so I would ask all of you to bear that in mind.

Senator BRANDIS: What was the nature of Senator Dastyari's relationship with the Yuhu Group? Why was it that they were paying his debts?

Senator Conroy interjecting—

Senator Fawcett: Madam Deputy President, a point of order: under standing order 203, Senator Conroy has now committed an offence because he is persistently and wilfully
disregarding both the standing orders and your direction to him. Under standing order 184, you have an obligation to retain order in the Senate.

**The DEPUTY PRESIDENT:** That is a call that I make. I have asked for people to respond in a calm and orderly way and I will continue to do that. I ask, once again, that senators respect that and I ask that Senator Brandis continue.

**Senator BRANDIS:** I have referred the Senate to two disclosures on the Register of Senators' Interests in relation to Chinese or Chinese-linked entities, which both appear to be the payment of personal debts of Senator Dastyari. I stress again that we have no criticism to make of properly and regularly disclosed political donations by those entities—but it is one thing to make a political donation which is subject to a rigorous disclosure regime and to the integrity provisions of the Commonwealth Electoral Act; it is another thing for a senator to receive personal financial benefits and then to meet his disclosure obligations to the Senate in the most opaque imaginable fashion. It is, of course, a notorious fact that Senator Dastyari has recently taken some foreign policy positions in relation to China which are starkly at variance with the official positions of the Australian Labor Party. On 17 June, at a press conference for the Chinese media, to which I referred earlier, Senator Dastyari is reported as stating his support for China's position on the South China Sea:

The South China Sea is China's own affair. On this issue, Australia should remain neutral and respect China's decision.

This is a position that could not be more starkly at variance from the Labor Party position articulated by its then shadow minister for defence, Senator Conroy. Senator Dastyari is also quoted as urging Australia to drop its opposition to China's air defence zone in the South China Sea. On 2 June 2014 Senator Dastyari was cautioned by the chair of the Foreign Affairs, Defence and Trade Legislation Committee and the then defence minister, Senator Johnston, about the sensitive nature of questions he was asking the Secretary of the Department of Defence about Australia's position on the South China Sea—in particular, accusations of taking sides. The defence minister noted that the discussions were 'not in our national interest'. In a speech in the Senate on 17 March 2015 on the Asian Infrastructure Investment Bank, Senator Dastyari presented what he himself described as, in his words, 'the Chinese view'. Did Senator Dastyari's links with China influence him in presenting what he himself called 'the Chinese view' in a speech in the Senate?

Senator Dastyari's acceptance of personal benefits from an entity or entities with links to the Chinese state and the carefully opaque way in which the payments have been described in the Register of Senators' Interests raise the inevitable question of whether Senator Dastyari, whether advertently or unwittingly, has allowed himself to be compromised. This is a very serious matter. It is much more serious than, for instance, the allegations which were made against the member for Fadden, Mr Robert, which caused him to lose his position in the ministry. Senator Dastyari is an extremely influential figure in the alternative government of Australia. If he has been compromised, that is a very grave matter. It is incumbent upon Senator Dastyari now to provide to the Senate a full explanation of the affair, a full account of the nature of his dealings with these two Chinese companies, and, in particular, a full explanation as to why it was that they were paying personal debts of Senator Dastyari. It is for Mr Shorten to insist that Senator Dastyari do so.
Senator WATERS (Queensland—Co-Deputy Leader of the Australian Greens) (11:42): I start by acknowledging the traditional owners of this land and all the lands of this nation, and acknowledge that it is high time that we made progress on the constitutional recognition of our first people. We need to make genuine efforts to close the gap, and then we need to progress to discussing genuine sovereignty over this nation and treaties with our first people. I am thrilled to be back here in the Senate as the first Green re-elected in the state of Queensland. I thank the many people who helped return me to this sometimes insane and diabolical place. Perhaps I have lost my mind, but I am very grateful to be here to represent the values of Queenslanders who want a fairer society, a healthy environment and an economy that thinks more than five seconds ahead. I will continue my work in this place to protect the reef from dangerous climate change, to work for equality for women, to work towards a planned transition away from fossil fuels and an embrace of clean energy that sees workers looked after rather than abandoned by those dirty industries, and of course I will work to address the growing financial inequality that is wracking many families not just in Queensland but right around the country. Now, more than ever, I will proudly be a voice against racism and divisiveness against members of our community and potential members of our community. I am perplexed by the apparent electoral attractiveness of blaming brown people for the problems of the changing economy, and I undertake to understand better and articulate better the genuine solutions needed in our changing economy and how we should look after people not just in Queensland but throughout Australia. We should always speak out against prejudice and unfounded divisiveness against other human beings.

Today I have the pleasure of speaking in response to the Governor-General's address. You have to feel for the guy—he is reading out a speech that clearly somebody else has written. It is the apparent agenda of the government, although it is pretty hard to discern an agenda amidst all of the kowtowing to big corporates. Indeed, many of the folk in this place either fell asleep or struggled to stay awake— it was narcolepsy as a service delivered by this new Turnbull government. I took particular umbrage at the many instances of hypocrisy in the speech and the many instances where the rhetoric and the buzzwords simply did not match the actions of this government. I want to go through some of those in the brief time that I have today.

The first statement, which I thought was quite outlandish, was that innovation and science are critical as Australia transitions from the mining-led boom to one driven by services, exports, innovations and technology. Yes, innovations and science are critical. So why have you cut so many scientists out of CSIRO? Why have you reduced funding for research in our university sector? Why have you cut research and development funding to the lowest level in 30 years? If innovation and science are so critical, why are you cutting $1 billion out of the Australian Renewable Energy Agency—that fantastic powerhouse of innovation that will see us usher in the next generation of clean energy technology, that will help safeguard us from the ravages of climate change, generate jobs and protect our reef? So much for innovation and science being critical.

The next point was that the government say they would like to strengthen our farming industries and they would like to deliver a fair go to farm businesses. I would love to see a fair go for farm businesses and farmers, but instead coal and coal seam gas companies are allowed to ride roughshod over their land. Farmers have no right to say no to their farmland being
turned into an open-cut coalmine or being pockmarked with coal seam gas wells to poison their water, destroy their land and ruin their farm productivity and their ability to hand over that farm to future generations. I would like to put on record my immense pleasure at the moves by the Victorian state government to ban fracking, and I signalled that just yesterday when I introduced my bill again—I think it is the fourth time now—to give landholders the right to say no to coal seam gas and coal and to ban fracking. We have clean energy options which do not threaten our land and water or divide committees or threaten their health, and that is where this government should be investing. They say they want to strengthen our farming industries and support farm businesses—they should start by giving farmers some rights to protect their land against this unnecessary fossil fuel ravage.

There was also talk in the speech about being mindful of what sort of society we bequeath to future generations and about policies that improve the wellbeing and secure the future of all Australians. You would think that climate change and acting on it had quite a bit to do with the sort of world that we will leave future generations, but this government's record has been utterly woeful. They axed the carbon price and they got rid of the Climate Change Commission, which was reformed with the support of members of the public and continues to do excellent work. Instead, they have a policy called 'direct action'—if you can call it that; it is an absolute bastardisation of that term, if you ask me—which pays polluters. Rather than making polluters pay to pollute, they now get paid, and it is often to do projects that they were intending to do anyway and which were already in the pipeline. We have a target for greenhouse gas reduction that will see Australia still be the largest polluter per capita, even if we were on track to meet that weak target. So the government have utterly no credibility when it talks about safeguarding future generations.

This brings me to the Adani coalmine. So much for support for science and innovation and looking after the future generations when we have 10 projects that could be funded by the Renewable Energy Agency slated for Queensland, which would generate 2,700 jobs for Queenslanders—lasting jobs that will not kill them with black lung disease—but, instead, we have this government attempting to cut that $1 billion from ARENA. Instead, they want to prop up a coalmine—in this day and age when the global coal market has completely tanked and when the coal sector has already sacked a third of its workforce, because, clearly, the companies can see that that global trend and transition is underway.

Sadly, our government is blinded by the multimillion dollar donations that the fossil fuel companies make to it—and to the Labor Party and the National Party. Since the last election, $2.4 million flowed into the coffers of those three parties. Is it any wonder that the fossil fuel sector gets such weak laws and every single coalmine or coal seam gas proposal is ticked off on? And not only that, they get $24 billion in free public money for cheap petrol and accelerated depreciation. It is a nice, cozy, little arrangement they have going on there.

The was a brief mention of the environment in the speech. It was all about the use value of the natural world—‘we will use Australia's natural resources to our best advantage’. That really spells out this government's approach to the environment. They do not understand that it is the life-support system for the planet, including for us. They have spent the entire term of their government attacking the environment and the people who stand up for it. They have attacked environment groups, launched witch-hunts into tax deductibility status and have even sought for a while to remove the rights of people to enforce environmental laws. What is the
point of having a law if you do not then allow people to hold the government and big companies to that law. That was a flagrant attack on democracy and I hope we have seen the end of it. We will certainly continue to resist it in the parliament.

There is talk of improving the wellbeing of all Australians. How are they going to do that by cutting $7 a week out of the pay packets of the poorest Australians while simultaneously giving tax cuts to the biggest companies and giving tax relief to people who earn over $80,000? That is a really clear statement of whose values and whose interests are being looked after by this government. There was talk of women's participation in the workforce. I found the irony of that one quite pointed, given that, sadly, we have the lowest numbers of women in the Liberal Party in neigh on 30 years. There was also talk of domestic violence continuing to be a national priority. If this government are indeed supposed to be continuing to address domestic violence as a national priority, I look forward to the funding cuts they have wrought on legal centres, on housing shelters, on women's support services and on long-term affordable housing being overturned.

I have to say it was rather difficult to sit through the Governor-General's speech—to hear the buzzwords and the rhetoric and the talk of jobs and growth, while at the same time there are attempts to sabotage the clean energy sector, to prop up the old dirty-energy sectors, and to take money away from the poorest Australians and give tax cuts to the big corporates and those who do not need the support. It will be very interesting to see if this government discovers an actual agenda in this term of parliament—if the Prime Minister even lasts longer than five seconds. We Greens remain committed to standing up to protect the planet and to protect the interests of all Australians, now and in the future, from the wanton attacks that this government has wrought in the past few years and apparently intends to continue to wreak for the next few years.

Debate adjourned.

NOTICES

Presentation

Senator Siewert to move:


Senator Ludlam to move:

That there be laid on the table no later than 10 am on Monday, 12 September 2016 by the Minister for Finance, the following documents:

(a) any correspondence including appointments between successful tenderer and major donor Leighton Holdings (CIMIC Group Ltd) with any federal minister relating to the Perth Freight Link;

(b) the traffic modelling for the Perth Freight Link with specific regard to Government claims that it will reduce congestion, improve safety, reduce traffic accidents on Leach Highway, and improve access to Fiona Stanley Hospital;

(c) a summary of all requests made to the Government for traffic modelling or the business case that have been refused on commercial-in-confidence or public interest grounds;

(d) any environmental surveying or assessment of the construction envelope in Stage 2 or 3 including Stygofauna or Trogofauna given the new decision to complete much of the Freight Link by tunnel; and
(e) a list of every National Partnership project that has received federal funding from the Abbott-Turnbull terms of Government of more than $100 million without a published business case.

Senator Siewert to move:

That the Senate—

(a) recognises that:

(i) 8 September was ‘R U OK? Day’, dedicated to reminding people to ask family, friends and colleagues in a meaningful way R U OK?, and

(ii) 10 September was World Suicide Prevention Day, a day to draw public attention to suicide prevention;

(b) acknowledges that:

(i) suicide statistics show that it is at the highest level in 10 years, and there were more than 2,000 deaths from intentional self-harm in 2014,

(ii) Mental Health Australia has called for a commitment to long term targets on mental health, and

(iii) Suicide Prevention Australia has called for a shared goal of a 50 per cent reduction in suicides in 10 years; and

(c) calls on the Government to adopt a national suicide prevention target.

The Minister for Communications (Senator Fifield) to move:

That consideration of the business before the Senate on the following days be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable senators to make their first speeches without any question before the chair, as follows:

(a) Tuesday, 13 September 2016—Senator Watt; and

(b) Wednesday, 14 September 2016—Senator McCarthy.

Senators Ludlam, Lambie and Xenophon to move:

That the Senate—

(a) notes:

(i) the technical failures of the Australian Bureau of Statistics (ABS) website on Census night, 9 August 2016, prevented thousands of people completing the Census,

(ii) subsequent attempts to address the technical failures further added to confusion and impacted public confidence in the Census process,

(iii) the Census website was offline for several days after census night, and sporadically offline in the following weeks, and

(iv) thousands of Australians were unable to complete the Census, and thousands of Australians were reluctant to do so due to privacy concerns; and

(b) calls on the Government to direct the ABS to issue a statement declaring that no Australians will be fined for failing to complete the Census.

COMMITTEES
Selection of Bills Committee
Report

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (11:52): I present the fifth report for 2016 of the Selection of Bills Committee and seek leave to have the report incorporated in Hansard.
Leave granted.

The report read as follows—

SELECTION OF BILLS COMMITTEE
REPORT NO. 5 OF 2016
1 September 2016

MEMBERS OF THE COMMITTEE
Senator David Bushby (Government Whip, Chair)
Senator Anne Urquhart (Opposition Whip)
Senator Brian Burston (Pauline Hanson’s One Nation Whip)
Senator Skye Kakoschke-Moore (Nick Xenophon Team Whip)
Senator Rachel Siewert (Australian Greens Whip)
Senator John Williams (The Nationals Whip)
Secretary: Chris Reid
6277 3020

SELECTION OF BILLS COMMITTEE
REPORT NO. 5 OF 2016

1. The committee met in private session on Wednesday, 31 August 2016 at 7.43 pm.

2. The committee resolved to recommend—That—

   (a) the provisions of the Budget Savings (Omnibus) Bill 2016 be referred immediately to the Economics Legislation Committee but was unable to reach agreement on a reporting date (see appendix 1 for a statement of reasons for referral);

   (b) the provisions of the Building and Construction Industry (Improving Productivity) Bill 2013 and the Building and Construction Industry (Consequential and Transitional Provisions) Bill 2013 be referred immediately to the Education and Employment Legislation Committee for inquiry and report by 14 October 2016 (see appendix 2 for a statement of reasons for referral);

   (c) the provisions of the Fair Work (Registered Organisations) Amendment Bill 2014 be referred immediately to the Education and Employment Legislation Committee for inquiry and report by 14 October 2016 (see appendix 3 for a statement of reasons for referral);

   (d) the Fair Work Amendment (Gender Pay Gap) Bill 2015 be referred immediately to the Education and Employment Legislation Committee for inquiry and report by 14 November 2016 (see appendix 4 for a statement of reasons for referral);

   (e) the provisions of the Fair Work Amendment (Respect for Emergency Services Volunteers) Bill 2016 be referred immediately to the Education and Employment Legislation Committee but was unable to reach agreement on a reporting date (see appendix 5 for a statement of reasons for referral); and

   (f) the Interactive Gambling Amendment (Sports Betting Reform) Bill 2015 be referred immediately to the Environment and Communications Legislation Committee for inquiry and report by 13 October 2016 (see appendix 6 for a statement of reasons for referral).

3. The committee resolved to recommend—That the following bills not be referred to committees:

   • Commonwealth Electoral Amendment (Donations Reform) Bill 2014
   • Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2016
   • Commonwealth Electoral Amendment (Reducing Barriers for Minor Parties) Bill 2014
The committee recommends accordingly.

4. The committee considered the following bill but was unable to reach agreement:
   - Broadcasting Legislation Amendment (Media Reform) Bill 2016

5. The committee deferred consideration of the following bills to its next meeting:
   - Competition and Consumer Amendment (Country of Origin) Bill 2016
   - Defence Legislation Amendment (Parliamentary Approval for Overseas Service) Bill 2015
   - Foreign Acquisitions Amendment (Agricultural Land) Bill 2010 [2013]
   - Industry Research and Development Amendment (Innovation and Science Australia) Bill 2016
   - International Tax Agreements Amendment Bill 2016
   - Marriage Equality Amendment Bill 2013
   - Migration Amendment (Character Cancellation Consequential Provisions) Bill 2016
   - Migration Amendment (Family Violence and Other Measures) Bill 2016
   - National Cancer Screening Register Bill 2016
     National Cancer Screening Register (Consequential and Transitional Provisions) Bill 2016
   - National Disability Insurance Scheme Savings Fund Special Account Bill 2016
   - Primary Industries Levies and Charges Collection Amendment Bill 2016
   - Racial Discrimination Amendment Bill 2016
   - Social Services Legislation Amendment (Budget Repair) Bill 2016
   - Social Services Legislation Amendment (Youth Employment) Bill 2016
   - Social Services Legislation Amendment (Family Payments Structural Reform and Participation Measures) Bill 2016
     Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Bill 2016
   - Statute Law Revision (Spring 2016) Bill 2016
   - Statute Update Bill 2016.
   (David Bushby)

Chair
1 September 2016

APPENDIX 1
Proposal to refer a bill to a committee:
Name of bill:
Budget Savings (Omnibus) Bill 2016
Reasons for referral/principal issues for consideration:
To closely examine the implications of some of the measures proposed in the bill.
Possible submissions or evidence from:
Australian Renewable Energy Agency, Australian Council of Social Services, National Welfare Rights Network, Research and Development Companies, Australian Dental Association, Consumers Health Forum, Universities, National Union of Students etc.
Committee to which bill is to be referred:
Finance and Public Administration Legislation Committee
Possible hearing date(s):
During three weeks of non sittings (19 Sept to 3 October)
Possible reporting date:
10 October 2016
(signed)
Senator Siewert

APPENDIX 2
Proposal to refer a bill to a committee:
Name of bill:
Building and Construction Industry (Improving Productivity) Bill 2013
Reasons for referral/principal issues for consideration:
New Parliament containing 11 new cross-bench Senators who should be given an opportunity to examine the issue in detail.
Possible submissions or evidence from:
To be determined by the Committee
Committee to which bill is to be referred:
Senate Education and Employment Legislation Committee
Possible hearing date(s):
To be determined by the committee
Possible reporting date:
14 October 2016
(signed)
Senator Urquhart
APPENDIX 3
Proposal to refer a bill to a committee:
Name of bill:
    Fair Work (Registered Organisations) Amendment Bill 2014
Reasons for referral/principal issues for consideration:
    New Parliament containing 11 new cross-bench Senators who should be given an opportunity to examine the issue in detail.
Possible submissions or evidence from:
    To be determined by the Committee
Committee to which bill is to be referred:
    Senate Education and Employment Legislation Committee
Possible hearing date(s):
    To be determined by the Committee
Possible reporting date:
    14 October 2016
(signed)
    Senator Urquhart

APPENDIX 4
Proposal to refer a bill to a committee:
Name of bill:
    Fair Work Amendment (Gender Pay Gap) Bill 2015.
Reasons for referral/principal issues for consideration:
    This bill was previously referred to the Committee and the inquiry lapsed at the recent election after submissions were received but before any hearings could be held. Consideration of policy proposal to help close the gender pay gap by giving workers the freedom to discuss their pay without fear of sanctions.
Possible submissions or evidence from:
    Various key stakeholders have already made submissions to the Committee including academics, unions, lawyers' organisations and employer groups.
Committee to which bill is to be referred:
    Education and Employment Legislation Committee
Possible hearing date(s):
    Weeks beginning 26 September, 3 October, 24 October
Possible reporting date:
    14 November 2016
(signed)
    Senator Siewert
APPENDIX 5
Proposal to refer a bill to a committee:
Name of bill: 
Fair Work Amendment (Respect for Emergency Services Volunteers) Bill 2016
Reasons for referral/principal issues for consideration: 
New Parliament containing 11 new cross-bench Senators who should be given an opportunity to examine the issue in detail.
Possible submissions or evidence from: 
To be determined by the Committee.
Committee to which bill is to be referred: 
Senate Education and Employment Legislation Committee
Possible hearing date(s): 
To be determined by the Committee
Possible reporting date: 
14 October 2016
(signed)
Senator Urquhart

APPENDIX 6
Proposal to refer a bill to a committee:
Name of bill: 
Interactive Gambling Amendment (Sports Betting Reform) Bill 2015
Reasons for referral/principal issues for consideration: 
Previously referred to the Environment and Communications Legislation Committee however the inquiry lapsed when the Parliament was dissolved. Submissions had been received, but a public hearing had not been held and the committee did not report on the inquiry.
Possible submissions or evidence from: 
Submissions were previously received.
Committee to which bill is to be referred: 
Environment and Communications Legislation Committee
Possible hearing date(s): 
Tuesday 27 September 2016
Possible reporting date: 
Thursday 13 October 2016
(signed)
Senator Xenophon
Senator BUSHBY: I move:
That the report be adopted.
Senator DASTYARI (New South Wales) (11:52): I move the amendment circulated in the chamber in my name:
At the end of the motion, add "and in respect of the:
(a) Broadcasting Legislation Amendment (Media Reform) Bill 2016, the provisions of the bill be referred to the Environment and Communications Legislation Committee for inquiry and report by 7 November 2016; and
(b) Fair Work Amendment ( Respect for Emergency Services Volunteers) Bill 2016, the Education and Employment Legislation Committee report by 13 October 2016".

The PRESIDENT: The question is now that the amendment moved by Senator Dastyari be agreed to.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (11:52): I move the following amendments to Senator Dastyari's proposed amendment:

No. 1—Paragraph (a), omit the paragraph.

In speaking briefly to my amendment as proposed to Senator Dastyari's amendment as proposed to the Fair Work Amendment ( Respect for Emergency Services Volunteers) Bill 2016, what we are seeking is for the inquiry to report at the start of that week, so three days earlier. I would hope that that might be something that the Senate could see its way clear to supporting.

The other aspect of my amendment relates to the proposition for another Senate inquiry in relation to the Broadcasting Legislation Amendment (Media Reform) Bill 2016. Colleagues who were in this place before the election would be aware that the Senate did have an extensive inquiry into the government's proposed media reform legislation and that inquiry reported just prior to the election. Obviously, I appreciate that there are a number of senators who have joined this place since the election and I appreciate that that is one of the rationales put forward by those opposite for another Senate inquiry. But what I would put to the Senate for its consideration is that the work of the former Senate inquiry into media law is available for all senators, including new senators, for consideration.

If there were to be another Senate inquiry into this legislation, there would not be any new evidence presented by those parties and those organisations who gave evidence at the former Senate inquiry. So all of the evidence that was made by way of submissions is available for the consideration of new senators. All of the Hansard of that Senate inquiry is available for the consideration of all senators. I do not believe that another Senate inquiry going through that formal process would elucidate any issues that have not yet been canvassed. As I indicated earlier, I think that the work of the previous Senate committee is a good and valuable resource for those senators who have recently joined us. All of its work, all of the submissions, all of the Hansard transcripts are available for those senators who have joined us.

Obviously, as a government, we place ourselves in the hands of the Senate chamber but I did think it was important to emphasise just how recently that body of work of the Senate committee had been completed and to make sure that all colleagues are aware that that body of work is available for their perusal. I also know that there will be no shortage of media organisations seeking to make times to catch up with those senators who have recently joined us. There probably is almost no area of policy that has been more inquired into than media
law reform. It is an area that has been well traversed. I thought I would make those few comments for the benefit of my colleagues here.

Senator SIEWERT (Western Australia—Australian Greens Whip) (11:57): I foreshadow that I will move the following amendment to the amendment moved by Senator Dastyari:

At the end of the amendment, add, "and,"

(1) in respect of the provisions of the Budget Saving (Omnibus) Bill 2016, the Economics Legislation Committee report by 10 October 2016.

This is a bill that literally has dozens of clauses and amendments in it that need serious review. Some of those have not been considered by this chamber or by a committee inquiry and they deserve very close attention. For example, there are aged care amendments. The energy supplement was an amendment that came in through the 2016-17 budget. We had the ridiculous two-day estimates review where we tried to cram in two weeks of review. We know that is going to have a significant impact on people that are living on Newstart.

There are many other amendments in this Budget Saving (Omnibus) Bill 2016 that community organisations cannot possibly get their heads around, get their submissions in and be able to appear before a Senate committee in the time that the government wants them to. They need adequate time to be able to sit down and look at all the provisions in this omnibus bill. They only saw it this week. There is no way they can get their heads around all those different provisions, particularly as there will be so many stakeholders and there is so much contained in that one bill that the government is trying to ram through. We need adequate time in this chamber to review those provisions. They only saw it this week. There is no way they can get their heads around all those different provisions, particularly as there will be so many stakeholders and there is so much contained in that one bill that the government is trying to ram through. We need adequate time in this chamber to review those provisions. The government cannot run the line that these measures have been reviewed before because many of them were contained in the budget that came through in May, which has never been properly subjected to any proper estimates scrutiny or any proper scrutiny by a Senate committee. It needs adequate time for review. That is why we foreshadow moving this amendment to Senator Dastyari's amendments. I will indicate—and I think Senator Di Natale will make a contribution—that we will be supporting Senator Dastyari's amendments, not the government's amendments, but we will be seeking to amend them further.

Senator DASTYARI (New South Wales) (12:00): I just want to touch on the amendment that was proposed by the Manager of Government Business. When the opportunity comes we will be asking that they be put separately. The part of his amendment that suggested we change the Fair Work Amendment (Respect for Emergency Services Volunteers) Bill from 13 October to 10 October is, we feel, a reasonable compromise that will allow for that bill to be properly dealt with in coming sessions of parliament. However, we will be insisting on the first part of my amendment—that is, the provision that the Broadcasting Legislation Amendment (Media Reform) Bill 2016 be referred to the Environment and Communications Legislation Committee for inquiry and report by 7 November.

I note that Senator Fifield has outlined that, in the past, there has been inquiries or investigations through parliamentary committees for this type of legislation. We are dealing with a brand-new Senate with 11 new crossbench senators. This is a very complex piece of legislation. We want to make sure that ample opportunity is given for a full investigation and a full inquiry into the different parts of this bill and make sure that senators, when coming to vote on these matters, are able to be well informed of the debate and well informed of the specific nature of this bill. The Senate committee inquiry process is the appropriate process to
have those questions investigated and those questions explored. And I say this for the newer senators: the suggestion here that we are referring it to the legislation committee does mean that we are sending it to a committee where, in high likelihood, the government will have the numbers. So it is not as if it is anything other than an opportunity to actually have this bill properly investigated and properly looked at.

I also note that Senator Fifield made reference to the report date of 7 November. After this date there will still be three full weeks of Senate sitting. There will be ample opportunity for senators and the Senate to debate this bill.

Senator DI NATALE (Victoria—Leader of the Australian Greens) (12:03): I think it is really important to understand what is going on here. What is going on here is that we have a piece of legislation that is going to result in a saving of $6 billion; it is an incredibly complex piece of legislation. For the benefit of the new senators, who have not even had the opportunity to look at this legislation in detail, the legislation involves the abolition of Medicare-funded dental care for young children—something that was negotiated as a result of the 2010 parliament. Medicare-funded dental care to the tune of $1,000 for young children: gone, under this budget savings measure.

It involves the abolition of the clean energy supplement—something that will hit and target the most vulnerable people in the Australian community. That is something that, again, some of the new senators in this chamber may not be aware of—a billion dollars taken out of the Australian Renewable Energy Agency. It involves slashed funding for education. There is a budget measure in here that says: if you are on a disability support pension and you have a mental illness, you will have that support removed as a result of you being prosecuted for having committed a crime because you suffer from a mental illness.

This is a wide-ranging, far-reaching piece of legislation that deserves scrutiny from the crossbench and from the Senate. It is remarkable.

I understand why the coalition would want to see this rushed through the parliament—$6 billion worth of savings; money taken away from renewable energy; money taken away from the most vulnerable people in the Australian community. The Labor Party, who with the Greens helped establish the Australian Renewable Energy Agency, are now prepared to see it gutted. For the Australian Labor Party to take away legislation negotiated with the Greens to provide some support through the clean energy supplement to the most vulnerable people in the Australian community, that will be gone. And, of course, with the abolition of the child dental benefits scheme, there will be no more Medicare-funded dental care for young children.

All this has been done under the cloak of secrecy and done in a week so that we do not have the opportunity for this Senate to interrogate why it is that we as a parliament should be seeking to achieve budget savings on the back of these regressive measures, and measures that take us backwards when it comes to addressing dangerous climate change. This is remarkable.

I call on the Labor Party to ensure that we have the scrutiny that this legislation deserves. This is an ominous sign. While the Labor Party have not said yet whether they will support these measures, the fact that they want them rushed through this Senate and dealt with as a matter of urgency says to me that they were going to join in with the coalition to slash funding
for renewable energy and to take money out of the pockets of the most vulnerable people in this community. At a time when we have growing out-of-pocket healthcare costs, they are going to take $1,000 of Medicare-funded dental care from the over 3½ million Australians who are eligible to receive it.

So we urge and we plead with you: reconsider. Give this legislation the scrutiny it deserves. Have some respect for the new crossbenchers so they can properly do their job and interrogate the huge list of savings measures listed in this legislation—$6 billion.

If you want to balance the budget, there are many other areas where we can do that. Let's take away some of the support that is given in the form of cheap fuel to mining companies. Let's make sure that we deal with negative gearing—and we agree with the Labor Party who indeed have supported our position on negative gearing. Let's ensure that we do not have property investors who are effectively getting subsidies while we see both the major parties wanting to take money away from the most vulnerable people in the community, slash publicly funded dental care and slash funding for the Australian Renewable Energy Agency.

Reconsider your position. Let's extend the time line for this inquiry and let's ensure that this Senate does its job. What we do not need is a rubber stamp from the Labor Party to the coalition allowing them to pass through these regressive and unsustainable measures.

Senator LAMBIE (Tasmania) (12:08): I just want to say a few things here as a crossbencher. I would have hoped that you people over there would have learnt your lesson by now. Things were going to be different this time around, weren't they? Okay, you have got new crossbenchers in this Senate. You have shoved us a great big white folder. How do you think they are feeling right now? Give them the time to settle in. Give them the time to learn the ropes—and I want more time on this as well. Don't just go shoving this folder down my throat either. This is not the way we were going to move forward. Right now we are on what? Day 3. Show a bit of integrity and show some bloody respect, because we do not have the staff. We do not have the Manning that you have. We want more time. Thank you.

The PRESIDENT: I will just let the Senate know exactly where we are. Senator Bushby moved a motion to adopt the Selection of Bills Committee report. Senator Dastyari has moved an amendment to that motion. Senator Fifield has moved amendments to Senator Dastyari's motion. Senator Dastyari has asked if the motion could be split into two questions. So the question now before the chair is that the amendment moved by Senator Fifield to Senator Dastyari's amendment—paragraph 1—be agreed to.

I will go through this again. The question before the chair is that paragraph 1 of the amendment moved by Senator Fifield to Senator Dastyari's amendment be agreed to. I am happy to take any points of clarification. I will take Senator Leyonhjelm first.

Senator LEYONHJELM (New South Wales) (12:10): I understand Senator Fifield's amendment is simply to delete paragraph one—isn't that right?

The PRESIDENT: Yes, but the question is to omit paragraph 1. Senator Dastyari—and it is his right to do so—has requested that I split the question. Senator Fifield's amendment has two elements: paragraph 1, which is to be omitted according to Senator Fifield's amendment; and paragraph 2 is a date change from 13 October to 10 October this year. I will put that
question next. Is everyone clear on the question now before the chair? The question now is that paragraph 1 of Senator Dastyari's amendment be omitted.

Question negatived.

The PRESIDENT: The question now is that paragraph 2 of Senator Dastyari's amendment be amended to reflect the date change from 13 October until 10 October this year.

Question agreed to.

The PRESIDENT: Senator Siewert, you foreshadowed you also wanted to amend Senator Dastyari's amendment. My understanding is your amendment is to add at the end of Senator Dastyari's amendment a paragraph, which has been circulated.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:12): I move the following amendment to the amendment moved by Senator Dastyari:

At the end of the amendment, add:

(c) Budget Savings (Omnibus) Bill 2016, the Economics Legislation Committee report by 10 October 2016.

The PRESIDENT: Thank you. Just for complete clarity: Senator Dastyari's amendment has been amended by the result of the previous vote, so we are now adding, to the end of the amended version of Senator Dastyari's amendment, the amendment by Senator Siewert. Is everyone clear?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (12:12): I move the following amendment to Senator Siewert's proposed amendment:

Omit "10 October 2016" and substitute "13 September 2016".

The PRESIDENT: The question is that the amendment moved by Senator Fifield to change the date in the amendment moved by Senator Siewert from 10 October 2016 to 13 September 2016 be agreed to.

The Senate divided. [12:17]

AYES

Ayes .................44
Noes ....................18
Majority.................26

AYES

Abetz, E
Bernardi, C
Bushby, DC (teller)
Chisholm, A
Cormann, M
Duniam, J
Fawcett, DJ
Fifield, MP
Gallagher, KR
Ketter, CR
Macdonald, ID
McAllister, J
McGrath, J

Back, CJ
Brown, CL
Cameron, DN
Collins, JMA
Dodson, P
Farrell, D
Fierravanti-Wells, C
Gallacher, AM
Hume, J
Lines, S
Marshall, GM
McCarthy, M
McKenzie, B

CHAMBER
The PRESIDENT (12:20): The question now is that the amended motion of Senator Siewert's motion to now amend Senator Dastyari's motion be agreed to. Do I need to go through it again, or is everyone clear on where we are?

Senator IAN MACDONALD (Queensland) (12:20): Mr President, could you please read what the actual motion is that we are voting on?

The PRESIDENT: I will go through it again: the original question was that Senator Bushby's Selection of Bills Committee report be adopted. There was an amendment moved by Senator Dastyari, then there was an amendment to Senator Dastyari's amendment by Senator Fifield, which has been resolved, that amended Senator Dastyari's amendment. Then Senator Siewert moved a further amendment to Senator Dastyari's amendment and we have just voted, previously, on the amendment by Senator Fifield to change a date in Senator Siewert's amendment. That amendment has now been amended.

That amendment now is seeking to amend Senator Dastyari's amendment. So, in effect, Senator Siewert is seeking to add a paragraph to the end of Senator Dastyari's amendment, and that has been amended by a date change. It is very simple. It reads: 'In respect of the provisions of the Budget Saving (Omnibus) Bill 2016, the Economics Legislation Committee report by 13 September 2016.' That is now going to be added, if the resolution is carried, to Senator Dastyari's amendment to the original motion.

Question agreed to.

The PRESIDENT: We now have a completed amendment by Senator Dastyari. The question is that that amendment, as amended, be agreed to.

Question agreed to.
The PRESIDENT: We now have an amendment by Senator Dastyari that will now amend Senator Bushby's original motion. The question is that amendment be agreed to.
Question agreed to.
The PRESIDENT: The question is now that the original motion, as amended, be agreed to.
Question agreed to.
Motion, as amended, agreed to.

BUSINESS

Rearrangement

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (12:23): I move:
That the order of general business for consideration today be as follows:
(a) general business notice of motion no. 18 standing in the name of Senator Dastyari relating to section 18C of the Racial Discrimination Act; and
(b) orders of the day relating to documents.
Question agreed to.

NOTICES

Postponement

The Clerk: Postponement notifications have been lodged in respect of the following:
Business of the Senate notice of motion no. 4 standing in the name of Senator McKim for today, proposing a reference to the Legal and Constitutional Affairs References Committee, postponed till 12 September 2016.
General Business notice of motion no. 12 standing in the name of the Leader of the Opposition in the Senate (Senator Wong) for today, relating to racial and cultural diversity, postponed till 12 September 2016.
General Business notice of motion no. 28 standing in the name of Senator Rhiannon for today, relating to foreign political donations, postponed till 13 September 2016.

COMMITTEES

Privileges Committee

Reference

Senator DASTYARI (New South Wales) (12:24): At the request of Senator Conroy, I move:
That the following matters be referred to the Standing Committee of Privileges for inquiry and report:
In relation to the execution of search warrants by the Australian Federal Police (AFP) on the Melbourne office of Senator Conroy and the home of an Opposition staff member on 19-20 May 2016, and on the Department of Parliamentary Services at Parliament House, Canberra, on 24 August 2016 or subsequent actions allegedly undertaken by the AFP and NBN Co Limited, as specified in Senator Conroy's letter to the President of the Senate of 30 August 2016 raising a matter of privilege:
(a) whether there was any improper interference, or attempted improper interference, with the free performance by Senator Conroy of his duties as a senator;
(b) whether disciplinary or other adverse action was taken against any person in connection with the alleged provision of information to Senator Conroy; and

(c) if so, whether any contempts were committed in respect of those matters.

Question agreed to.

BUSINESS

Senate Temporary Orders

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (12:25): I move:

That consideration of the business before the Senate on the following days be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable senators to make their first speeches without any question before the chair, as follows:

(a) Tuesday, 13 September 2016—Senator Roberts; and

(b) Wednesday, 14 September 2016—Senator Hanson.

Question agreed to.

MOTIONS

Banking and Financial Services

Senator Wong (South Australia—Leader of the Opposition in the Senate) (12:25): I move:

That—

(a) the Senate notes that:

(i) confidence and trust in the financial services industry has been shaken by ongoing revelations of scandals, which have resulted in tens of thousands of Australians being ripped off, including:

(A) retirees who have had their retirement savings gutted,
(B) families who have been rorted out of hundreds of thousands of dollars,
(C) small business owners who have lost everything, and
(D) life insurance policy holders who have been denied justice;

(ii) it is clear from the breadth and scope of the allegations that the problems in this industry go beyond any one bank or type of financial institution,

(iii) the Australian Labor Party, the Australian Greens, crossbench, Liberal and Nationals parliamentarians have supported a thorough investigation of the culture and practices within the financial services industry through a Royal Commission, which is the only forum with the coercive powers and broad jurisdiction necessary to properly perform this investigation, and

(iv) Australia has one of the strongest banking systems in the world,

but Australians must have confidence in their banks and financial institutions, making it necessary to sweep away doubt and uncover and deal with unethical behaviour that compromises that confidence;

(b) the Senate calls on the Prime Minister to request His Excellency the Governor-General of the Commonwealth of Australia issue Letters Patent to establish a Royal Commission to inquire into misconduct in the banking and financial services industry, including their agents and managed investment schemes; and

(c) this resolution be communicated to the House of Representatives for concurrence.
Notice of motion altered on 31 August 2016 pursuant to standing order 77.

**Senator WILLIAMS** (New South Wales) (12:26): I seek leave to make a short statement.

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

**Senator WILLIAMS:** Yesterday, I tried to amend this motion to include the life insurance industry and the insurance industry.

*Senator Wong interjecting—*

**Senator WILLIAMS:** Senator Wong, if you will listen—

**Senator Wong:** I am listening.

**Senator WILLIAMS:** Well, you should go and review the *Four Corners*/Fairfax story of Adele Ferguson on the wrongdoings.

**The PRESIDENT:** Address your comments to the chair, Senator Williams.

**Senator WILLIAMS:** I am sorry, Mr President. Have a read of the story about REST industry super fund and what it has done with the case of a deceased young fellow who would not have had his claim paid. That is why I am moving to have life insurance in this and to have an inquiry into that very issue. I have crossed the floor before. Senator Dastyari is aware of that. You would not come with me in June last year—the 24th, I think it was—Senator Dastyari; probably you were lacking leadership from Beijing or something and that is why you would not join me in that appeal. For years I have stated where I stand on this: I want a royal commission. But let us have a proper royal commission not a cover up royal commission. That is the point I make and that is why I will not support this motion now.

**Senator McGrath** (Queensland—Assistant Minister to the Prime Minister) (12:27): I seek leave to make a short statement?

**Senator Wong:** Before we grant leave, is this the last from the government?

**Senator McGrath:** I cannot speak for other senators, but I on behalf of the government—

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

**Senator McGrath:** The government does not support a royal commission into the banking and financial services sector, because a royal commission would not benefit consumers or the Australian economy. Whilst the government has proactively sought to reform Australia's financial sector, Labor when in government sat idle and oversaw scandal after scandal. In fact, most of the notable scandals and collapses happened on Labor's watch, when the Leader of the Opposition was the Minister for Financial Services and Superannuation, including financial planning scandals at the Commonwealth Bank and Macquarie and the collapse of firms such as Trio Capital, Storm Financial and Great Southern. Labor was in government for six years and did not act. Our government has acted. We have delivered the Financial System Inquiry and a stronger regulator with more resources and powers, and we are working on a one-stop shop for consumer complaints.

**Senator Gallagher** (Australian Capital Territory) (12:28): I seek leave to make a short statement.

**The PRESIDENT:** Leave is granted for one minute.
Senator GALLAGHER: Just in support of this motion and in response to Senator Williams, I say that we are joined today in this place by a number of victims of bank scandals—victims of the financial services industry. I have just spent an hour with these people—they join us here in this chamber—listening to how their lives have been affected and to how they seek the response that only a royal commission can give.

Senator Williams interjecting—

Senator GALLAGHER: And only a royal commission that you, Senator Williams, have been arguing for, for some time. The response from the government has been completely inadequate. Listen to the stories of those people whose lives have been affected, whose houses have been lost, whose retirement savings have vanished, whose businesses have folded and who have been arguing for years—eight to 10 years, for some people—for some sense of justice. This is what this motion seeks and that is what a royal commission will find.


The PRESIDENT: Leave is granted for one minute.

Senator WHISH-WILSON: Under the Constitution, the Australian government has responsibilities for the regulation of both banking and insurance. I want to point out to the chamber and especially to you, Senator Williams—I first, of course, recognise that you have called for a royal commission into financial misconduct for some time, and I respect that—that the banks are now vertically integrated. If we have an inquiry into the banking system, that includes the insurance markets. Most banks own financial services companies, including insurance companies. So the motion put by Labor I support, because it will encompass the areas of your concern. As far as forestry managed investment schemes go, those of us who were on the inquiry who recommended for a royal commission—that would also encompass the banking system, because the banks finance the finance companies and places like Timbercorp. They are all included. I would urge you to support this motion today.

Question agreed to.

Rio de Janeiro Paralympic Games

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (12:31): At the request of Senators Brown and Conroy, I move:

That the Senate—

(a) notes that:

(i) the 2016 Paralympics will take place in Rio from 7 September to 18 September,

(ii) around 4,350 athletes from more than 160 countries will travel to Rio to compete in 528 medal events in 22 different sports,

(iii) Australia will be represented by 169 athletes competing across 15 sports, and

(iv) Australia has a proud history of success at the Paralympic Games, competing at every Games since the first one in Rome in 1960 and finishing in the top five at every summer Games since the Barcelona Games in 1992, including at the London 2012 Paralympic Games where Australia placed fifth on the gold medal tally with 32 gold, 23 silver and 30 bronze medals;

(b) recognises that the Paralympic Games play an important role in:

(i) putting a spotlight on inclusion in our society,
(ii) highlighting the need for greater support for people living with disability in Australia and around the world,

(iii) shaping community attitudes towards disability, and

(iv) promoting sport for all Australians;

(c) recognises the dedication and hard work of the athletes who have been named as part of the Australian Paralympic Team;

(d) wishes our athletes well in Rio; and

(e) calls on all parliamentarians to support the Australian Paralympic Team at the Rio 2016 Paralympic Games.

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (12:31): I seek leave to make a short statement.

The President: Leave is granted for one minute.

Senator McGrath: The Australian government is proud to support the wonderful men and women who are about to represent our country on the world stage at the Paralympic Games in Rio. The government invests about $16.5 million each year to support the work of the Australian Paralympic Committee and the inspirational para-athletes. For these Paralympics, the government has also invested in making sure our para-athletes arrive in Rio in the best possible physical condition, through the development of customised seating for long-haul flights. We are sure this will assist many of our Paralympic athletes in Rio this year. We look forward to hearing the stories of these exceptional athletes who have overcome adversity to prove they are world-class sports stars. This magnificent event continues to get bigger, and the government is delighted to be able to lend its support to these exceptional Australians who rightly win the admiration and respect of every one of us.

Question agreed to.

DOCUMENTS

Select Committee on Wind Turbines Report: Government Response

Order for the Production of Documents

Senator Leyonhjelm (New South Wales) (12:32): I, and also on behalf of Senators Day, Xenophon, Lambie, Griff, Kakoschke-Moore, Burston, Culleton, Hanson, Roberts and Hinch, move:

That—

(a) the Senate notes that:

(i) the President's report to the Senate on government responses outstanding to parliamentary committee reports as at 30 June 2016, listed the report of the Select Committee on Wind Turbines amongst the reports the Government had failed to respond to within the 3 month timeframe, and

(ii) the Government still has not provided a formal response to the committee's report, although it has been some 12 months since the report was tabled; and

(b) there be laid on the table by no later than 3.30 pm on 21 November 2016 by the Minister representing the Minister for Environment and Energy the Government's response to the report of the Select Committee on Wind Turbines, dated August 2015.

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (12:33): I seek leave to make a short statement.
The PRESIDENT: Leave is granted for one minute.

Senator McGrath: The Western Distributor Project in Melbourne is being funded and delivered by the Victorian government through an unsolicited bid process, with no involvement from the Commonwealth.

The PRESIDENT: I will take a point of order from Senator Xenophon.

Senator Xenophon: It is one of relevance. This is a wind turbine motion and is not to do with the Western. I am just trying to help out the minister.

The PRESIDENT: Thank you. Senator McGrath, do you want to seek leave to make an additional statement?

Senator McGrath: No.

The PRESIDENT: Thank you.

Question agreed to.

BILLS

Veterans' Entitlement Amendment (Expanded Gold Card Access) Bill 2015

Senator Lambie (Tasmania) (12:34): I move:

(1) That so much of standing orders be suspended as would prevent this resolution having effect.
(2) That the Veterans' Entitlement Amendment (Expanded Gold Card Access) Bill 2015 be restored to the Notice Paper and that consideration of the bill be resumed at the stage reached in the last session of the previous Parliament.

Question agreed to.

MOTIONS

Mining

Senator Waters (Queensland—Co-Deputy Leader of the Australian Greens) (12:34): I seek leave to amend general business notice of motion No. 19 standing in my name for today, relating to the Adani coalmine.

Leave granted.

Senator Waters: I move the motion as amended:

That the Senate—
(a) notes that:
(i) Australia has committed at the Paris climate talks to keep global warming below 2 degrees, and to pursue efforts to keep global warming below 1.5 degrees,
(ii) with only 1 degree of global warming so far, the Great Barrier Reef has already suffered the worst ever mass coral bleaching event, and
(iv) fourteen major international and domestic banks have ruled out providing finance to the Adani mine or associated infrastructure; and
(b) calls on the Federal Government to rule out giving any public funding to the Adani coal mine or any associated infrastructure, including via the Northern Australia Infrastructure Facility.

Question agreed to.
AIDS, Tuberculosis and Malaria

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (12:35): I, and also on behalf of Senators Moore and Pratt, move:

That the Senate—

(a) recognises the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria:

(i) provides an invaluable contribution to the global decline in the numbers of new cases of HIV, tuberculosis and malaria as well as rates of morbidity and mortality in almost every country and region,

(ii) has, as a result of programs since 2002, saved an estimated 22 million lives by the end of 2016, and

(iii) requires long term ongoing funding to enable a continuation of this vital and significant improvement in the many countries that face the severe challenges posed by HIV/AIDS, Tuberculosis and Malaria;

(b) notes that, on 16 and 17 September 2016, leaders of governments and non-government contributors to the Global Fund will gather in Montreal to commit resources to the Global Fund for 2017-2019; and

(c) acknowledges that:

(i) the Fifth Replenishment Conference for the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria presents an important opportunity for Australia to increase our contribution to assist countries in our region combat the ongoing burden of AIDS, tuberculosis and malaria, and

(ii) Australia’s contribution to the Global Fund has a high return for the Asia Pacific region, with the Global Fund investing $15 in the Asia Pacific for each $1 Australia contributed to the Global Fund.

Question agreed to.

BILLS

Restoring Territory Rights (Dying with Dignity) Bill 2016

Senator DI NATALE (Victoria—Leader of the Australian Greens) (12:35): I move:

(1) That so much of standing orders be suspended as would prevent this resolution having effect.

(2) That the Restoring Territory Rights (Dying with Dignity) Bill 2016 be restored to the Notice Paper and that consideration of the bill be resumed at the stage reached in the last session of the previous Parliament.

Question agreed to.

DOCUMENTS

Perth Freight Link

Order for the Production of Documents

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (12:36): I move:

That—

(a) the Senate notes the Turnbull Government intends to provide funding now worth $1.2 billion for the Perth Freight Link and has no social, environmental or economic credibility; and

(b) there be laid on the table no later than 11 am on Monday, 12 September 2016 by the Minister for Finance:
(i) an estimate of the financial penalties or compensation that the Barnett Government has exposed WA taxpayers to, should the contracts be terminated, and

(ii) any correspondence or information (including briefings and meeting notes) relating to penalties or compensation that will be offered to contractors, should the contracts for the Perth Freight Link be terminated upon a change of government, including correspondence between any Australian Government minister, department or agency and the Western Australian Government on this matter.

Question agreed to.

MOTIONS

Donations to Political Parties

Senator XENOPHON (South Australia) (12:37): I ask that Senator Conroy's name be added to general business notice of motion No. 25 standing in my name and in the name of Senator Rhiannon for today.

The PRESIDENT: It is so added.

Senator XENOPHON: I, and also on behalf of Senator Rhiannon and Senator Conroy, move:

That the Senate—

(a) notes that:

(i) at least 114 countries have banned foreign political donations, and

(ii) Australia is not one of the at least 114 countries that ban foreign political donations; and

(b) calls on the Government to support legislative changes to make overseas political donations illegal.

Question agreed to.

Taxation

Senator XENOPHON (South Australia) (12:38): I move:

That the Senate—

(a) notes that:

(i) statistics from Tourism Research Australia show that backpackers spent approximately $3.4 billion in Australia for the year ending December 2015,

(ii) backpackers play a vital role in the Australian economy and perform important work in rural and regional areas,

(iii) while the Government has given a temporary reprieve on the backpacker tax, there is still a threat that it will be implemented in its current form,

(iv) rural and regional communities across Australia will be damaged if the Government does not rule out implementing the backpacker tax in its current form, and

(v) the Queensland Liberal National Party recently passed a motion against the Government's planned backpacker tax at its state convention; and

(b) calls on the Government to immediately announce that it will not proceed with the implementation of the backpacker tax in its current form.

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (12:38): I seek leave to make a short statement.

Leave not granted.
Senator IAN MACDONALD (Queensland) (12:38): I seek leave to make a one-minute statement.
Leave not granted.
Question agreed to.

NOTICES
Postponement
Senator WATT (Queensland) (12:39): by leave—I move:
That business of the Senate notice of motion No. 2 in my name be postponed until the next day of sitting.
Question agreed to.

COMMITTEES
Foreign Affairs, Defence and Trade References Committee Reference
Senator LAMBIE (Tasmania) (12:39): I seek leave to amend business of the Senate notice of motion No. 3 standing in my name and in the names of Senators Xenophon, Hinch and Culleton for today, proposing a reference to the Foreign Affairs, Defence and Trade References Committee, relating to Australian veterans.
Leave granted.
Senator LAMBIE: I, and also on behalf of Senators Xenophon, Hinch and Culleton, move the motion as amended:
That—
(a) the Senate notes that:
(i) the number of veterans who have served overseas in war and warlike circumstances since 1999 is some 50,000 personnel over 75,000 deployments which is now approaching the number of Australian veterans who served in Vietnam – 60,000 between 1962 and 1972,
(ii) some reports from ex-service organisations and former Australian Defence Force (ADF) members suggest that the number of veterans in our community who have committed suicide may be more than 280 veterans since 1999,
(iii) the Turnbull Government must now take steps to acknowledge this crisis among so many ADF veterans, and undertake the necessary research so as to measure the scale of the suicide rate,
(iv) some ex-service organisations and former ADF members believe that the complexity of Australia's military compensation schemes, together with administrative failures and slow decision-making by the Department of Veterans' Affairs (DVA), is a contributing factor to imposing financial hardship, stress on families, delays in medical treatment, and even homelessness and suicide; Australian Military Compensation Arrangements must be fair and provide former members of the Defence Force and their families who suffer a service injury or disease with a strong system of compensation and other benefits,
(v) media reports and discussions with individual veterans, along with feedback from ex-service organisations have revealed a number of serious issues with the administration, governance and processes of DVA was over five years ago and is now outdated and the Turnbull Government must commit to undertaking a thorough review of DVA, addressing the issues above, and
the RSL Tasmania State Executive supports the following motion by State President Robert Dick: 'As a society, we have an obligation to ensure that we care for those called upon to serve and defend our country. When there is a failure in the system that looks after and cares for these people, it is important to understand why that failure has occurred and to rectify it to ensure that it doesn't happen again. A Senate inquiry is the most appropriate vehicle to explore these failures and identify the best means to remedy this situation and hold those responsible for the failures to account'; and

(b) the above matters be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 30 March 2017, with particular reference to:

(i) the reasons why Australian veterans are committing suicide at such high rates,

(ii) previous reviews of military compensation arrangements and their failings,

(iii) the Repatriation Medical Authority's Statements of Principles, claims administration time limits, claims for detriment caused by defective administration, authorised medical treatment, level of compensation payments, including defence abuse, as contained in all military compensation arrangements,

(iv) to investigate the progress of reforms within DVA,

(v) the administration of claims by DVA and the legislative or other constraints on effective rehabilitation and compensation for veterans, and

(vi) any other related matters.

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (12:40): I seek leave to make a short statement.

Leave not granted.

Question agreed to.

MOTIONS

Immigration Detention

Senator Singh (Tasmania) (12:41): I move:

That the Senate—

(a) notes that:

(i) a large cache of documents has been made public regarding the treatment of asylum seekers including children on Nauru, and

(ii) these documents contain concerning reports of alleged abuse; and

(b) call upon the Australian Government:

(i) to reveal whether these serious and disturbing allegations of abuse have been investigated and the outcomes of those investigations, and

(ii) to appoint an Independent Children's Advocate backed by adequate resources and statutory powers to ensure the rights and interests of children are protected.

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (12:41): I seek leave to make a short statement.

Leave not granted.

The President: The question is that general business notice of motion No. 15 standing in the name of Senator Singh be agreed to.

The Senate divided. [12:45]
(The President—Senator Parry)

Ayes ...................... 35
Noes ...................... 33
Majority ................ 2

**AYES**

- Bilyk, CL
- Cameron, DN
- Collins, JMA
- Dastyari, S
- Dodson, P
- Gallacher, AM
- Griff, S
- Hinch, D
- Ketter, CR
- Ludlam, S
- McAllister, J
- McKim, NJ
- O'Neill, DM
- Rice, J
- Singh, LM
- Urquhart, AE (teller)
- Watt, M
- Xenophon, N

- Brown, CL
- Chisholm, A
- Conroy, SM
- Di Natale, R
- Farrell, D
- Gallagher, KR
- Hanson-Young, SC
- Kakoschke-Moore, S
- Lines, S
- Marshall, GM
- McCarthy, M
- Moore, CM
- Rhiannon, L
- Siewert, R
- Sterle, G
- Waters, LJ
- Whish-Wilson, PS

**NOES**

- Abetz, E
- Bernardi, C
- Burston, B
- Canavan, MJ
- Culleton, RN
- Fawcett, DJ
- Fifield, MP
- Hume, J
- Leyonhjelm, DE
- McGrath, J
- Nash, F
- Parry, S
- Payne, MA
- Roberts, M
- Scullion, NG
- Sinodinos, A
- Williams, JR

- Back, CJ
- Birmingham, SJ
- Bushby, DC (teller)
- Cash, MC
- Duniam, J
- Fieravanti-Welis, C
- Hanson, P
- Lambie, J
- Macdonald, ID
- McKenzie, B
- O'Sullivan, B
- Paterson, J
- Reynolds, L
- Ruston, A
- Seselja, Z
- Smith, D

**PAIRS**

- Carr, KJ
- Polley, H
- Pratt, LC
- Wong, P
- Brandis, GH
- Cormann, M
- Day, RJ
- Ryan, SM

Question agreed to.
GOVERNOR-GENERAL'S SPEECH

Address-in-Reply

Consideration resumed of the motion:
That the following address-in-reply be agreed to:

To His Excellency the Governor-General

MAY IT PLEASE YOUR EXCELLENCY—

We, the Senate of the Commonwealth of Australia in Parliament assembled, desire to express our loyalty to our Most Gracious Sovereign and to thank Your Excellency for the speech which you have been pleased to address to Parliament.

Senator STERLE (Western Australia) (12:48): I wish to make a contribution to this debate. But before I do I would like every single person in Australia to hear what I have to say. It should be of no surprise, because it is on my declaration of interests. We have a responsibility to report each time that we receive accommodation or gifts or travel or hospitality or whatever it may be.

I have been lucky enough to be the longstanding chair of the Senate Standing Committee on Rural and Regional Affairs and Transport—firstly of the legislation committee, while we were in government, and of the references committee, while we were in opposition. I have had 11 years on the committees, 8½ of those chairing, and I use every opportunity to increase my field of knowledge re agriculture. And one of the greatest opportunities that I have had, as chair of the Committees on Rural and Regional Affairs and Transport, is to see for myself and meet with those engaged in agriculture, particularly in our largest trading areas. I have done that through Malaysia. I have touched on it in Vietnam. I have done it in the EU. I have had the pleasure of doing it in Indonesia, and also in China. And therefore, as my register of interests clearly shows, I have participated in two trips to China. And those two trips to China were funded—one, by the Yuhu group, which is no stranger in this building, particularly on that side of the chamber because of massive donations, and on this side of the chamber, because we have also received donations from Yuhu. That is all above board and all listed.

I will go on to talk about and reiterate some of the conversations of yesterday—and I was in your position yesterday, Mr Acting Deputy President Marshall—when Senator Bernardi went on the attack on Senator Dastyari. I want to add to the conversation.

There is nothing illegal with members of parliament going on funded trips around the world, to wherever it may be—but declaring it, so there is no chance of secretive deals, or favours, or whatever it may be. The sad part is: the majority of decent, hardworking Australians just cannot stomach the thought of politicians spending their money on trips. It is true. I do not argue; I think the same thing. So the trips I went on to China were not taxpayer-funded. But I tell you what: we visited western China and we had a fantastic insight into agriculture.

I also have, on two occasions, visited the premises of Huawei. Now, don't hang me on this, for crying out loud: I cannot remember if it was Shanghai—no, it was not Shanghai; I think Shenzhen was one, and maybe Beijing. But, anyway, the photographs are there. I proudly said, 'I'm here; I'm at Huawei.' Why wouldn't I? They are a massive contributor to Australia's telecommunications. And this is just from a floppy backside backbencher, but I tell you what: I am open to talk to anyone. I am the first one to come back from China, and you ask my
blackfella mates in the Kimberley and they will tell you I will annoy the living daylights out of them, particularly when I have the ability to visit the Port of Huizhou in the province of Guangdong, because they have built a live export facility. Millions and millions of dollars has been put into this live export facility because they want to import Australia's cattle. We visited when it was just a slab, but they are also building 500 metres from the port where the cattle can come off—I would rather have boxed meat anyway because it is Australian jobs and it is less cruel, but, unfortunately, live export is part of our economy. That is it. We cannot get away from that. But they walk the cattle down. The whole idea is for biosecurity reasons. They can take them straight to the abattoir where they will be processed.

So my first response on them doing that is, 'How can I get back to the Kimberley, to the best part of Australia?' Actually, the west is the best, but the Kimberley is the crown in the jewel. 'And how can I, who has worked closely with Kimberley Aboriginal Pastoralists Association, with the 22 Aboriginal owned properties in the Kimberley, facilitate some opportunity for Australian Aboriginal owned stations to have access to conversations about how they can be part of the trade deal with meat to China?' I say that straight up front. I have annoyed the living daylights out of my Aboriginal mates doing that and I will continue to do that too.

But the conversations that we are hearing in this chamber today—there is an old adage that we all learnt when we came in here, when we were first met by those diligent protectors of the Senate and the Australian Labor Party, Senators Faulkner and Ray, and it was very clear. If you can live with whatever decision you make or wherever you go or whoever you meet being on the front page of The Tele or—what is the Melbourne paper? Hey, what is your Melbourne paper?


Senator STERLE: Thanks. I am from the west. The Herald Sun. I did not mean to say 'hey'; I meant to say, 'Excuse me, Senator Collins, but I’m stuck.'

Senator Jacinta Collins: Hey you!

Senator STERLE: But if you can live with that then go ahead and do it. So every single decision I have made as a Western Australian Labor senator—proudly—and every decision I have made in terms of hospitality, accommodation, travel or whatever, as I do as the Chair of the Senate Rural and Regional Affairs and Transport References Committee, I declare. I want people to know where I have been. I want people to know who I have been meeting with. Whether I am in the United States with the great Teamsters union—it does not matter where I have been, because I always walk into this place and deliver a speech about what I have been up to. I believe that is the only way.

My dear old father, who is reaching his 84th year, said to me back in the seventies in his broken English, 'Never, ever lie to me.' I said, 'Why is that, Dad?' He said, 'Because you don't have a good memory, so I'll catch you out,' and I have lived by that creed. But, I hear the attacks on Senator Dastyari, who is a very influential member of the Australian Labor Party, the Australian community and this Senate, because he slipped up. Senator Dastyari slipped up, and no-one feels worse about it than Senator Dastyari. And the silly thing is he slipped up on something that has no defence. We cannot defend it, and Senator Dastyari is the first one to tell you he could not defend it. He thought it would be okay if he declared it. I am not
going to sit here and put the boots into Senator Dastyari. I am going to put my arm around him because there is a lot worse that happens on that side of the chamber. I will never, ever defend corruption. I will be the first one out there. I will throw rocks at you if you are called corrupt, don't worry about that, and you have the ability to do it to me too, but let's get to the crux of some of the accusations coming here.

Senator Dastyari has repaid the money to the Chinese business, which he should. He has also had a $3½ thousand haircut because he has had to pay the travel allowance bill, which he has done. Good on you, Sam. Well done. You have owned up. You have done it. Let's get on with it, because we politicians are an embarrassment to the Australian populace at the best of times, but to stand here undressing ourselves as we are doing now, how can the Australian people have confidence in us? It hurts us, because the majority of us in this place and the other place are decent, hardworking people. We are decent members of the community, and most of us come into this building with our hand on our heart, wanting to deliver the best outcomes for the people that have actually walked into a ballot booth and put a 1 beside our name.

People think this is a clever display of Australia's parliament working. It is absolutely disgraceful. But you had better be careful when you start throwing mud, because it comes back and, when it comes back, in my experience watching it in this place for 11 years, it comes back at twice the rate and twice the speed. I am now, unfortunately, going to put myself in the political gutter because you lot started it over there. You want to have a ding-dong battle. Just remember one thing: if you are going to go into a punch-up in the pub, you are going to get a bloody nose. So let's start on the member for Curtin, shall we?

I will tell you why I picked the member for Curtin: it is because there are accusations against Senator Dastyari in relation to Yuhu and Huawei but in 2012 the member for Curtin, Ms Julie Bishop, received airfares, hospitality, accommodation and a tablet computer from Chinese tech company Huawei. You know what? I am not going to repeat myself, but I have received flights and accommodation too. I have visited Huawei twice—proudly. 'No worries; show us what you do. Telecommunications? Great. That's how the world works.' I never, ever was highly regarded enough to get a MediaPad tablet. Anyway, that is fine; I think Huawei worked out I would have enough trouble turning it on, let alone doing anything else with it!

Ms Bishop is the Minister for Foreign Affairs, so Ms Bishop is the face of Australia in the international community. Fine. But Ms Bishop is also very, very active in the Western Australian branch of the Liberal Party. She is well known. It is documented she wears some fantastic, really smart clothing and jewellery, and it is normally accompanied with a photo showing that it has been donated by so and so. And, okay, that is fine as long as she is putting it on her register. That is okay; you can do that. But she has also managed over the last couple of years to attract no less than $600,000 in donations to the Western Australian Liberal Party—just the WA branch, of course—from three Chinese companies. You might say, 'Yeah, big deal.' And it should not be a big deal. It should be all declared, and people should know straight away where this money has come from. But it becomes a big deal when they want to attack the integrity of Senator Dastyari while hiding behind a pile of manure on their side.

So let's have a look at the $600,000, where it came from and who they were. I will get to the companies in a minute. We have to be very mindful of a newspaper article of 26 August, written by Gina McColl and Philip Wen, which said:
Several of the donations have been obscured by the channelling of funds via executives or related companies, or by the donors' failure to disclose them to the Australian Electoral Commission, in apparent breach of Commonwealth law.

What has Ms Bishop got to hide? She has gone out and got $600,000. What have the WA Liberal Party got to hide? They set the rules. We sit in here and we have the argy-bargy. Every couple of government terms, they have a blue over donations—in fact, we were blueing over foreign donations before we left here in May, for that successful double dissolution election! That is tongue in cheek, Mr Acting Deputy President. The article went on to say:

A spokesman for the AEC acknowledged a loophole in Australia's disclosure laws, saying: "While the commission can seek compliance, overseas donors cannot be compelled to comply with Australian law when they are not in Australia".

Ms Bishop refuses to respond to questions about how she handled potential conflicts between her responsibilities as a party fundraiser and as a foreign minister, a very senior minister. The article went on:

A spokesperson said that donations to the WA branch were "a matter for the party".

No, Ms Bishop, it is not a matter for the party. It is a matter for the people of Australia. That is why we have laws that say very clearly that, if you put your hand out and receive financial donations to do whatever you want to do with them, you have to actually say who they have come from and where they have come from. We all live by that creed. Why is the foreign minister any different? I will tell you why I think the foreign minister is different—and I would be rapt if there were a tsunami of Liberal senators who came in here and attacked me, because I tell you what: one against 30 will be a great number, because what I have to say is undeniable. So, while you are flinging mud on that side, let's really roll up our sleeves.

The foreign minister, Ms Bishop, has got form in this area. I remember, coming from Western Australia, we used to have a RAAF jet that was put on. It was negotiated between the Senate and the House of Representatives because, back before my time, Western Australia did not have a direct flight to Canberra. So the RAAF jet would fly from Canberra on a Sunday afternoon. It would land in beautiful Perth and it would wait for the senators and members to stroll out and to say goodbye to their families. It would give them a golden opportunity—because senators and members of all states really do give a commitment to be here and they miss out on a lot of family stuff. We do not whinge about it—that is what we are elected to do. But us West Aussies, if we wanted to, could jump on that direct flight and come to Canberra. That is fine. Have I been on the RAAF jet? Yes, I used to utilise the RAAF jet. It was fantastic. When my kids were still at home, absolutely I utilised it, so I could get Sunday afternoon at home. As my kids grew up, left home and starting having their own lives, I stopped using it—about five years ago. Now I use Qantas or Virgin.

The RAAF jet got exploited. A previous defence minister in this building thought it was a great idea to put the RAAF jet on a day before the first day of sitting of the Abbott government, to put all the Western Australia Liberals and their wives on board. We used to take staffers if there was room, but there was no room for staffers—it was a big family affair. That is nice for the families, but what is wrong with catching a $2,000 Virgin or Qantas flight? I will tell you what it used to cost. It was about $33,000. So the 'gravy plane', as it was named, through some diligent work by the Western Australian reporters here in this building was exposed. It was absolutely rorted. It was embarrassing. So it was canned.
But guess what. All of a sudden, back in December 2015—and we are not talking about long ago—Ms Bishop was in Perth and she was required—I am not making this up; it is all written out here—to be back in Canberra the next day for a cabinet meeting. Lo and behold, surprise, cabinet ministers actually do spend a lot of time in Canberra, because that is what they are paid to do. They also have a very, very handsome remuneration package, as we do. They get an extra $100,000, or something like that—and most of them work hard enough and they deserve that, and good luck to them. Some are actually stealing it off the taxpayer, but that is another story. So what did Ms Bishop do? She said she had something to attend in Perth. We all have something to attend to in Perth on Sundays. But Ms Bishop thought it was a fantastic idea, as the foreign minister, to roll the RAAF jet out of political cotton wool, knock off the mothballs, get it catered up with some food and drink so it could leave Canberra on a Sunday arvo, with no-one else on it, whoosh over on a beautiful flight across the Nullarbor, land in Perth and sit around—tick-tock, tick-tock. Then, 'Here come the foreign minister and the boyfriend,' to get on the taxpayer-funded $30,000 slush ride back to Canberra so she can turn up in the nation's capital to do what she is normally paid to do, while the rest of the cabinet, the rest of the senators and the rest of the ministers get out there, get on their computers, ring Qantas and Virgin and say, 'Book our flights.'

I would love to hear Ms Bishop's excuse. She got away with this. She is the same minister who quashed it for the Western Australians. I did not give a damn. I thought, 'Quash it.' I would rather be on a Qantas jet, because I can defend the $2,000, when you really start thinking about it getting exploited. But for those with young families, good luck. They have all lost it. But, my goodness me, it is all right for the queen of largesse to spend $30,000 of taxpayers' money so she can stay in Perth a little bit longer—and then plonk the boyfriend on.

**Senator Jacinta Collins:** How many empty seats?

**Senator STERLE:** 'How many empty seats?' I am asked by Senator Collins. By my rough calculations, about 24. I have got to tell you: they are this wide. So there you go. There's a $30,000 smack in the mouth to the taxpayer. This lot think it is great stuff, it is fantastic and it is intelligent.

What else can we do? We will go a little bit further, shall we? Let me talk about another thing which sort of fell under the radar but it now needs to be exposed. This goes back a number of years, to 2013, when Ms Gina Rinehart—I have no relationship with Ms Gina Rinehart. I have never met Ms Gina Rinehart. She has not picked up the phone and said, 'Glenn, do you want to catch up for a coffee?' I have not picked up the phone and said, 'Ms Rinehart, do you want to catch up for a shandy?' I have not done that. But she thought it was a great idea. She had to go to a wedding—it is written here in the paper that she was going to a wedding in India being attended by 10,000 people. She was ready to sign a billion-dollar contract with the bride's grandfather to supply iron ore. So what does she do? She writes to a few people and says, 'How would you like to come on my chartered jet to India and, while you are at it, come to this random wedding.'

**Senator Williams:** Did you get a guernsey?

**Senator STERLE:** No I did not, and I would not have gone. If I had been checking out agriculture I would have said, 'Yes, cool, let's have a look at it.' A number of coalition members or senators went on the plane. One of them was Ms Bishop. So Ms Bishop goes on the flight, along with former Senator Joyce—Mr Joyce—and the other one was Ms Teresa...
Gambaro. This is amazing. Martin Ferguson was invited, but he said, 'This is not a good look; I am not going, thank you.' You have to understand that when they came back some of them got off the private jet and got on the $5,500 taxpayer funded jet. Mr Joyce was on that jet, and he had two meetings in Malaysia for two hours. He said that, gee whiz, there were some economic challenges in rural Malaysia. I have seen rural Malaysia, but I have been at 33,000 feet. How do you tell from 33,000 feet? If that side wants to start throwing mud, we can all roll-up our sleeves and have a fair dinkum crack. Ms Bishop is one of the worst offenders.

(Time expired)

Senator LAMBIE (Tasmania) (13:08): I rise to contribute to the debate on the address-in-reply to the Governor-General's speech marking the opening of the 45th Parliament. I once again acknowledge the traditional owners of the land on which we meet and pay my respects to the elders both past and present. In my first official speech to this Senate during the 44th Parliament I made this statement, which I proudly repeat again today:

I acknowledge and pay my respects to Australia's Aboriginal traditional owners. I share their blood, culture and history through my mother's, Sue Lambie's, family. We trace our history over six generations to celebrated Aboriginal chieftain of the Tasmania east coast, Mannalargenna.

Following that statement a member of the Tasmanian Aboriginal Centre complained about my claim and my family's claim to Indigenous heritage. As you are about to discover, Mr Acting Deputy President, the system for recognising Indigenous heritage and identity is very different and more complicated in Tasmania than in other Australian states; however, the TAC member's argument was essentially this: if he and his mob didn't recognise my Indigenous heritage then I simply wasn't Indigenous. While that argument personally hurt my family, it also gave me an opportunity to thoroughly investigate the process by which Tasmanians are officially afforded recognition of Indigenous heritage by their state government.

Before I provide the detail of my investigation, it is worthwhile briefly and broadly commenting on the history of Indigenous Tasmanians. Noted Australian historian and academic Henry Reynolds says it best in the foreword to a new book by Murray Johnson and Ian McFarlane, *Van Diemen's Land—An Aboriginal History*. Mr Reynolds points out:

They—Indigenous Tasmanians—had lived in isolation for as many as 300 generations after the flooding of Bass Strait. The earliest occupation of what had been the Tasmanian Peninsula went back 30,000 years into the heart of the Ice Age.

After the destruction of Tasmanian Indigenous society by a bloody frontier conflict of the 1820s and early 1830s, Mr Reynolds writes:

Generations of Tasmanians consequently grew up with the belief that there were no Aborigines on the Island. The truth of the matter was a further cause of interest in Island history. The emergence of an assertive, self-conscious Aboriginal community in the middle years of the twentieth century was a confounding experience for the wider community.

Following the personal attack by members of the TAC I was horrified to discover, after many questions in this place, meetings with the federal minister for Indigenous affairs, research and overwhelming community feedback that I was not the only Tasmanian to be discriminated against and defamed by the Tasmanian Aboriginal Centre.
Official statistics provided by the federal government—and then finally by the Tasmanian state government, which tried for so long to cover up this scandal—showed that approximately 20,000 Tasmanians with strong Indigenous heritage and who were officially recognised and funded by the federal government were denied recognition by the TAC and consequently the Tasmanian state government.

For decades the Tasmanian government along with the TAC had taken Commonwealth funding for up to 26,000 people, while only recognising up to 6,000 people. Of course this means that up to 20,000 Indigenous people were denied their identity and heritage by the Tasmanian state government and the TAC. It leaves many unanswered questions, but one of the most important questions is: what happened to the billions that were allocated by the Commonwealth government for up to 26,000 Indigenous Tasmanians when money was spent on only 6,000 Indigenous Tasmanians?

I am happy to report that the Tasmanian state government, after a lot of pressure from me in this Senate, has taken some positive steps to remedy this injustice. Tasmanian state Premier Will Hodgman, in his 2016 Australia Day speech, talked about his government's commitment to 'reset our relationship with the Tasmanian Aboriginal community'. In his speech he acknowledged:

... the Federal Government contributes almost half a billion dollars in funding to Aboriginal Tasmanians, compared to about $8 million from the State Government.

He also acknowledged the serious systemic flaws in the Tasmanian state government process for determining Indigenous status. I again quote from Premier Hodgman's Australia Day speech:

While this policy was written with good intent; to focus programs and services to better assist the Aboriginal community, and establish consistency across agencies, it has not succeeded.

I continue to quote Premier Hodgman:

It hasn't been fixed, and my Government is determined to do so, because the policy failure brings negative outcomes; it's harming Aboriginal people.

Our existing policy is a long way from aligning with the Commonwealth's process meaning Tasmanians can be recognised as an Aboriginal in a national context, but not in their own home state of Tasmania.

Some Tasmanians are eligible for Federal support, but not for any support or access to cultural activities here in Tasmania.

It is an issue that even statisticians can't agree.

The last census in 2011 found there were 19,625 Aboriginal and Torres Strait Islander people in Tasmania.

The most recent Australian Bureau of Statistics from 2014 reported 25,845 Indigenous people in Tasmania.

Yet, under the current Tasmanian government policy, it's estimated that there are just 6,000 Indigenous Tasmanians.

Something is very wrong here.

As indicated by Premier Hodgman, something was indeed very wrong when it came to the management of Indigenous affairs and billions of dollars of taxpayers' funds in Tasmania. I described the gravity of the situation and different injustices when I wrote to Premier Hodgman earlier this year in February, and stated:
The new facts and disclosures revealed in your Australia Day speech, are proof that a situation was engineered over time by politicians and others - where tens of thousands of Indigenous Tasmanians were deliberately disadvantaged - by having access to hundreds of millions of dollars in health and social services denied to them by the Government of Tasmania.

Your research into this rot will have also revealed that it was not only the physical necessities of life that successive State Governments denied to 2 out of every 3 Indigenous Tasmanian— but Labor/Green and Liberal Governments also wrongly fully and criminally denied to - roughly 20,000 Indigenous Tasmanians - cultural identity and democratic rights - including the right to vote and stand for election to Indigenous councils.

Premier, you will have been made aware - through the state based Tasmanian Electoral Commission - how Indigenous Tasmanians, who were tested and found by Federal Tribunals in 2002 “to be of Aboriginal Race”—were denied by your laws, the ability to enrol on the Aboriginal Land Council of Tasmania Electors’ Roll and vote or stand for elected office.

The Tasmanian Premier Will Hodgman really only touched the tip of iceberg when he admitted:

Something is very wrong here.

Unfortunately for the taxpayer, Premier Hodgman is behaving like a policeman who is faced with a body at a crime scene but has lost his will to bring the guilty to justice. Serious questions have been raised about the management, mismanagement or maladministration of billions of dollars of taxpayers' money. To date, not one politician, apart from myself, has supported an audit and a thorough forensic investigation of Tasmania's Indigenous affairs budget for at least the last 10 years.

However, I have not given up hope. I have to acknowledge the interest and hard work that the federal Minister for Indigenous Affairs, Minister Scullion, has given to this matter. After my meeting and briefings with Minister Scullion in this parliament—my meetings with Minister Scullion began soon after my first speech in the last parliament—he applied pressure to the Tasmanian Premier which led to the tightening up of the Indigenous financing system. He is aware of my request for a rigorous investigation and audit of the accounts of Tasmania's Indigenous affairs budget for at least the last 10 years. Minister Scullion has my respect and I am confident he is prepared to properly account for a decade of Commonwealth funding to Tasmania's Indigenous people.

I prefer not to talk about the plebiscite for gay marriage. I think there are more urgent and important issues that deserve to be talked about. For example, involuntary treatment of drug addicted children, serious lack of jobs, out of control living costs, cuts to aged care, over stretched public health systems—the list goes on and on.

However, after listening to many elected representatives argue against the plebiscite by saying that the debate would cause young people to take their own lives and open the floodgates of hate, I am forced to remind those people of a famous quote by Pericles of Athens which was made about 400 years before Christ was born. The quote is written on a wall not far from this chamber, and says:

We Athenians make decisions for ourselves, or at least participate in the full discussion of them: for we do not regard debate as a barrier to effective action, but a necessary condition for acting wisely.

My advice to those politicians who are trying to emotionally blackmail the Australian public—in a very juvenile and dangerous manner—into not having a national debate and a
plebiscite on gay marriage is this: the question of gay marriage must be put before the people of Australia, and no barrier must be placed in the way of this debate between the Australian people.

Australia is a mature democracy which should not shy away from this debate. After the people have their say, no matter what the result, there will be people who, for very good and legitimate reasons, will have very hurt feelings. If a plebiscite of the people is used to test Australia's conscience on this matter then whoever is on the losing side of the debate will be in no doubt about the will of the Australian people. Therefore, they will be able to heal, unite and move on a lot more quickly.

Australia is facing a situation it has never seen before, because of a combination of substance and illicit drug abuse, gambling addictions and an unemployment crisis. Many of our families are experiencing third-generation welfare dependency. Many children are being neglected. Some are forced to go to school hungry as family budgets are being fed into pokies and drug dealers' pockets. Tasmania is at the heart of this issue, as well as other parts of the country. And this crisis does not discriminate—it can affect you if you are any race, colour or creed. Many governments have simply swept this problem under the rug, and it is now time to acknowledge the efforts of this government and Minister Alan Tudge, who have established trials of the Twiggy Forrest inspired healthy welfare cashless card.

Earlier this month, the ABC reported that Ceduna has seen a drastic drop in the amount of welfare money being spent on gambling and alcohol. Ceduna Mayor Allan Suter said:

It was quite common to see intoxicated people in the street pretty much every day of the week, and we also saw large numbers of intoxicated people being admitted to the sobering-up centre. Now, both those things have certainly improved significantly.

A cashless welfare card quarantines 80 per cent of welfare payments from gambling or alcohol. The final 20 per cent of the welfare payment is paid in cash. The early results of the trial in Ceduna, South Australia have been encouraging. Drug dealers have been run out of town, and there has been a great deal less money being spent on alcohol and gambling. The kids are being looked after and families now have food back on the tables to feed their kids.

In conjunction with some very important supporting initiatives, once the trial is over and is proven to be a complete success, I have made it very clear to the people of Tasmania that I would like to see it being rolled out right across Tasmania. Let me make this clear again: I support a state-wide trial of the cashless Healthy Welfare Card with a number of supporting initiatives, including this very important point if they are to roll it out in Tasmania: that Tasmania be declared a payroll tax free state at the same time. This will cause a dramatic growth in business and job opportunities at the same time as the rollout of the cashless welfare card so people will have a better chance of getting off welfare and earning a wage.

Tasmania collects about $400 million of payroll tax, which is really a tax on jobs, while spending about $410 million on its jobs package. While I would like the federal government to help compensate the state for a loss of payroll tax revenue, the state government could stop its jobs package and declare Tasmania payroll-tax-free. Tasmania would receive positive massive national and international publicity and interest within the business community if it came became a payroll-tax-free zone. Tasmania would get greater jobs and business growth payroll tax free than under the current system, which typically taxes established, successful businesses greater amounts the more workers they hire.
Before I close, I think it is important to make a point in the debate surrounding donations linked to the Chinese Communist government to Australian political parties. Liberal Senator Cory Bernardi lecturing this parliament and displaying mock outrage regarding Labor Senator Sam Dastyari and Chinese political donations is like an angry prostitute lecturing us about the benefits of celibacy. Before I receive unfair criticism from sex workers, I apologise to them profusely for comparing them to Senator Bernardi—I know that is a really terrible low-down thing to do. I can tell you, prostitutes are far more honest, sincere, humane, compassionate and give you a better bang for your buck than Senator Bernardi will ever be able to deliver.

The ACTING DEPUTY PRESIDENT (Senator Gallacher): Senator Lambie, resume your seat. Senator Seselja, on a point of order.

Senator Seselja: Senator Lambie has reflected on Senator Bernardi in a particularly aggressive way. It is against the standing orders, and I would ask you to direct her to withdraw those imputations.

The ACTING DEPUTY PRESIDENT: Senator Lambie, I think in the ordinary course of the chamber's deliberations, it is best to reflect as kindly as possible on members of other side of the chamber. If you feel you can rephrase, please do so.

Senator LAMBIE: When it comes to political donations linked to the Communist government in China, Senator Bernardi and his Liberal colleagues are rank hypocrites. The Liberal Party and former Liberal colleagues are under the spell of the political donations linked to the Chinese government.

The ACTING DEPUTY PRESIDENT: Senator Lambie, resume your seat. Senator Seselja, on a point of order.

Senator Seselja: I have two points of order. One is the further imputation in Senator Lambie's language in relation to the word 'hypocrite'. There was clearly an imputation earlier, a very aggressive imputation, against Senator Bernardi. It would be reasonable for Senator Lambie to withdraw. It is unparliamentary so she should withdraw and in addition she should withdraw the further imputation.

The ACTING DEPUTY PRESIDENT: Senator Collins, on a point of order.

Senator Jacinta Collins: I think Senator Lambie was actually attempting to follow your instruction, Mr Acting Deputy President, which was that she rephrase her earlier remarks. In doing so, she made some further comments which Senator Seselja believes are inappropriate. But if I recall correctly, she referred to those on the other side in a collective sense as being 'rank hypocrites' and I do not think that is out of order.

The ACTING DEPUTY PRESIDENT: Senator Lambie, I would ask you to consider the orderly business of the chamber. I do take note of Senator Collins's point of order. You did use 'hypocrites'—plural—but please tread carefully.

Senator LAMBIE: I have considered that, Mr Acting Deputy President. The Liberal Party and former Liberal colleagues are under the spell of the political donations linked to the Chinese government just as they are under the spell of political donations from the banks. If Senator Bernardi is sincere then he would immediately disclose the amount of money linked to the Chinese government that has been given to the Liberal Party over the last 20 years. I say bring it on. And he can continue doing so in real time and stop the Liberal's cover-up of political donations.
I rise today to contribute my address-in-reply. It is a shame that the government has started the new 45th Parliament with a smear campaign against in particular Senator Dastyari but more pointedly the Labor Party. There is a reason that the government has started this way—that is, the government continues to have in this brand-new parliament an even bigger problem with its backbench. I recalled on many occasions in the 44th Parliament, drawing it to the attention of the Senate and indeed the public, that it was the backbench controlling the government ministers, as we saw backdown after backdown driven not by policy, driven not by ministers responsible for particular outcomes but by backbenchers who continue to be disillusioned with the way that the Liberal Party, indeed the government, was heading. So that is why we see this absolutely shocking, over-the-top smear campaign. It is about the government trying to hide its many faults.

I think Senator Lambie today remarked that, three days in, the government really had not changed. The government had continued to try to rush things along to not give an opportunity to the much bigger crossbench—which it voted on, with its electoral reform, in partnership with the blue Greens to have changes in the way the Senate voting reform came. Well, we have a much bigger crossbench now, and the government is continuing to ignore them. From what Senator Lambie shared with us this morning, the government is not really giving new crossbenchers the opportunity to get across a considerable agenda.

Why is it that the government has this smear campaign? We have seen two awful things which attack ordinary Australians. One is this ridiculous continuation with a plebiscite on same-sex marriage. I see now that some in the Australian community think that somehow having a plebiscite decides the matter. Of course, it does not. We are a representative democracy, and it is our job as MPs and senators to make decisions. Only the Australian parliament can choose to change or not change the Marriage Act. Only the Australian parliament can do that. Whether we have a plebiscite or not makes no difference to that outcome. Quite frankly, it is absolutely time that we did our jobs and did not waste at least $160 million on a plebiscite which is completely unnecessary and which will just hurt people.

We heard that in Ireland, with the experience they had, they were required to have a plebiscite in order to get to marriage equality. We are not required to do that. We heard how they were very mindful not to hurt people. But we are talking about choices that individuals make—individuals who have a particular way of life; individuals who are not heterosexual. So we are going to have a majority of Australians cast judgement on a minority group. That, in and of itself, will create division; it will create hurt. Indeed, I think groups who support people who are coming out are saying it will lead to suicides. This is a very complex issue not to be decided through the hate and the kind of lecturing we will see if we go down the plebiscite route. So that is my first point about this deliberate smear campaign to hide the ills of the government.

The second issue is: 18C has raised its head again. When you attack someone on the basis of their religion, the colour of their skin or the way they look, that is hurtful. We do need to protect people in this country. All of us, I am sure, as children have been taunted by others. Now, as an adult, I vividly remember the sorts of taunts I coped as a young child. I cannot imagine how much worse that becomes if the colour of your skin is different to mine or if you choose to follow a religion which is not part of the mainstream religion. 18C is there for a
reason. Again, we are whipping up hatred in this country against minority groups. On day three of this parliament, that is very clearly the agenda of the backbench—to keep 18C rocking and rolling along to create that division, and the issue of the plebiscite, which is completely unnecessary and is a massive expenditure of public moneys.

Last week, at the National Press Club, we heard Mr Morrison going on about a trillion dollars worth of debt and telling those on low incomes and on pensions that they have to somehow tighten their belts, and that if they do not tighten their belts then the government will tighten them for them by looking at the sorts of benefits they get. I think they were referred to, in the new terminology, as the ‘not taxed’. So against this backdrop of attacking pensioners and low-income Australians and of, really, attacking all sorts of supports in our community, the government wants to waste at least $160 million—I am sure it will cost more than that—on a plebiscite that does not do a single thing to change the Marriage Act. I was on the public record way before I came into this place that I have always supported marriage equality. I just do not understand why we cannot get there. I know now people who do not even support marriage equality but just want it done and dusted. It is inevitable. We are embarrassing ourselves as a country to remain where we are. So that is the division we are seeing. It is very public and on display.

Then, of course, there is the whole superannuation debacle that is going on among those opposite. We are hearing the government ministers, the government frontbenchers, try to assure us that they will go ahead and make changes to super that, quite frankly, benefit the most wealthy in our country. But, again, those backbenchers are agitating that those kinds of cuts to the wealthiest in the country are somehow unfair. We know from the last parliament, the 44th Parliament, who is running the Turnbull government. It is not the frontbench and it is not the ministers; it is the backbench. And there are more of them now who are united against their own leadership. So that is why we have a smear campaign.

We have a smear campaign because Labor has a very clear agenda that we are proud to be talking about. That agenda benefits ordinary Australians. It looks after people. It does not seek to make their lives harder. We want to put in place policies that advance Australia and that put people first. Look at the great fuss we have had—I do not know where the government gets its opinion polls from, but does it seriously think that ordinary Australians do not support a banking royal commission?

It was pointed out to us today that we have in the building some of the victims who have lost their homes, their livelihoods, their wellbeing, their lives, through the behaviour of banks. What reasonable government would want to continue to stick up for the banks against ordinary Australians who have well and truly been ripped off? Nobody understands that. When I talk to ordinary Australians about a banking royal commission—of course we still need to have other reforms, and banks need to be held to account—they think we have to get to the truth of this and banks have to be held accountable.

What did we see our Prime Minister do? He rushed ahead to protect the banks at all costs. He is well and truly out of step with ordinary Australians who absolutely want a royal commission. We saw that this morning: more protectionism going on ahead as we absolutely have to protect the banks who, quite clearly, are well able to protect themselves. We have seen the banks snub governments—Labor and Liberal—year in, year out, because they are the big money, they are the big end of town. They wield a lot of power and, unfortunately, our
Prime Minister is dancing to their tune. Instead of representing millions of Australians who want a royal commission, Mr Turnbull has gone back to his roots, his comfort zone and, unfortunately, he continues to protect the banks.

Marriage equality: let's just get it done. Let's just have a vote in this place, get it done and end the misery. Love is love. If you want to marry someone, let's make that possible. If you do not want to marry someone, what harm is done?

We have also seen the attacks on Medicare. The government tried to turn that into some kind of scare campaign. Medicare is a bedrock of our system. Our healthcare system, Medicare, which Labor introduced, has had every single coalition try to attack it since its introduction. That is what has happened here. Again, throughout the election campaign, Australians were absolutely on the money in relation to what the federal government was doing to Medicare.

Make no mistake: the Turnbull government will not hoodwink ordinary Australians on the issue of Medicare, because generations now have grown up with Medicare as the founding block of our health system—a universal health system we should all be proud of, unlike the US, where poor people, and even middle-income earners, are missing out. Women cannot have breast cancer treatment, because their insurance is not good enough. That is criminal, and I certainly do not want to—and millions of other Australians agree with me—go down that road in Australia.

Education: come on! We are failing in this area. We are going backwards and we were—remember in the 44th Parliament—told we had a unity ticket on Gonski, and that has just gone. These continue to be Labor's policies. We are very clear on that and not only that: we are absolutely united. We want to talk about policies and, unfortunately, what we have seen over the last couple of days is a smear campaign by the Turnbull government.

Let's just put that into a broader perspective, because there have actually been a lot of donations to the Liberal Party from Chinese organisations and indeed most recently—and this has been in the media—Minshen Zhu from Top Education Institute has indeed met with Senator Brandis. There are plenty of photos in the media of that occurring. The same gentleman has met with our Prime Minister. We are not tarring them with the same brush.

Australia cannot operate as a progressive country that wants to raise our standard of living and increase our trade opportunities without talking to other countries, without engaging with private sector companies, without visits—all of the things that make us a robust country and a good trading partner. However, let's just make this debate a little bit larger than $1,600. Let's be very clear about that: we have got proof and photos—as I said, it has been in the media—of Senator Brandis, who led the attack today, meeting with Minshen Zhu of Top Education and indeed our Prime Minister.

Yesterday, just after Senator Dastyari came in here and made his statement, we had Senator Bernardi leading the attack. He seems to be in the Liberal Party but he has got a fundraising organisation that is called Australian Conservatives. Guess what? Guess who they encourage donations from? China, and it is on their website for all to see. If we are going to start pointing the finger, let's just broaden this. We are not making a fuss about this, but it is what it is. But Senator Bernardi did not tell us: 'Oops! And, by the way, I too with my Australian Conservatives fund encouraged donations from China.' It is there on the website—go and
have a look. It is headed up: 'Donate to Australian Conservatives' just as those photos of Senator Brandis and Mr Turnbull are out there for the public to see, meeting with the officials from Top Education.

Let's just look a bit further—I am looking at one particular donation to the Liberal Party in its financial disclosures from 2013-14. Guess who it's from, Mr Acting Deputy President Gallacher? None other than Top Education. In the same way that it was on Senator Dastyari's declaration, here it is declared—we are not making any comment about that, but come on. Here we have a donation to the Liberal Party of Australia, its New South Wales division, of $22,000 from the Top Education group. Again, there in black and white, because the Liberal Party has accepted donations from overseas.

Actually, between 2013 and 2015, Top Education donated a total of around $65,000 to the Liberal Party. Did we hear that from Senator Bernardi yesterday? No, we did not. We did not hear from Senator Bernardi that his Australian Conservatives solicit donations from China. We did not hear it from Senator Brandis in his unprecedented attack today that the Liberal Party had received donations from Top Education.

Let's look at what Labor has tried to do on banning overseas donations? We have tried a couple of times when we were in government to ban these donations, and guess what?

The coalition, including its members in Senator Bernardi and Senator Brandis, voted it down. When Labor, on two occasions, put up legislation to ban overseas donations, the government was not having it. Why? Because they value donations such as $65,000 from Top Education and from a range of other overseas donors. I ask again: what is going on here with this smear campaign? It is because the Turnbull government has no agenda. It has an agitated backbench. In the 44th Parliament, we saw how that backbench was really the decision-making arm of the Turnbull government, and we are seeing it again in day 3 of this parliament. Once again that backbench is well and truly in control.

We have had the coalition voting against reforms to electoral laws banning overseas donations on at least two occasions; for the record, that was in 2009 and again in 2010. I would postulate that that is because individual government senators, individual Liberal Party members and perhaps even National Party members, want to continue to receive donations from China and want to continue to receive donations from Top Education. Why else would you vote against legislation to ban overseas donations that Labor put in place? Doesn't that fix the problem? But it is very convenient for them to try and continue with their smear campaign, because they have nothing else on their agenda—nothing else at all.

We have seen all sorts of overseas donations to individual politicians and, indeed, Prime Minister Turnbull has accepted donations from the US-based Fortress company—the same company that foreclosed on Hurricane Katrina victims. Indeed, in 2006, 10 months after Mr Edwards joined Fortress, it bought Centex Home Equity company of Dallas—one of the country's subprime lenders—renaming it Nationstar. We know that Fortress, if we track their movements, began its moves into subprime lending before Mr Edwards joined, but it continued, buying Conseca Finance Servicing Corp out of bankruptcy in 2003 and renaming it Green Tree. The links are all there.

We see that donations are still flowing from overseas into the Liberal Party's coffers, and Labor made it very clear where we stood on that. We have made it clear on at least two
occasions. We have certainly made it clear in this place when we put in place legislation that would have stopped that. And as it was absolutely knocked on the head by none other than the Liberal-National Party coalition, we know very clearly where they stand on the issue of overseas donations—whether it is from China or whether it is from Top Education. They want that money to continue to flow; otherwise they would have accepted Labor's legislation.

Senator LEYONHJELM (New South Wales) (13:48): The Greens and commentators like Ross Gittins dismiss concerns about rising government debt by saying that government is borrowing to invest in real assets that will provide benefits for decades to come. It is amazing that they can say this with a straight face, as the last time Australian governments borrowed simply to invest was in 2008. In every year since, the governments of Australia have borrowed big and have used most of this borrowing to supplement spending rather than to invest. Look at last year: governments across Australia borrowed $60 billion but only used $27 billion of this to invest, while $33 billion of the $60 billion was used to spend. That is more than $1,000 of borrowing to spend for every Australian, and there is no asset to show for it.

It seems that, no matter how large the tax-take is, our governments feel the need to spend more than the tax-take. It seems the desire to spend on the wages of bureaucrats and on handouts to individuals and businesses knows no bounds. The figures I quote are for the entire public sector across the nation, but there is no shifting the blame to the states—when it comes to borrowing to spend, the Commonwealth government is the main culprit. Supporting this reckless borrowing is the height of irresponsibility. But, still, the Greens and apologists for them, like Ross Gittins, pretend that their position is the caring one. For the sake of our children, voters must remove all Greens from our parliaments before it is too late.

This week, I introduced a bill to remove requirements to pay weekend penalty rates in hospitality businesses. This would help cafes and shops that currently struggle to stay open on weekends. This is good for workers. It would also lead cafes and shops to open more on weekends and to hire more staff. This is similarly good for workers. The idea that this change would hurt workers is fanciful. The idea relies on the fantasy that huge numbers of workers currently get as many hours of weekend work as they want in cashed-up cafes and shops, but that these cashed-up cafes and shops would slash wages the split second they were allowed to.

In reality, this change would mostly hurt unions, whose business model revolves around charging workers for their expertise in lobbying for complicated workplace regulations. Removing the requirement to pay penalty rates in hospitality will help the proprietors of our cafes and shops. These small business owners receive next to no public sympathy but work extremely long hours at low rates of pay. I am unapologetic that removing the penalty rate requirement would sometimes serve to boost the pay and conditions of these people, because that is exactly what they deserve.

Finally, removing the requirement to pay penalty rates in hospitality will help our community. Lively shopping, cafe and entertainment districts draw us out of our homes and promote weekend catch-ups and activities with families and friends. Defenders of penalty rate requirements are doing the work of the fun police. They hate small business, they are the enemy of our young workers and they are in the pocket of the unions. The time to break their callous hold on our weekends is now.
This week I reintroduced a bill to allow the territories to legalise assisted suicide, which is sometimes referred to as voluntary euthanasia. The bill is further evidence that you do not have to be a leftie to support increased freedom on social matters. The Liberal Democrats support older Australians by supporting the legalisation of assisted suicide—just like the Left. But, unlike the Left, the Liberal Democrats also support older Australians by opposing tax increases on superannuation savings, and we support tax cuts on other retirement savings. Government should not tell older Australians how they can and cannot die, and government should not tell older Australians that they need to give up more of their hard-earned money so that it can be wasted.

The Liberal Democrats support the right of people to smoke marijuana—just like the Left. But, unlike the Left, the Liberal Democrats support the right of people to smoke tobacco, too. The Liberal Democrats support the right of same-sex couples to marry—just like the Left. But, unlike the Left, the Liberal Democrats support the right of opponents of same-sex marriage to have nothing to do with such marriages—whether they are marriage celebrants, photographers or florists. The Liberal Democrats oppose the rise of the police state—just like the Left. But, unlike the Left, the Liberal Democrats also oppose the rise of the nanny state. The police state and the nanny state are one and the same. They both reflect the view that we should rely on government to keep us safe at all costs.

We Liberal Democrats are the consistent ones. Supporters of assisted suicide, drug law reform, same-sex marriage and civil liberties have a choice. They no longer need to swallow high taxes and excessive government just to get a little social progress.

Debate adjourned.

**COMMITTEES**

**Membership**

*The ACTING DEPUTY PRESIDENT (Senator Gallacher) (13:55):* The President has received letters requesting changes to the membership of certain committees. As there are now two nominations for one position on the Economics References Committee allocated to a minority group or Independent senators, in accordance with the standing orders a ballot will be held to determine which one of the two senators who have been nominated is to be appointed. I understand that it is the wish of the Senate that the ballot be held today after motions to take note of answers.

*Senator SESELJA (Australian Capital Territory—Assistant Minister for Social Services and Multicultural Affairs) (13:56):* by leave—I move:

That senators be appointed to committees in accordance with the document circulated in the chamber.

Question agreed to.

**Treaties Committee**

**Appointment**

*The ACTING DEPUTY PRESIDENT (Senator Gallacher) (13:56):* A message has been received from the House of Representatives forwarding a resolution agreed to by that House relating to appointment of the Joint Standing Committee on Treaties. Copies of the resolution have been circulated to senators in the chamber.
Senator SESELJA (Australian Capital Territory—Assistant Minister for Social Services and Multicultural Affairs) (13:57): by leave—I move:
That the Senate concurs with the resolution of the House of Representatives relating to the appointment of the Joint Standing Committee on Treaties.
Question agreed to.

PARTY OFFICE HOLDERS
Derryn Hinch's Justice Party
Senator HINCH (Victoria) (13:57): by leave—I am not looking for congratulation, but I wish to advise the Senate that I am the leader and the whip of Derryn Hinch's Justice Party.

QUESTIONS TO THE PRESIDENT
Deputy President
Lambie, Senator Jacqui
Senator BERNARDI (South Australia) (13:58): Mr President, I seek your advice on a couple of events that have recently taken place in the chamber, and you may want to take this on notice. Firstly, in my time here—10 years—I do not ever recall a Deputy President taking part in a particularly partisan debate. I recognise that the office of Deputy President is not one where the rights of the Senate are curtailed, but I would seek advice as to whether it is appropriate or whether there is a historical precedent for a particularly partisan contribution from the Deputy President. Not only does it maybe breach the expectations of the Deputy President but it also seemed to lack a certain dignity.

Speaking of a lack of dignity, I would also draw your attention to the contribution by Senator Lambie in which she basically reflected very poorly not only on me but on this side of politics, which was quite shameful. The inappropriateness of her remarks was drawn to her attention and the Acting Deputy President's attention on a number of occasions. I do not recall that Senator Lambie withdrew them, but I would ask you to review the Hansard and deem whether they were parliamentary or unparliamentary.

The PRESIDENT: Thank you, Senator Bernardi. I am not familiar with the incidents you are referring to. I will review the record, and I will take whatever appropriate action. But I certainly need to consider those remarks.

QUESTIONS WITHOUT NOTICE
Northern Territory: Juvenile Detention
Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:00): My question is to the Minister for Indigenous Affairs, Senator Scullion. Can the minister advise the Senate when he or his office first became aware of allegations of abuse at the Don Dale Youth Detention Centre?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:00): It was through the media and discussions at the time in the Northern Territory media and some national media that I first became aware of those allegations.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:01): I repeat my request as to when, because I do not think the minister gave an approximate date in
that answer. I also ask a supplementary question. I refer to the minister's statement the day after the *Four Corners* report on abuse at the Don Dale Youth Detention Centre:

I wish I'd known what I know today, or I knew yesterday afternoon, some time ago, but the facts of the matter were I didn't know.

Is this statement correct?

**Senator SCULLION** (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:01): The statement is correct. But I think I should perhaps enlarge on that. I was making a statement in the context of the difference between what I had seen the night before on the *Four Corners* report and everything else that had been on both the public record and, in fact, in both the reports that were provided to the Northern Territory government. One was in stark contrast to the other, and I was reflecting on 'I wish we had all known what was really happening,' not what was either reported in the media or, in fact, was in the reports that had been provided to the Northern Territory government. I am sure I would share that with many others.

**The PRESIDENT:** Senator Wong, a final supplementary question.

**Senator WONG** (South Australia—Leader of the Opposition in the Senate) (14:02): Despite falsely asserting that the minister did not know about abuse at Don Dale, can the minister confirm, first, that the Northern Territory government released the Vita report, an internal review of youth detention in the Territory in February 2015; second, that the Children's Commissioner released its report detailing the mistreatment of young people in youth detention in September 2015; and, third, that he was briefed by his department by way of a question time briefing, and he still did nothing?

**Senator SCULLION** (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:03): Thank you for the question. I can confirm—and you have answered the first part of the question for me—it was during the release of those reports and the media in the Northern Territory that I first came to understand about those events. The circumstances under which I received information are—I received no briefing at the time. I said the briefing I should receive was one that all ministers receive. It is a briefing we sign for. We actually say, 'Yes, I've received it.' It would have been a comprehensive briefing. The option you are saying as the other thing is that we had some information in a question time pack. It was exactly the same information—an issue du jour, what is in the media of the day. I can confirm it was exactly the same in the media of the day. You are trying to conflate two types of briefs. One is a brief I know I get. The other is a reflection of the media of the day, and that is what I received in my question time brief at the time. A briefing pack that I should have— (Time expired)

**Foreign Policy**

**Senator FAWCETT** (South Australia—Deputy Government Whip in the Senate) (14:04): My question is to the Attorney-General, Senator Brandis, representing the Minister for Foreign Affairs. Can the Attorney-General advise the Senate why it is important to have a consistent position on important foreign policy and security issues?

**Senator Conroy interjecting—**

**The PRESIDENT:** Order on my left!
Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:04): Senator Fawcett, thank you for that question. I am disappointed the former shadow minister for defence does not treat it with the seriousness that it deserves. It is indeed important that elected officials be extremely careful in what they say on foreign policy and security matters. That applies not just to ministers; it applies to senior members of the opposition as well. That is why consistency within either party is how we defend and promote Australia's vital interests in the region and the world.

The coalition government has held the same unified and consistent position in relation to the South China Sea for that very reason. It is the busiest commercial shipping zone in the world and it is an area through which around two-thirds of our trade passes. The government's position is consistent and clear. We ask all claimants to abide by international law, especially the arbitration ruling in the Philippines case; to resolve their disputes peacefully; to refrain from coercive behaviour; and to avoid unilateral attempts to change the facts on the ground. In particular, we work closely with the United States and with all of our Asian partners to ensure we maintain the same position and send the same messages to the world. All of us in this chamber know what is at stake. The more consistent and unified the stance, the better the chances that peace, stability and continued prosperity will endure.

The PRESIDENT: Senator Fawcett, a supplementary question.

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (14:06): Attorney-General, you referred to the Australian government's consistent approach to important security matters in our region. Are you aware of any alternative approaches?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:06): Most in the Labor Party support the government's sensible and principled stance. I note in particular the remarks of Senator Wong, when she became the shadow foreign minister, about the importance of bipartisanship. Unfortunately, the sensible position adopted by Senator Wong is not uniformly maintained by all senior members of the Labor Party. Two senior Labor members in this chamber have presented radically contrasting positions. Senator Conroy advocates a reckless show of muscle, sailing Australian naval vessels within 12 nautical miles of Chinese land features in a deliberate act of escalation. This is at a time when the whole region is trying to de-escalate the situation. Senator Dastyari takes the opposite approach. He respects China's claim to almost all of the South China Sea, a position that is also potentially destabilising.

The PRESIDENT: Senator Fawcett, a final supplementary question.

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (14:07): Can the Attorney-General advise the Senate of the risks associated with such an inconsistent approach to important foreign policy and security matters?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:08): Australia is joining with the whole region to convince all claimants, including China, that resolving disputes according to international law is the way to ensure that peace and prosperity in the region continue. It is important that claimants conduct themselves in ways that are consistent with international law and negotiate to settle any differences.
By breaking ranks, Senator Dastyari undermines this collective endeavour. Whatever Senator Dastyari's motives might be, his conduct is damaging both to the credibility of the Labor Party and to our national interest. For the reasons I explained earlier in the day, Senator Dastyari must explain why it is that he has taken a different position in relation to the South China Sea issue from the foreign policy announced by the Labor Party.

**Northern Territory: Juvenile Detention**

**Senator CONROY** (Victoria—Deputy Leader of the Opposition in the Senate) (14:09): My question is to the Minister for Indigenous Affairs, Senator Scullion. Can the minister advise the Senate when he or his office became aware of the *Four Corners* report and the nature of the disturbing footage of abuse at Don Dale Youth Detention Centre? What action did he or his office take?  

**Senator SCULLION** (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:09): I was advised that there was to be a *Four Corners* report at about midday on the day that it was shown. I directed my office to ring the ABC and to ask them if I could see a copy of the footage because I would be unable to see it at the time that it was shown. The ABC said that that was not possible.

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

**Senator CONROY** (Victoria—Deputy Leader of the Opposition in the Senate) (14:09): I refer to the minister, who said: 'I hadn't actually seen the program last night. I was on my way home. I was having dinner, so I didn't. We didn't watch it.' Did the minister not consider he should have prioritised watching the report over having dinner or getting a member of his staff to actually watch the program during the course of the day or at the time it was on?

**Senator SCULLION** (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:10): I did have a strategy. I went to dinner. I came home. I am not sure if you have heard of iview, Senator, but I was able to watch it on iview when I returned home. It is disappointing that, after asking the ABC to provide me with a forward copy so I could see this before it actually showed, they were not able to provide me one. I was particularly disappointed to hear a reflection that somehow that circumstance was changed to the fact that perhaps I was actually offered to see it and I was not able to see it. I was very disappointed in that. But I had a plan, and I think it was important. I went as soon as it was available to me. I was able to see it that night, and I was able to reflect on those matters the following day.

**The PRESIDENT:** Senator Conroy, a final supplementary question.

**Senator CONROY** (Victoria—Deputy Leader of the Opposition in the Senate) (14:11): I again refer to the minister's own comments: It hadn't come to my attention, hadn't piqued my interest, well, sufficiently.

What would be required to pique the minister's interest, and at what time did the Prime Minister call you and instruct you to watch it?

**Senator SCULLION** (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:11): On the term 'piqued my interest': I was referring to the media reports at the end of 2015. What did pique my interest, Senator Conroy, was the *Four Corners* views of the CCTV that showed a terrible culture of brutality to our youngest and
most vulnerable. I can tell you that the comparison with what was in the media at the end of 2015 and what was in those reports at the end of 2015 was a huge gap. That is exactly what my reflection was on, and I stand to it.

Racial Discrimination Act 1975

Senator McKIM (Tasmania) (14:12): My question is to the Attorney-General. Attorney, I draw your attention to the push by pretty much the entire Liberal backbench in this chamber to destroy the integrity of the Racial Discrimination Act by gutting section 18C. I also draw your attention to section 18D of the act, which provides widespread freedom-of-speech protection for, in effect, anything said reasonably and in good faith for any genuine purpose in the public interest. Will you today categorically rule out the government supporting any changes to the Racial Discrimination Act, including supporting the legislation tabled by Senator Bernardi yesterday?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:13): Senator McKim, I was asked a similar question by Senator Dodson yesterday, and the answer is the same today as it was yesterday: the government has no intention to amend the Racial Discrimination Act. We are aware, of course, of the controversy in relation to that particular section. We are aware, of course, of the views of many on our own backbench, and there will be a parliamentary debate about the matter during the course of the afternoon. I invite you to listen to the views that are put by my colleagues in the course of that debate, and we will listen to yours should you choose to participate. But the government has no intention to amend the Racial Discrimination Act.

The PRESIDENT: Senator McKim, a supplementary question.

Senator McKIM (Tasmania) (14:13): I have been around parliaments for a while, and that was not an answer to my question. So, Attorney, given that you have today refused to rule out—

Government senators interjecting—

The PRESIDENT: Just a moment, Senator. Order, Senator McKim. On my right!

Senator McKIM: Attorney, given that you have refused to rule out the government supporting Senator Bernardi's legislation, can you please explain to the chamber exactly what it is that either you want to say or you want to empower others to say that cannot currently be said without contravening section 18C? Please provide the chamber with just one example.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:14): Senator McKim, the government will not be supporting Senator Bernardi's proposed amendment to section 18C. As I said in my answer to your primary question, we have no intention to proceed with any amendments to the Racial Discrimination Act.

The PRESIDENT: Senator McKim, a final supplementary question.

Senator McKIM (Tasmania) (14:14): I thank the attorney for that clarification. Attorney, I remind you that section 28B of the Sex Discrimination Act 1984 uses the words 'offended', 'insulted' and 'humiliated'. Will the self-appointed freedom warriors of the IPA, and their agents in this place—the hard Right of the Liberal Party—be coming after this act next? Will
you also extend your commitment to vote against Senator Bernardi's legislation to cover a commitment to not support legislation to gut the Sex Discrimination Act?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:15): The government has no intention to amend the Sex Discrimination Act either. That is all I have to say.

Minister for Indigenous Affairs

Senator CAMERON (New South Wales) (14:15): My question is to the Minister for Indigenous Affairs, Senator Scullion. I refer to the minister's confirmation that his department advised him in October 2015 that
…the Northern Territory Government need to seriously consider the findings of the Children's Commissioner …
Can the minister detail what action he took as a result in the nine months following the receipt of that advice?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:16): I am not sure where the quote exactly came from, or the context, but I can assure you that I received no such report from the Commonwealth government or from my department. In fact, the entire conversation is about: I wish I had received the sort of information that we have seen on the Four Corners report. My whole submission in the media conference the following day was to say that I wanted to change some of those particular ways under which I received information. I had decided that I would embrace it even if, conventionally and traditionally, it had been outside the purview of the Commonwealth minister. I am not exactly sure about the context of the question, but the entire conversation around this has been around ensuring the fact that I did not receive that information. So somehow you are saying that I have confirmed that I have received this report. Well, that information is incorrect, because I did not receive, in 2015, that particular report.

Senator Wong: I seek leave to table the media report which quotes Senator Scullion in the terms that Senator Cameron has before.

Leave not granted.

The PRESIDENT: Senator Cameron, your supplementary question.

Senator CAMERON (New South Wales) (14:17): I refer to Professor Calma, who says in relation to Minister Scullion:
Any minister who is not willing to engage with the community they represent and want to listen to them and work cooperatively with them, shouldn't be a minister.

Has the minister heeded Mr Calma's advice?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:18): I will put Mr Calma's remarks in the context of unfortunate. I have yet to speak to Tom about his remarks. I hope to meet with him in the coming weeks. I am not sure what motivated Mr Calma to say such things. I think the inference was that because it had been reported by some aspects of the media, by some people in the media—the remarks about not piquing my interest—that people thought the remark was actually about the people, that I did not care about the people. That, of course, was a very
wicked conflation of those two issues. I have yet to talk to Mr Calma about that matter, and I do not intend to continue our discussion about those particular matters in this place.

**The PRESIDENT:** Senator Cameron, your final supplementary question.

**Senator CAMERON (New South Wales) (14:18):** I refer to the comments by the head of the Northern Land Council who, even before the Don Dale revelation, said:

This Minister is not up to the job, and I would implore Malcolm Turnbull … to look among his caucus and find a new minister.

Given the minister has failed in his duty to Indigenous Australians and made incorrect and misleading statements, will the minister accept that he is not up to the job and resign as Minister for Indigenous Affairs, or will he just wait for the Prime Minister to sack him? *Time expired*

**Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:19):** I thank you for the question. In Indigenous affairs, and indeed many portfolios, we are talking about relationships and criticisms they have had from time to time. It was a fact that at that stage our relationship was a bit tense. I had brought to the attention of the entire Northern Land Council that Mr Morrison had made a submission to a Senate inquiry that not even the chairman of the land council knew about. Yes, that put us into a period of time where I would say we were not the best of friends.

I am not sure how he would describe our relationship, but it has had a significant thawing. I am really looking forward to working with the land council. We have had a full land council meeting of both land councils since that time. I am working very closely with Mr Morrison. We have a very good relationship, and I intend to make sure that continues.

**Defence Facilities: Chemical Contamination**

**Senator BURSTON (New South Wales) (14:20):** My question is to the Minister for Defence, Senator Payne. As you are aware, toxic chemicals used in firefighting foam have leaked from the Williamtown RAAF Base at Salt Ash, near Newcastle. The toxic chemicals have been found in water and fish and they have leached into the soil. Residents have been told not to drink bore water or eat any fish or eggs produced in the contaminated area, called the 'red zone'. As well as Salt Ash, the Department of Defence is investigating 18 sites throughout Australia for contamination, including the Oakey Army Aviation Centre, in Queensland. During the election campaign the Prime Minister promised $55 million for blood testing in epidemiology studies in areas across the country adversely affected by firefighting foam contamination. Given the acute threat to residents—that is, the chemicals found at Salt Ash and Oakey have been linked with kidney cancer, testicular cancer, ulcerated colitis, thyroid disease, hypertension and medically diagnosed high cholesterol—when will the blood testing epidemiology studies begin?

**Senator PAYNE (New South Wales—Minister for Defence) (14:21):** I thank Senator Burston very much for his first question in this place. If I am not mistaken, I know that this is a matter of significant interest to him as a local resident, as it is to many people in the broad Williamtown and Salt Ash community. Senator Burston is correct when he says that the government has made a commitment in relation both to voluntary blood testing and the commencement of an epidemiological study. The arrangements for those are underway with the Primary Health Networks, in particular, because there needs to be a proper health based
framework through which they can take place, with the support of general practitioners. If individuals have already procured blood tests for their own purposes, then they will be reimbursed. If they wish to do that now, then they will also be reimbursed. The development of the epidemiological study is being done—largely directed by the Department of Health, as is entirely appropriate—and the reference points, the outlines, for that are almost complete. The minister for health is awaiting receipt of those.

If individuals who participate in the blood-testing process, or who seek blood tests, wish to voluntarily be part of such an epidemiological study, then that would of course be a matter for them. Nobody will be forced or compelled to do that. But in terms of the health information and data that is available on the tracking of PFOS and PFOA, or contaminant levels, this will be, if it is participated in by a good number of people in these key areas, one of the leading health studies available in the world. It will assist us in formulating policy in the context of a department such as defence, which finds itself in this position, a department such as health or a department such as environment. We are taking a whole-of-government approach—(Time expired)

The PRESIDENT: Senator Burston—a supplementary question.

Senator BURSTON (New South Wales) (14:23): Does the minister agree that because this toxic chemical contamination cannot be neutralised the government should commence a buyback program of affected properties in the red zone so that residents can relocate to a safe environment? If so, when will the buyback begin?

Senator PAYNE (New South Wales—Minister for Defence) (14:23): This is a pressing issue for the residents not just in Williamtown, but I would also acknowledge residents in Oakey in Queensland, because there have been some decisions taken by valuers, by financial institutions in relation to land values, in the context of perhaps the current heightened debate. The government has been involved in the process of a very complex series of environmental, ecological and human health assessments. Once the interim health reference values are established by that testing process, once the detailed environmental investigations are concluded and they are underway in both of those areas, then we will be in a much better position to look at the legal implications in relation to land values. This is a very complex issue for those who live in these local areas. I have met with a number of them, and I understand their very, very serious concerns. (Time expired)

National Security

Senator BACK (Western Australia) (14:25): My question is also to the Minister for Defence, Senator Payne. I ask if the minister can advise the Senate on legislative changes announced by the Turnbull government today which will better enable the Australian Defence Force to target Daesh at its core in Syria and in Iraq?

Senator PAYNE (New South Wales—Minister for Defence) (14:25): I thank Senator Back very much for his question. In the course of his very important national security statement made this morning in the other place, the Prime Minister announced a small but important legislative change to ensure the Australian Defence Force has the full legal authority needed to target all members of Daesh, including those who may not openly take up arms but who are nonetheless central to the enemy’s fighting capability. Currently there is a potential discrepancy between international and Australian domestic law as to when members
of organised groups such as Daesh can be targeted with lethal force. This poses a major
challenge to the effectiveness of our operations. To meet the evolving national security threat,
we have reviewed our policy on targeting enemy combatants and made an important decision
that ensures that our forces, and particularly our Air Force personnel, are empowered to act
against Daesh in Iraq and in Syria to the maximum extent allowed by international law.

As the Prime Minister said today, the government will move swiftly to introduce the
necessary amendments to the Commonwealth Criminal Code that will bring our domestic
laws into line with international norms. This means that Australian Defence Force personnel
will have the ability to target Daesh at its core—joining with our coalition partners to target a
broader range of Daesh combatants, which is consistent with international law. The ADF
collection to the fight against Daesh has been a critical part of the coalition campaign. Our
collection has always been conducted in accordance with strict rules of engagement and
precise targeting processes, which are consistent with Australia's international legal
obligations.

The PRESIDENT: Senator Back, a supplementary question.

Senator BACK (Western Australia) (14:27): I thank the minister for her answer and ask if
she can inform the Senate why the ability to better target Daesh is so important?

Senator PAYNE (New South Wales—Minister for Defence) (14:27): It is true to say that
the actions of Daesh remain a major threat to regional and to international security. As a
member of the global coalition, and at the request of the Iraqi government, Australia already
makes one of the largest contributions to disrupt and degrade Daesh in both Iraq and Syria.

With the expansion of our offensive operations into Syria in late 2015, it became clear that
our domestic laws governing the conduct of operations had some inconsistency with
international law, and, indeed, did not actually meet what was the ever-changing threat of
terrorism. That is why the changes that the government has announced today are so important.
We will continue to apply the strict rules of engagement and precise targeting processes
which guide our operations, consistent with our international legal obligations. But members
of Daesh and those contemplating joining them should be under no mistake: we will act
against you— (Time expired)

The PRESIDENT: Senator Back, a final supplementary question.

Senator BACK (Western Australia) (14:28): I ask if the minister could provide the Senate
with an update on broader Australian efforts in the fight against Daesh in both Syria and in
Iraq?

Senator PAYNE (New South Wales—Minister for Defence) (14:28): I can, and I thank
the senator for his question. The men and women of the ADF are making a very significant
difference in Iraq and in Syria every day. Three weeks ago I visited the Middle East and met
with many of the deployed members and task force commanders, as well as the Iraqi defence
minister and Prime Minister al-Abadi.

From my visit, it is clear that the support that the ADF provides as part of the international
coalition in the battle against this violent extremism is absolutely essential, whether they are
from the building partner capacity mission, from the Special Operations Task Group or the
Air Task Group. Daesh is not the fighting force it once was—it has lost close to half of its
territory in Iraq and about 20 per cent in Syria, and its number of fighters has been very
significantly cut—so our contribution to the fight is working. But the task of security and stability in Iraq remains a continuing and very important one.

**Budget**

Senator WHISH-WILSON (Tasmania) (14:29): My question is to the Minister representing the Treasurer, Senator Cormann. The IMF has recently called for Australia to increase borrowings to boost public investment in infrastructure as it would 'support aggregate demand, take the pressure of monetary policy, and insure against downside growth risks'. They said:

It would employ resources released by the mining sector, catalyse private investment, boost productivity, could ease housing supply bottlenecks and would take advantage of record low interest rates.

Yet the budget says that payments to states for infrastructure will fall from $9 billion next year to a new low of $4 billion in 2019. Will the Liberal government take up the advice of the IMF and borrow to invest in infrastructure? Or is the government going to stick to its spin that debt is a dirty word and simply sit on its hands?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:30): I thank Senator Whish-Wilson for that question, and I would refer him to the answer I gave to Senator Bushby yesterday, and that is that despite additional global economic headwinds in recent times and despite the additional external challenges Australia has faced the Australian economy is performing very well by international standards. We are growing more strongly than when we came into government, at 3.1 per cent growth in the most recent reported annual period, which is higher than the two per cent rate when we came into government. It is higher than any of the G7 economies in the world are achieving—higher than the United States, higher than Canada, higher than the United Kingdom. Indeed, it is higher than the OECD average.

This government, though, does not sit on its laurels. In this term of parliament we will build on the progress we made in the last parliament, and that of course includes a significant investment in productivity-enhancing infrastructure. I do agree with the honourable senator that incurring debt in order to invest in productivity-enhancing, economy-growing infrastructure is better than what we were forced to do by the Labor-Greens government when we came into government, and that was to continue to borrow in order to pay for our recurrent expenditure. When you continue to spend more on your day-to-day living expenses than you earn, then over time you are going to get yourself into a deeper and deeper problem. To continue to accumulate more and more debt, to continue to borrow from our children and grandchildren to pay for our day-to-day living expenses today, is irresponsible. It puts at risk the sustainability of the benefits and services provided by government. It also means that we are forcing future generations—our children and grandchildren—to accept either higher taxes or deeper spending cuts to pay for our lifestyle today. That is not something we believe is fair, and that is not something we will be a part of. That is why we continue to focus on budget repair as an important priority.

The PRESIDENT: Senator Whish-Wilson, a supplementary question.

Senator WHISH-WILSON (Tasmania) (14:32): I thank Senator Cormann for his answer. I think there is a reason some of the most respected economic commentators in this country
are calling for some action. In his outgoing speech, Reserve Bank Governor Glenn Stevens said:

... we are living in a world in which the ability of monetary policy alone to boost growth sustainably is very likely to be a good deal more limited than we might wish.

He then made the case for government to borrow for the right infrastructure assets. Can Senator Cormann please outline to the chamber what your plans are to borrow at record low interest rates and invest in more productive infrastructure in this country?

**Senator CORMANN** (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:33): What I would say to the good senator is that just because interest rates are comparatively low today does not mean that is going to be the case forever, and the debt growth trajectory that we have inherited from the Labor-Greens government is unsustainable. It does actually expose Australia to unacceptable levels of risk, which is why we are focused on bringing the debt growth trajectory down to stabilise debt and over time to reduce it as a share of the economy and in dollar terms. That is something that we need to do.

Australia has terms of trade which are more than twice as volatile as the OECD average. We are very much a trading nation. We are an exporting country. If you look, for example, at what has happened to the price of iron ore in recent years, representing more than 20 per cent of—

**The PRESIDENT:** Pause the clock. Senator Whish-Wilson?

**Senator Whish-Wilson:** Mr President, a point of order on relevance: I have waited awhile for the answer. I did ask what the government's plans were for investing in productive, transformative infrastructure in this country.

**The PRESIDENT:** You did ask the minister about borrowing whilst the interest rates are low, and the minister did answer that up-front by saying that interest rates might not necessarily be low forever. I think implicit in the minister's answer was the fact that there is caution against borrowing. So I believe that the minister has been directly relevant.

**Senator CORMANN:** And of course as part of our national economic plan for jobs and growth we are rolling out a $50 billion infrastructure investment program over the period 2013-14 to 2019-20— *(Time expired)*

**The PRESIDENT:** Senator Whish-Wilson, a final supplementary question.

**Senator WHISH-WILSON** (Tasmania) (14:35): Prime Minister Malcolm Turnbull has said that the massive moral obligation of this generation is to reduce debt. Does Senator Cormann agree that also a massive obligation is avoiding underinvesting in this nation's future and that the infrastructure gap, as identified by a Senate select committee, is nearly a trillion dollars around Australia?

**Senator CORMANN** (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:35): We need to reduce the deficit and reduce the level of debt growth in relation to recurrent expenditure. This government is doing two things at the same time. We are improving the quality of government spending by actually shifting a significant proportion into capital investment—investment in productivity-enhancing infrastructure that generates stronger growth into the future and as such also generates stronger revenue flows for government. But we need to continue to bring unaffordable spending growth down so that we do not continue to increase the level of debt that is essentially accumulated on the back of
day-to-day living expenses. No family would put their grocery bill onto their credit card year in year out and then hand the credit card over at the end of their life and say to their kids, 'You deal with it.' No family would do that, and the Australian government should not either.

**Goods and Services Tax**

**Senator CAROL BROWN** (Tasmania) (14:36): My question is the Minister representing the Prime Minister, Senator Brandis. I refer to the Prime Minister's announcement to the Western Australian Liberal Party that the government would change the arrangements for the distribution of GST revenue to establish 'a percentage floor below which no state receipts can fall'. Did the Prime Minister discuss his plan with the Treasurer or the finance minister before making his announcement?

**Senator BRANDIS** (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:37): Senator Brown, I am familiar with the Prime Minister's remarks to the Western Australian Liberal Party state conference in which he made a very general, commonsense reflection that at the appropriate time we should create a prospective floor, once the system has been rebalanced. This rebalancing has not happened yet and will not for several years yet. Even on Western Australia's own numbers, Western Australia's GST relativity will take a number of years to return to its pre-2009 levels. It is expected the matter will be discussed at the next Council on Federal Financial Relations meeting. It is a long-overdue matter, the addressing—

**The PRESIDENT:** Pause the clock. Point of order, Senator Wong?

**Senator Wong:** There really was only one question from Senator Brown: did the Prime Minister discuss his plan with the Treasurer or the finance minister before making his announcement?

**The PRESIDENT:** That is correct. That was the question. However, I do believe the Attorney-General has been given a very good background and is addressing the point, and I am sure the Attorney-General will come to the question.

**Senator BRANDIS:** Let me continue—and I will of course come directly to the point of your question, Senator Brown, I can assure you. It is a long-overdue matter to address, and we will have a window to do so in the next few years and, when that window opens, we should seize that. There is no doubt that the GST formula, when it was originally devised, did not contemplate wild swings in shares like we have seen in relation to Western Australia. This important reform will preserve the integrity of the horizontal fiscal equalisation system while giving all states more certainty and making it easier to plan and budget. Now, Senator Brown, as in relation to all matters which are the subject of announcements by the Prime Minister, the appropriate consultations, including with senior ministers, were of course engaged in.

**The PRESIDENT:** Senator Brown, a supplementary question?

**Senator CAROL BROWN** (Tasmania) (14:39): My first supplementary question is: was the Prime Minister's plan, then, also taken to the cabinet before being announced; and, if so, when?

**Senator BRANDIS** (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:39): Senator Brown, we do not publicly discuss the proceedings of cabinet. I thought you are aware of that. You are asking
me directly what was discussed in cabinet, and that is not a question that I am at liberty to answer.

The PRESIDENT: Senator Brown, a final supplementary question?

Senator CAROL BROWN (Tasmania) (14:39): I will take that as a no. I refer to the statement of Senators Parry, Bushby, Abetz and Duniam, who are 'united in their support of Premier Will Hodgman's position, with all four Tasmanian Liberal Senators opposed to any changes to the GST distribution formula'. Have Senator Abetz and his colleagues nobbled the Prime Minister's plan?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:40): Mr President, I think I am being asked to reflect upon your observations in a different character!

The PRESIDENT: Be careful how you reflect on the chair, then, Senator!

Senator BRANDIS: What we are talking about, Senator Brown, is a discussion. We are talking about a discussion. As I said, Senator Brown, in my answer to your primary question, this is a matter that will be developed over years—over years—while the GST relative shares are rebalanced. It is a discussion in which, by the way, your side of politics has also participated, because during the 2016 election campaign, standing right beside Bill Shorten, the leader of the Labor Party in Western Australia, Mr McGowan, advocated for a floor under the GST and an adjustment of the GST relativities so as to favour—(Time expired)

Media

Senator HUME (Victoria) (14:41): My question is to the Minister for Communications, Senator Fifield. Can the minister advise the Senate of how the government is reforming Australia's media laws to bring them into the digital age?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (14:42): I acknowledge that this is Senator Hume's first question in this place, and also congratulate her on a magnificent first speech last night. Mr President, colleagues: I think we are all aware that technology, the avenues that that provides the people to consume media and the choices that consumers must themselves make are rendering our existing media laws progressively redundant. They simply do not reflect the world that we currently live in.

At present, we have five media laws with quaint names—the five-four rule, the two-to-a-market rule, the one-to-a-market rule, the 75 per cent audience reach rule and the two out of three rule. What the government is proposing is to abolish the 75 per cent audience reach rule and the two out of three rule, and to leave the other media rules in place. Now, if the parliament chose to do that, it would represent the most significant media reform in a generation. The purpose of reforming our media laws is to enable Australia's media organisations to configure themselves in ways that best suit their business and best support their viability. It will give media organisations, if they choose, the opportunity to build scale through changing their configurations.

I think it is important for colleagues to know that changes to media laws will not see any changes to the existing requirements from, and scrutiny by, the ACCC, or any changes to Foreign Investment Review Board requirements, should those apply to any proposition. In fact, the government has asked the ACCC to update its public guidance on its approach to
media mergers, to provide transparent information on how these would be treated— *(Time expired)*

**The PRESIDENT:** Senator Hume, a supplementary question?

**Senator HUME** (Victoria) *(14:44)*: Can the minister outline to the Senate what the government is doing to ensure regional communities receive stronger local content protections?

**Senator FIFIELD** (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) *(14:44)*: I think all of us recognise the importance of local content in local media. It is important for those communities. So as part of the government's proposed package, we will be strengthening local television content requirements to ensure local content continues to be provided in regional Australia. We are proposing that, following a change in control that results in an entity controlling licences that reach more than 75 per cent of the population, higher local content requirements would be in place. This would increase the minimum local content points required from the current 720 over a six-week period to 900 points over a six-week period. Also, importantly, in regional markets where there are currently no local content requirements, we would introduce, for the first time, local content requirements of 360 points over a six-week period. That is good news for the regions. *(Time expired)*

**The PRESIDENT:** Senator Hume, a final supplementary question?

**Senator HUME** (Victoria) *(14:45)*: Is the minister aware of commentary about repealing of the two-out-of-three rule and how this would affect media diversity? What is the government's response?

**Senator FIFIELD** (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) *(14:45)*: I am aware of some commentary, and the parliament will have the opportunity to examine that proposed rule change. The fact is Australians do have access to an incredibly diverse array of media sources. The online sources are in abundance. In fact, the existence of the two-out-of-three rule not only no longer protects diversity but, I would contend, prevents media companies from building scale. That, in itself, is a threat to ongoing media diversity. Paul Anderson, the CEO of Network Ten, says:

> We are yet to hear any rational argument in favour of keeping the two out of three rule, which only applies to three offline media platforms and doesn’t even recognise the existence of the internet. It is illogical and antiquated and threatens local diversity by constraining Australian media companies in our efforts to grow and compete.

Well said, Mr Anderson.

**Cabinet Secretary**

**Senator WONG** (South Australia—Leader of the Opposition in the Senate) *(14:46)*: My question is to the Cabinet Secretary, Senator Sinodinos. I refer to the Cabinet Secretary’s categorical assurance to the Senate on 2 May 2016 that he never participated in or witnessed discussions regarding the use of the Free Enterprise Foundation to channel and disguise donations by prohibited donors. I also refer to this week's report from the Independent Commission Against Corruption which explicitly accepted evidence that the scheme had been...
specifically raised with Senator Sinodinos. Which is correct: the report of the Independent Commission Against Corruption or Senator Sinodinos's denial?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:47): I welcomed the report of the commission this week. It made no findings against me. It has been a long process; it has been over two years. I have been dragged through the mud. Some of you in this place know what it is like to be dragged through the mud. You are now attempting to smear me on the basis that you can divert attention from the failure of Senator Dastyari to answer questions in this place about his dealings with people who provided him with a personal benefit. That is the question you must answer in this place—

Honourable senators interjecting—

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

Senator Wong: The point of order is relevance. The question was, 'Which is incorrect: the Independent Commission Against Corruption report or Senator Sinodinos's denial?' Not both can stand; one of them is wrong, Senator Sinodinos. Who is wrong: the Independent Commission Against Corruption or you?

Honourable senators interjecting—

The PRESIDENT: Order! I remind the Cabinet Secretary of the question.

Senator SINODINOS: I stand by my previous answer. The commission report is there. I was there as a witness, not as a person of interest. They made no findings against me—end of story.

The PRESIDENT: Senator Wong, a supplementary question.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:49): I again refer to the report of the Independent Commission Against Corruption, which found that Senator Sinodinos's evidence that he was unaware that the foundation had become a major donor was 'difficult to accept'. If the Independent Commission Against Corruption does not accept the senator's denial, why should this Senate?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:49): The commission found nothing against me. There were no findings against me.

Honourable senators interjecting—

Senator SINODINOS: We can go on like this for ages. I am willing to give Senator Dastyari my time in this chamber to answer questions, which he has not done to date.

The PRESIDENT: Senator Wong, a final supplementary question?

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:50): Does the senator agree with the ICAC report's finding that his evidence was 'difficult to accept'? Are there any statements that the senator has made to the Senate which are inconsistent with the report of the Independent Commission Against Corruption?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:50): I accept the report and its findings. I do not cavil with any of it—or with anything I have said in this place.

Senator Wong: They didn't believe you, Arthur. They didn't believe you. They said they did not accept—

The PRESIDENT: Order on my left! Senator Wong, you have asked your question.
Senator Wong interjecting—

The PRESIDENT: Order! Senator Wong, I do think you need to withdraw that.

Senator Wong: Which question?

The PRESIDENT: I am not going to repeat what was said, but you did cast an unparliamentary remark against a—

Senator Wong: There is an inconsistency between what was said to the chamber and what was said to the commission. Which bit should I withdraw? I withdraw 'lie'.

The PRESIDENT: That did not help, but thank you.

Dairy Industry

Senator McKENZIE (Victoria) (14:51): My question is to the Minister for Resources and Northern Australia, Senator Canavan, representing the Minister for Agriculture and Water Resources. Given more than 20,000 Victorians are employed in the dairy industry and many dairy farmers are struggling under the burden of falling milk prices and rising debt, can the minister advise the Senate what the government is doing to assist dairy farmers struggling to stay in business?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (14:52): I thank Senator McKenzie for her question and congratulate her on her re-election and her continuing support for the dairy farmers of Victoria—an incredibly important industry for her state and, indeed, for our nation. As many in this chamber would know, there are many in the industry who are doing it very tough at the moment given the global price environment and the decisions made by Murray Goulburn and Fonterra recently to retrospectively cut farmgate milk prices. Those decisions made by Fonterra and Murray Goulburn are decisions that the government are concerned about, and that is why we have acted quickly in response to them.

We have listened to the concerns of dairy farmers, holding a number of meetings in the last few months, and during the election campaign we announced a $579 million dairy assistance support package. The cornerstone of that package is low-interest loans for dairy farmers of up to $555 million at an interest rate of 2.66 per cent that can be taken over a 10-year period, including a five-year interest-only period. That will help bring down interest expenses for farmers as they refinance and will give them greater cash flow. We are also funding more Rural Financial Counsellors, one-to-one business advisory support for farmers and assistance to help farmers access other forms of assistance and support, including the farm household allowance; a dairy coordinator to help link farmers with state support as well as federal support; and $2 million to establish a milk commodity price index, to give more transparency to farmers to help them plan their operations.

We as a government are confident that this industry will remain fundamentally strong. It is going through a difficult time, but it will be strong again. We are also contributing $20 million to the Macalister Irrigation District, underlining our confidence that the dairy industry will recover from this. We will do everything we can to support it through these difficult times.

The PRESIDENT: Senator McKenzie, a supplementary question?
Senator McKENZIE (Victoria) (14:54): Can the minister inform the Senate of any discussions the government has held with the dairy industry to further support struggling farmers?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (14:54): As I mentioned in my answer to the first question, the government has been listening to the dairy sector. It has held a number of meetings with dairy farmers and the industry over the past few months. The Deputy Prime Minister met with Australian Dairy Farmers and the president of United Dairyfarmers of Victoria a few months ago, and I welcome and thank the dairy industry’s continuing consultation and ability to engage in these matters. That meeting informed the construction of the dairy assistance support package. We listened to dairy farmers, and those proposals were based on those requests.

Since the election, the Deputy Prime Minister and the Prime Minister have met with Murray Goulburn and Fonterra to ask their companies what they are doing to help suppliers. Last week the Deputy Prime Minister held a symposium in Melbourne with the dairy farmers to facilitate discussions and provide additional support. We continue to engage with the sector. It is an incredibly important sector for our economy, and we will do all we can to support it.

The PRESIDENT: Final supplementary question, Senator McKenzie?

Senator McKENZIE (Victoria) (14:55): Can the minister outline any details of the ACCC inquiry announced by the Minister for Agriculture and Water Resources?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (14:55): As a result of those meetings, particularly the symposium last week with dairy farmers and dairy processors, the Treasurer has asked the ACCC to conduct a market inquiry into the dairy industry. This inquiry will look at the supply chain of the milk sector and will look into the bargaining and trading practices within that sector and the effect of world and retail prices on farm profitability. The inquiry follows on from the inquiry we announced earlier this year into the cattle and beef industry supply chain. We are able to do these inquiries, given the investments that the government has made through its agriculture white paper process and the Agriculture Commissioner we have added to the ACCC. During these inquiries, the ACCC will have recourse to its information-gathering powers and be able to compel witnesses to make sure it gets to the bottom of the trading practices in these markets.

We will continue to work with the dairy sector to make sure we have a strong, efficient and resilient dairy sector in our country.

Federal Election

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (14:56): My question is to the Minister representing the Prime Minister, Senator Brandis. I refer to the former Leader of the Government in the Senate, Senator Abetz, who said:

It would be fair to say that we in the Liberal Party do need to reflect—especially on the national campaign—as to why we did not resonate in Tasmania.

Does the minister agree that the Liberal Party’s national campaign is responsible for the party’s electoral failure in Tasmania?

The PRESIDENT: I am just reflecting as to whether or not that is a matter directed to the portfolio. I will allow the minister to answer the question.
Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:57): Through you, Mr President: Senator Bilyk, I have not seen Senator Abetz's remarks.

Opposition senators interjecting—

Senator BRANDIS: I have not seen Senator Abetz's remarks and therefore I am not at liberty to comment on them. But, might I remind you, Senator Bilyk, that there was only one winner at this election, and that was the coalition.

The PRESIDENT: Senator Bilyk, a supplementary question?

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (14:58): I am sorry that Senator Abetz does not get paid some attention by Senator Brandis. I refer again to Senator Abetz, who said:

If we keep going full steam ahead and pretend that nothing happened on July 2 other than a huge mandate for us, we will be going to an electoral disaster in 2019.

Does the minister agree with Senator Abetz that the election failed to deliver a mandate to the Turnbull government?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:58): As I said to you, Senator Bilyk, I have not seen Senator Abetz's remarks, so I am not in a position to comment on them.

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (14:58): In my second supplementary question I refer to Senator Brandis's own words when he says 'disunity is death'. Has he expressed this view to Senator Abetz?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:59): Senator Bilyk, I have heard that observation made by many and I have probably made it myself. Perhaps you have made it yourself in reflecting on the affairs of the Australian Labor Party. When I look at the array in front of me of the Australian Labor Party, all I see is a group of people who are united by nothing but mutual hatred and loathing—mutual hatred and loathing.

Opposition senators interjecting—

Senator BRANDIS: I see Senator Gavin Marshall, the esteemed former Deputy President of the Senate, cannot conceal his agreement with my remarks. That generous, broad smile of yours, Senator Marshall, conceals the wounds that you have suffered as a result of the disunity, the backstabbing, the Machiavellianism and the disgraceful conduct inflicted upon you by those who, in a previous existence, you used to call comrades.

Child Care

Senator BERNARDI (South Australia) (15:00): Thank you—

Senator Conroy interjecting—

The PRESIDENT: We still have time. The question does not start until 32 seconds past the hour, so Senator Cory Bernardi was certainly in order.

Senator BERNARDI: My question is to my friend the Minister for Education and Training, Senator Birmingham. Can the minister—

Opposition senators interjecting—
The PRESIDENT: Order! Senator Bernardi, you have the call.

Opposition senators interjecting—

The PRESIDENT: Order on my left.

Senator BERNARDI: Can the minister please update the Senate on how the government's Jobs for Families bill will reform the childcare system?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (15:01): I thank my good friend and colleague Senator Bernardi for his question. I know that all in this chamber will miss Senator Bernardi while he is not with us for some of the later sittings this year—perhaps none so much as Senate Dastyari!

But Senator Bernardi is of course a great champion for the interests of Australian families and, in this instance, his question goes to the heart of support for Australian families and their participation in the workforce. Today, the Australian government, the Turnbull government, reintroduced into the House of Representatives comprehensive reforms to Australia's childcare system—$40 billion worth of investment; $3 billion worth of additional investment in early education and child care—which are designed to introduce an activity test to ensure that taxpayers' support for childcare services is targeted to those who depend upon it for their work and their contribution and effort in the workforce, and that it is targeted as effectively as possible to those earning the least amount of money and those working for the greatest number of hours. We are introducing hourly fee caps in terms of the subsidy provided to put downward pressure on fee growth—something that the Labor Party fails to understand—and reforms that abolish the $7½ thousand cap on the childcare rebate, importantly ensuring that parents in middle- and low-income families no longer reach a cliff in their childcare support but can work right through the 12-month period.

Our reforms are fundamentally fair, carefully targeted and the result of extensive consultation, and have only been held up by the fiscal irresponsibility of those opposite, who refused to support the savings measures required to fund these reforms. We want to make sure that we redirect government support to those working and who need it most, and those opposite should support us to do so.

The PRESIDENT: Senator Bernardi, a supplementary question?

Senator BERNARDI (South Australia) (15:03): Yes, and I thank the minister, but I would ask him if he could please advise the Senate of the benefits that Australian families will gain from this policy?

Opposition senators: Which ones?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (15:03): I am happy indeed to talk about which ones, because one good example of an Australian family like the many low- and middle-income working families who will most benefit from this policy is the example of Sarah and Jasvinder. Sarah and Jasvinder were people who appeared in the Labor Party's policy document that they released on child care during the election campaign—a family working full-time with an income of $100,000 per year, they have two children in care five days a week and pay daily fees of $95 per child.

Labor boasted that Sarah and Jasvinder would be $3,658 better off per year under their policy. But they did not bother to do the sums about our policy. And, under our policy, they...
will be much better off, to the tune of $6,846—essentially, double the benefit under the coalition’s policy than under Labor’s policy for the very example that the Labor Party sought to highlight. Sarah and Jasvinder are examples of around one million Australian families who will be better off as a result of our— (Time expired)

The PRESIDENT: Senator Bernardi, a final supplementary question?

Senator BERNARDI (South Australia) (15:04): Yes, thank you, Mr President. Is the minister aware of any alternative policies that have been offered to the Australian people?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (15:04): I am aware that those opposite presented something they called a policy during the election campaign. Mr Shorten said, in fact, ‘No government deserves to govern if they do not have a plan for child care.’ But unfortunately the Labor Party only had, essentially, a one- or two-year plan—a bandaid solution that was simply to move the existing cliff up, whereas we want to abolish that cliff. So they wanted to shift so that families would face another cliff in terms of their childcare support. We want to abolish it for low- and middle-income families and ensure that they can receive support every single day and every single month of the year for their childcare fees. We want to make sure that we have a system that keeps a downward pressure on fee increases, while the Labor Party proposed exactly the types of reforms that, when last implemented, saw fees skyrocket through the roof.

So there are alternatives, but they are flawed, failed models from the past, and what I hope we will see is common sense prevail, support for our savings, and support for reforms that help Australian working families who need it most.

The PRESIDENT: Thank you, Minister. Before I call Senator Brandis, could I remind senators that, at the conclusion of taking note of answers to questions today, there will be a ballot for committee memberships.

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Northern Territory: Juvenile Detention

Senator MOORE (Queensland) (15:06): I move:

That the Senate take note of the answers given by the Minister for Indigenous Affairs (Senator Scullion) to questions without notice asked by the Leader of the Opposition in the Senate (Senator Wong) and Senator Cameron today relating to the Don Dale Youth Detention Centre.

In taking note of Senator Scullion's answers, I note—in words often said by Senator Scullion in answer to questions that I was asking him—there is no malice at all in the questions that I am going to be putting to him again in this period of taking note.

We heard today that the minister was deeply concerned about the issues around the culture of abuse that was seen in the Don Dale centre, but we still do not know, after the answers the minister provided today, just when he became aware of what was going on in that centre. What disturbs me more than anything in this process is that, when we sat in many hours of discussion in the Senate community affairs process, the minister would come in his then role as shadow minister for Indigenous affairs and be fully briefed on every single aspect of Indigenous services that were being taken in the Northern Territory when the Northern
Territory government was the Labor government of the Northern Territory. The minister would sit for hours in our committee, asking us chapter and verse about what was going on with expenditure and programs in the Northern Territory at that time. But remember the original processes around what was happening at the centre were at that time, and now this minister says that he really did not know about it and that he was shocked by the *Four Corners* program.

The Minister for Indigenous Affairs was the opposition minister and more so he is a senator for the Northern Territory, and what was being exposed in the media and in commission reports in the Northern Territory was exactly what was happening at that centre. I have had a look at the media that was being put out in 2015, when the Children's Commissioner put out the report that they did on what was happening in the Territory. There was also the government report at the time, and there were open discussions about individual cases and also the exposed processes that were happening at that centre. That was clearly in debate and discussion. Individual families were coming forward, and the Children's Commissioner at the time was quite clear that there had to be action taken to change the processes and the damage that was occurring at that time.

Now we find out that the senior senator from the Northern Territory, who not only had the long-term responsibility for issues of Indigenous services but also is now the minister for that program, had not had his interest piqued by that process that was going on in the Northern Territory. It defies belief. Today in this place the minister somehow seemed to be able to blame the ABC for not giving him prior knowledge of what was going to occur in the *Four Corners* program. I do not understand why having a preview of a program was going to provide any more information to the minister from the Northern Territory, who had had open discussion, who had people coming to him, who had discussions with the current Northern Territory government. We know how close Minister Scullion is to the previous Northern Territory government—and we can say that, since last weekend, it is the previous Northern Territory government. We know how closely the minister worked with the ministers of that Country Liberal Party and National Party government in that area. We know how closely he worked on policy. When he came to our Senate committees, consistently talking about issues that should be raised in that area, it seems passing strange that he was not aware of the concerns raised in the community about what was happening at Don Dale.

The good thing now, of course, is that we have a commission process looking into that area. We have strong people who have raised these issues consistently, and we are very relieved that this will be exposed. We can work together on it, but no-one can convince me that this minister was not aware. No-one can convince me that his interest was not piqued, because he did not want his interest piqued. Again I say: no malice, Minister Scullion; no malice.

**Senator PATerson** (Victoria) (15:11): I agree with Senator Moore: this is a very serious issue. It is also a very complex issue. It is not a simple issue. No Australian—no-one in the government included—who watched that episode of *Four Corners* could be anything other than horrified and disgusted at the vision that was included. No-one could watch it and be anything other than appalled and shocked. No-one could be anything other than determined to fix it as soon as possible. That is why the coalition federal government acted as decisively
as any in memory to establish very quickly a royal commission and to appoint two very eminent royal commissioners to look into this issue.

I think all senators would agree that the royal commission should be allowed to do its job effectively. I think all senators would agree that the commission should be supported to fully and thoroughly investigate this matter and to propose solutions which will be considered by both the Northern Territory government and the federal government. I think it is important that we recognise, though, that this is not just a recent failure and it is not just a failure of one side of politics or the other. There is a cultural problem in the Northern Territory corrections system; that much is clear. It is a problem which has existed for many years. It has existed under governments of both political persuasions. No-one in the Northern Territory has covered themselves with glory in administering this system.

I do not think that getting to solutions and implementing solutions for this problem are aided, however, by partisan attacks on the federal Minister for Indigenous Affairs. Let's remember that he does not administer the Northern Territory corrections system. He is not responsible for appointing or employing any of the people who were seen in the footage. He is the federal Minister for Indigenous Affairs and, as a result, he takes a great deal of interest in this matter but it is not on his watch that this occurred. It is not his responsibility that this occurred.

The coalition government is committed not just to reforming the Northern Territory criminal justice system in terms of juvenile detention but also to looking at wider, related issues. This is a complex problem and it starts at high rates of Indigenous offending and high rates of Indigenous incarceration. That needs to be addressed in a holistic, systematic way. That is something which probably is going to require extensive legal reform and the goodwill and bipartisanship of all sides of politics, particularly in the Northern Territory. We are committed to assisting in that process. This year alone we are providing $256 million through the Indigenous Advancement Strategy to help improve community safety and address the drivers of Indigenous incarceration. The Prime Minister has also put the issue of transitioning Indigenous people from incarceration to employment—in order to reduce the risk of offending and reoffending—onto the agenda of the Council of Australian Governments.

Before I conclude, I want to also take a moment to reflect on our colleague Minister Scullion. I do not think anyone in this place would doubt his sincere commitment to the advancement of Indigenous Australians. He has spent more time, more energy and more effort focused on these issues than almost anyone in this chamber, with a very few honourable exceptions. No-one can doubt his passion and his dedication to the advancement of the causes of Indigenous Australians. I think he is very well placed, as a senator for the Northern Territory, as the Indigenous affairs minister. Long before he came into that role, he had a commitment to these issues, and, I suspect, long after he leaves this role and leaves this place, he will still have a long-term commitment to these issues.

I invite opposition senators who think they have done more on this issue, who think they might have devoted more time on this issue, to tell the Senate about their track record, about their years of commitment and service to this issue. I look forward to hearing how they have done more than Senator Scullion to address these issues, how their commitment is more sincere, how they have spent more time in remote Indigenous communities and how they have spent more time with young Indigenous men and women and talked to them and listened
to them about the issues that they face. I very much look forward to Labor senators demonstrating in a partisan way—as they seem to want to handle this issue—that their interest is superior to that of the Indigenous affairs minister, Nigel Scullion.

Senator CAROL BROWN (Tasmania) (15:16): Thank you, Madam Deputy President—Honourable senators interjecting—

The DEPUTY PRESIDENT: I remind senators that Senator Brown has the right to be heard in silence. Please respect her few minutes.

Senator CAROL BROWN: I, too, rise to take note of the answers from Senator Scullion in response to the questions from Senators Wong, Conroy and Cameron. Senator Paterson is right when he talks about the royal commission being welcomed. This side of politics also welcomed the royal commission when it was announced by the Prime Minister, because it was shocking footage that we saw aired on the ABC's *Four Corners* program. Anyone who viewed would not soon forget it. But what we heard here in the answers from Senator Scullion was actually more questions that need to be asked, and they have to be answered. Senator Scullion in his responses did not answer the questions that were put to him—and they were very serious questions, regardless of what Senator Paterson said in his contribution to try to paint this as some sort of partisan quest by the Labor Party. That is not the case. This is a very, very serious issue. It goes to what the minister knew about what was happening at Don Dale. It is a very, very serious issue. In the minister's answers, he first sought to blame the ABC for the reason why he could not view the episode. He then sought to blame his department for the reason why he was not fully briefed about the issues—

Senator Ian Macdonald: He did not.

Senator Brandis: No, he didn't.

Senator CAROL BROWN: Yes, he did. The departmental processes were what he talked about—about being given full briefings. What we have learnt through the media—even though we have heard Minister Scullion today make some changes to the story—is that when Mr Turnbull announced the royal commission he said:

This needs a thorough inquiry. We need to move quickly on that, get to the bottom it, and expose what occurred and expose the culture that allowed it to occur and allowed it to remain unrevealed for so long.

The first thing he really needs to do is talk to his own minister, because it is becoming quite apparent that Minister Scullion was aware of what was going on prior to the ABC *Four Corners* report.

We have had, since then, a number of different reports that have alleged that Senator Scullion made these comments. These reports are completely at odds with what Senator Scullion said today. Senator Scullion, according to a media report:

…said he "didn't know anything about" the allegations prior to last week's episode, last night admitted asking his department for advice about the Don Dale centre in October last year after reading a media report of findings by the NT Children's Commissioner.

That is what he said. That is what has been reported: that he had asked for a brief in October last year and he did nothing about it. It appears that he did nothing about it.

Senator Brandis: You are not doing a very good job of not politicising this.
Senator CAROL BROWN: Thank you, Senator Brandis, for your help, because you should be one of the people saying to Minister Scullion, 'Why didn't you do anything about it? You knew about it. You asked for a brief. And you just ignored it.' That is exactly what we have seen from Senator Scullion. Nothing. He has just ignored it. We also heard Senator Scullion's response today when he was asked about Professor Calma's comments about Senator Scullion. Let's just hear exactly what Professor Calma, the former social justice commissioner, had to say. He basically said that Senator Scullion is not listening and he needs to consider his own position. (Time expired)

Senator IAN MACDONALD (Queensland) (15:22): If this was a strategy by the Australian Labor Party to divert attention from the horrendous difficulty that Senator Dastyari is in at the moment, with his failure to answer very reasonable questions put to him, then it has failed completely. Senator Scullion has been an exemplary Minister for Indigenous Affairs. And, more than being a good minister, I know that Senator Scullion through all of his life has been a great friend of Indigenous people right across Australia but particularly in the Northern Territory. There are allegations being made about Senator Scullion's answering of questions today. I thought he answered every question exactly. He answered the questions that were asked and he gave a bit more information than he was asked for. He indicated clearly the course of events that occurred.

The allegation is made that somehow Senator Scullion as the minister and as a Northern Territory senator should have been aware of what was happening in this particular centre. As I recall it, this centre was set up by the Northern Territory government when Labor was in charge—I might be wrong, but I think it was when Labor was in charge. They set up this centre. The opposition are accusing Senator Scullion of not knowing what was happening. I wonder aloud: when Senator Peris was a senator for the Northern Territory was she aware of this, and if she was why didn't she raise it, and if she was not aware of it then why don't you blame her the same way that you blame Senator Scullion? Senator Trish Crossin, who was a wonderful senator for the Northern Territory—

Opposition senators interjecting—

The DEPUTY PRESIDENT: Order! Senator Macdonald has the right to be heard in silence. Please respect that right

Senator IAN MACDONALD: Thank you, Madam Deputy President. I appreciate your protection but I do not really need it. These sorts of things do not ever worry me. Former Senator Trish Crossin, who we all knew and loved in this chamber, was done over by a captain's pick by the leader of the Labor Party.

Senator Brandis: She's the greatest waste of space ever to enter this chamber.

Senator IAN MACDONALD: I am not going into that, Senator Brandis, but I take your interjection. Senator Crossin was a great friend of Indigenous people, and a great friend of all Territorians. Are you suggesting that, because she did not know, she is in some way at fault? What if she did know but did not report it? At least have some consistency in your criticism.

Senator Scullion understands the issues; he understands the portfolio. As I understand it this is an establishment run by the Northern Territory government. Am I wrong? Is that correct? Can someone help me? It is run by the Northern Territory government, so why the Labor Party are attacking a coalition federal minister escapes me a bit, except that it is just a

CHAMBER
very poor attempt to divert attention from the horrendous position that Senator Dastyari is in because of his failure to disclose money given to him for private debt by some company associated, as I understand it, with the Chinese government. The attack on Senator Scullion was the dampest squib I have ever seen. But that avoids the question of what a significant, careful and caring minister Senator Scullion has been in his portfolio, in his responsibilities for the Indigenous and other people of the Northern Territory.

I congratulate Senator Scullion on what he has done. I congratulate him on and admire him for his answers to the questions in question time today. As I remarked to my colleague next door to me, I think he is giving too much information—he is answering the question and more. Senator Scullion was quite keen to lay out the facts, and those facts clearly show that he has acted appropriately, as any minister should and would do, and I congratulate him on that.

Senator O’NEILL (New South Wales) (15:27): Madam Deputy President, I acknowledge that this is the first occasion on which you have given me the call. I look forward to your success in your role. Today we have heard a very weak defence from those opposite. We have here a minister who wants the job, who wants the title, but who does not want to take the responsibility. He does not have the skills to take on the job, and that was made very clear in the question that was put forward today citing the remarks of Tom Calma. If you ever need to see an example of the coalition government’s dysfunction, division and disarray, you need look no further than its handling of the abuse and the detention of Indigenous juveniles at the Don Dale Youth Detention Centre in the Northern Territory. The images distributed after the Four Corners investigation, of a hooded youth restrained in his chair, of a young man being rounded up by burly staff who then removed his clothing and of the gassing of inmates, were shocking. They were dangerous incidents. Children were placed in solitary confinement for up to 17 hours. The world looked on in incredulous disbelief that this could happen in Australia in 2016. But what was the Minister for Indigenous Affairs for Australia doing at the time while the rest of the country was looking on? He received a phone call, around 1 pm on the day that the program was to be broadcast, from Ms Meldrum-Hanna. She has tweeted: I spoke to Scullion's office yesterday lunchtime. They knew about the story & STILL didn't watch. What's going on? That is a very good question. What is going on is a minister who is not fit for the job; a minister who does not have the skills or the disposition or the capacity to do what needs to be done. Senator Scullion's reaction at the time was at once ignorant and arrogant. What sort of minister responsible for Indigenous affairs could possibly say that he did not have his interest piqued by reports of abuse? There were reports out from 2015 that he had access to. All I heard today was a man standing up and saying, 'Oh, gee, the pictures were terrible.' What do they have to do for this minister? Put pictures in the reports so that he can see what is going on in the area that he has responsibility for? Is it only the pictures that are going to move him to act? Is it only pictures that he can actually understand?

It is the responsibility of a minister to have the capacity to read carefully what is in those documents and to respond in the appropriate way at the appropriate time. This is, absolutely, not evident in what we have seen from this minister in his management of his portfolio. What we saw today was a man who disrespected the questions. He should have known about and been prepared for those questions today. When Senator Wong asked him when he knew, did
we hear a date? Did he offer a time line? Did he give any decent defence for the ignorant way in which he answered his question? No, he did not.

He is not fit to continue in this portfolio. This is a new government; they had an opportunity to put somebody decent in to do the job. He is the only senator representing the Northern Territory on that side of the parliament in this chamber. He has a dual responsibility as a Northern Territorian and as the first minister of this country for the first peoples—for the Indigenous peoples of this country. And he was not able to read briefings—to take briefings and to understand the content of vital reports that came to public notice as early as 2015.

He has hundreds of staff in the department to support his understanding of his portfolio, yet he was incapable of doing that. His arrogance knows no bounds. He was told by Ms Meldrum-Hanna that the program was going to come on that evening, and yet he went ahead with the business of his ordinary day without looking at it. And then he says to the Prime Minister: ‘Oh, look mate’—he says ‘mate’ to the Prime Minister—‘I didn't know it was going on. No, I didn't know, mate. I'll have a look and I'll call you back.’ It is not good enough.

It is not good enough for the senator for the Northern Territory. It is not good enough for the man who is supposed to be standing up for the Indigenous people in this country, and they know he is not up to the job. Professor Calma said:

Any minister who is not willing to engage with the community they represent and want to listen to them and work cooperatively with them, shouldn't be a minister.

Tom Calma knows and the whole Indigenous community knows. These guys cannot defend him because they know he is not up to the job and he has done the wrong thing. When that came out on the ABC, any minister worth his salt—

Government senators interjecting—

Senator O’NEILL: They are all cringing over there. Any minister worth his salt would have read about it, been prepared and had a go. Not this one. (Time expired)

The DEPUTY PRESIDENT: Is the motion moved by Senator Moore agreed to?

Question agreed to.

Budget

Senator WHISH-WILSON (Tasmania) (15:32): I move:

That the Senate take note of the answer given by the Minister for Finance (Senator Cormann) to a question without notice asked by Senator Whish-Wilson today relating to investment in infrastructure for Tasmania.

In my home state of Tasmania $900 million is needed right now to upgrade infrastructure that is nearly 100 years old for something as simple as sewerage and water infrastructure. There are 15 communities in Tasmania that do not have clean drinking water at the moment; they have to boil water and are on permanent boiled water alerts. There is our Hobart light rail—$100 million to use the existing rail system to put in place transformative electric rail in to Hobart. We have a desire to build a new port hub in Burnie for $50 million. As the Productivity Commission has outlined, when bundled together these small projects—

Senator O'Sullivan: They don't sound big.
Senator WHISH-WILSON: They do not sound big—$100 million, $50 million. Certainly they do not sound big to you, Senator O'Sullivan, given your immense personal wealth.

Honourable senators interjecting—

Senator WHISH-WILSON: Okay, that was a cheap shot, I must admit. When we bundle these projects together we can issue infrastructure bonds against them and provide all the finance for local governments and state governments to start filling the infrastructure gap that we have around this country. It is nearly $1 trillion in states and territories around Australia—$1 trillion in underinvestment in infrastructure in this country, and I am talking about transformative infrastructure that would increase productivity and would make for better communities—

Senator Williams: More dams.

Senator WHISH-WILSON: and more sustainable communities, you will be pleased to know, Senator Williams, including pipelines and the dams, where they are sustainable. As I said yesterday, I saw a very good project in Townsville that needs financing. Everywhere around this country, when you talk to the locals and go to the cities you see the need to invest in infrastructure in Australia. The IMF, Glenn Stevens, Saul Eslake, John Hewson—one of the biggest supporters—and even Alan Kohler the other night on TV are saying why don’t politicians make the most of this historic opportunity to borrow money at record low interest rates and invest in the future of this nation?

Unlike Senator Cormann in his answers to my questions today, I say that these rates can be locked in. With the right kind of financing structures we can do it. But the only reason we do not do this and are not embarking on a nation-building infrastructure program is because of the debate around debt. Debt is a dirty word. If you have come through the ranks as a young Liberal—

Government senators interjecting—

The DEPUTY PRESIDENT: I have tried hard not to interrupt Senator Whish-Wilson. He does have the right to be heard in silence. Please afford him that right.

Senator WHISH-WILSON: Thank you, Deputy President, I knew that the chamber would be a lot less rowdy with you in the Deputy President's chair.

Honourable senators interjecting—

Senator WHISH-WILSON: I have proven my point. Right around the country, there is a historic opportunity for infrastructure. Why are we sitting on our hands? Why aren't we getting money moving, creating jobs, stimulating aggregate demand, making this country more sustainable and dealing with investment for future generations of Australians? We are talking about long-term projects here. The project to fix the water problems in my state, the $900 million that we need—

Senator Back: State issues.

Senator WHISH-WILSON: Senator Back, I know you know Tasmania very well. We are talking about fifty-year investments that can be monetised and securitised—these debts can be repaid. But the problem is there is no finance available. The private sector does not want to invest in projects that size. If we bundle these together and government steps up and
plays an active role in the lives of Australians, it will be a positive thing. This is what Australians want to see from their leaders in a place like this. They want to see us making decisions. They want to see some vision. They want to see a bit of courage.

Let us deal with the most important part of the response to my question today. Senator Cormann admitted that there is good debt and bad debt. S&P—Standard and Poor's for your interpretation, Senator Williams—said last night that there is such a thing as good debt and bad debt. It is good debt that invests in long-term productive infrastructure. They said this government should be investing in infrastructure now. That was from Standard and Poor's, who determine our credit ratings. The only reason we are not doing that is the political spin and political rhetoric that somehow debt is bad and that in this country there is a massive moral obligation to reduce that debt and deficit. The massive moral obligation we have is to make sure we do not underinvest in future generations of Australians. The Greens will lead on this issue till we see some common sense. \(\text{(Time expired)}\)

Question agreed to.

COMMITTEES

Economics References Committee

Membership

The PRESIDENT (15:38): Earlier today I informed the Senate that I had received letters from Senator Leyonhjelm and Senator Xenophon seeking appointment to the Economics References Committee. There are two nominations for the one position on the committee—the position to be nominated by any minority group or independent senators. In accordance with the standing orders, a ballot will be held to determine which of the two senators who have nominated is to be appointed.

The Senate will now proceed to ballot to appoint a senator to the position to be nominated by a minority group or independent senators. The candidates are Senator Leyonhjelm and Senator Xenophon. Before the Senate proceeds to ballot, the bells will be rung for four minutes.

The bells having been rung—

The PRESIDENT: Lock the doors. The Senate will now proceed to a ballot. Ballot papers will be distributed to all honourable senators, who are requested to write on the paper the name of the candidate for whom they wish to vote. I remind senators that the candidates are for appointment to the Economics References Committee, and they are Senator Leyonhjelm and Senator Xenophon. The Clerks will now distribute ballot papers to honourable senators. I invite Senator Leyonhjelm and Senator Kakoschke-Moore to act as scrutineers.

A ballot having been taken—

The PRESIDENT: Order! The result of the ballot is as follows: Senator Leyonhjelm, 32 votes; and Senator Xenophon, 38 votes. Senator Xenophon is therefore elected as a member of the Economics References Committee.
BUDGET
Consideration by Estimates Committees

Senator O’SULLIVAN (Queensland—Nationals Whip in the Senate) (15:55): On behalf of the respective chairs, I present additional information received by committees relating to the following estimates:

Additional estimates 2015-2016—Environment and Communications Legislation Committee—Additional information received between 12 March and 4 May 2016—Communications and the Arts portfolio.
Environment portfolio.
Budget estimates 2016-2017—Environment and Communications Legislation Committee—Hansard record of proceedings and documents presented to the committee.
Finance and Public Administration Legislation Committee—Hansard record of proceedings, documents presented to the committee and additional information.

COMMITTEES
Government Response to Report

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (15:56): I present three government responses to committee reports as listed on today’s Order of Business. In accordance with the usual practice, I seek leave to incorporate the documents in Hansard.

Leave granted.

The documents read as follows—

Australian Government response to the
Joint Standing Committee on Foreign Affairs,
Defence and Trade report:
Principles and Practice—Australian Defence
Industry and Exports
April 2016
Recommendation 1
The Committee recommends that the Department of Defence incorporate into policy, doctrine, procurement instructions and all associated training the addition of defence industry as the ninth fundamental input to capability.

Government response Agreed
The Government acknowledges Australian defence industry provides a critical role in delivering and sustaining Defence capability. A key element of the 2016 Defence Industry Policy Statement (DIPS) is the formal recognition of Australian industry as a discrete Fundamental Input to Capability (FIC) and its integration into the new Defence capability life cycle.
This recognition will provide industry an earlier and stronger voice across the capability life cycle and drive more formal consideration of industry impacts through the early stages of the capability development process. This strategy will better position Defence to match the development of new capabilities with industry’s ability to deliver them and provide more opportunities for Australian industry while ensuring the best capability is delivered to Defence.
A significant amount of work is being progressed on the Smart Buyer model and on improving industry engagement across the capability life cycle which directly relate to integration of industry as a FIC within Defence's policy framework. This work and formal consideration of industry as a FIC will enable opportunities for Australian defence industry in the acquisition and sustainment of capability to be maximised.

As part of the White Paper implementation plan, Defence will progressively update all related policy to embed industry as a FIC into Defence processes and culture.

**Recommendation 2**

The Committee recommends that the Department of Defence build on previous activities in Australia and abroad to develop a system to identify those elements of industrial competence or capacity that are deemed to be fundamental inputs to ADF capability (FIC). This activity should be led by the Service Chiefs and implemented by Capability Acquisition and Sustainment Group at a strategic level with an assessment of how each new significant project may change the assessment of FIC or indeed could contribute to the maintenance of FIC from a whole of program perspective.

**Government response Agreed in Principle**

The recognition of industry as a FIC will ensure Defence considers the industrial capabilities and the capacity of Australian businesses to deliver Defence capability, including operational capabilities and the full spectrum of support functions. Defence capability managers will consider the industrial base as capability plans are developed, including the reliability and health of supply chains. This approach will ensure Defence capability managers consider and manage industry inputs as they would any other FIC.

The 2016 Defence Industry Policy Statement (DIPS) sets out the specific measures the Government will take to implement the Defence industry policy. These include streamlining the numerous Defence industry and innovation programs under two broad initiatives: the Centre for Defence Industry Capability (CDIC) and a new approach to innovation.

The DIPS also emphasises the need to change the way Defence identifies and manages strategically important capabilities. Defence is introducing the Sovereign Industrial Capability Assessment Framework to manage this important requirement. As a result of this change, Defence recognises the need for policy relating to the PIC framework to be updated to account for the new framework.

A key responsibility of the CDIC, in collaboration with Defence, is the identification and management of Sovereign Industrial Capabilities. These are capabilities that exist within the industrial base and develop or support critical ADF capabilities. These might include, for example, Sovereign Industrial Capabilities that develop and support the Nulka active missile decoy and the CEA Phased Array Radar.

A Defence Industrial Capability Plan will be created that identifies the Sovereign Industrial Capabilities that are required to be maintained and supported in Australia. Existing contracts that support Priority and Strategic Industry Capabilities will continue until a transition takes place to the new Sovereign Industrial Capabilities, scheduled for the second quarter of 2017.

Defence will also provide recommendations to the Government on Sovereign Industrial Capabilities as part of the Government's consideration of discrete capital investment proposals.

**Recommendation 3**

The Committee recommends that when implementing the First Principles Review changes to roles and responsibilities, capability development, procurement and sustainment, Defence take into account the framework for industry engagement based around the fundamental inputs to capability illustrated in Figure 1.

**Government response Agreed in Principle**
As outlined in the Defence White Paper and the Defence Industry Policy Statement (DIPS), the Government recognises that an internationally competitive Australian defence industry is a fundamental input to Defence capability. The ambitious and extensive program of future investment in major defence capability that is set out in the Integrated Investment Program provides significant opportunities for industry; the program’s scope will also set challenges for industry in responding in an effective and timely manner to these opportunities.

achieve this are the Centre for Defence Industry Capability (CDIC), the new approach to innovation, recognising industry as a Fundamental Input to Capability, and revitalising the Capability Life Cycle process.

Under the direction of the First Principles Review, industry will be an integral part of the Smart Buyer Framework and engagement with industry will be targeted and tailored depending on the acquisition strategy. In the early stages of the capability lifecycle, this will involve engaging with industry through dialogue mechanisms including through the CDIC.

Through the CDIC and the new approach to innovation, Defence will also have a better understanding of the industrial capabilities, capacity and innovation of Australian business—micro, small, medium and large—to deliver Defence capabilities, including operational capabilities and the full spectrum of support functions.

**Recommendation 4**
The Committee recommends that in areas where an aspect of industry is identified as a fundamental input to capability, Defence's procurement and probity guidelines provide suitable pathways for long term partnerships to be the default approach to driving innovation, productivity and value for money rather than a primary focus on open competition. Defence should publicly report savings achieved by virtue of this revised approach to procurement.

**Government response Agreed in Principle**
The Defence White Paper 2016 and associated Defence Industry Policy Statement (DIPS) indicates the Government's commitment to forming a new partnership with Australian defence industry to ensure Defence gets the equipment, systems and personnel it needs on time and budget. The Government will strengthen Defence's collaboration with Australian defence industry, cut red tape and invest in new technologies to help build Australian defence industry competitiveness. Defence will also streamline its approach to tendering and contracting to make it easier for Australian industry to support Defence.

The DIPS states that where the value for money concept is clear in the context of Defence procurement, capability decisions will continue to be based on the Commonwealth Rules, and include explicit consideration of:

- the sovereign requirements for Australian industry involvement, which would help guarantee the ADF's independence of action; and
- the identification of opportunities to maximise internationally competitive Australian industry involvement.

In considering Defence capability proposals, comprehensive information will be provided to Government in relation to Australian industry issues to ensure informed decisions are made based on the evidence presented. Integration of industry as a Fundamental Input to Capability across the capability lifecycle and the introduction of the Smart Buyer Framework will drive longer term and improved relationships with industry and ensure Defence receives the capability it needs.

The Government also recognises the importance that Defence’s strategic research has for Australia’s future prosperity and that game changing military capabilities such as the Jindalee over-the-horizon radar arise from the pursuit of next generation research. Through the 2016 DIPS, the Government has
invested around $730 million (over the decade) in new funding to develop these game-changing
capabilities and $640 million (over the decade) in redirected funding for the Innovation Hub to nurture
and mature innovation proposals through a single innovation pipeline.
Defence is establishing contracting and intellectual property regimes to maximise incentives to
innovation and attract investment. Importantly, Defence will also develop new approaches to risk to
allow innovation to flourish across the Defence enterprise.

Recommendation 5
The Committee recommends that where a procurement activity is linked to a fundamental input to
capability, the Department of Defence develop guidelines that encourage identification and
management of risk rather than avoidance of risk through defaulting to an offshore contract.

Government response Agreed in Principle
Defence has mature risk management approaches in place which seek to assess and treat the risks
inherent within each procurement on their merits. As part of developing the Smart Buyer Framework,
Defence will review its risk management framework as it applies to procurement activity linked to the
Fundamental Input to Capability.

Recommendation 6
The Committee recommends that the Department of Defence significantly expand its investment in
activities that generate fundamental input to capability-related innovation and intellectual property,
and support commercialisation through partnership models such as the Defence Materials Technology
Centre.

Government response Agreed
Driving Australian innovation is a critical element of the Government's vision for the nation. As
outlined in the DIPS, Defence is committed to transforming the way it approaches innovation, and to
working collaboratively with industry to identify, nurture and grow innovation solutions which deliver
better Defence outcomes.
A key initiative of the DIPS is a new approach to innovation. As part of this initiative, Defence is
investing around $640 million (over the decade to financial year 2025-26) in a new virtual Defence
Innovation Hub to enable industry and Defence to undertake collaborative innovation activities
throughout the Defence Capability Life Cycle, from initial concept, through prototyping and testing to
introduction into service.
The Hub will assist Australian companies and academic and research organisations to assess whether
innovations have a Defence application and will provide access to funding to collaboratively mature
those ideas.
As part of the new approach to innovation, supporting policies will be developed and a culture will be
fostered to make it easier for industry to collaborate with Defence on innovative ideas. This will include
new contracting and intellectual property regimes which maximise incentives to innovation and attract
investment from a range of local and international sources. New approaches to risk will also be adopted,
recognising the importance of embracing risk where necessary and appropriate in order to further
develop innovative solutions.
Another key initiative of the new approach to innovation is the establishment of a Next Generation
Technologies Fund. Funded at around $730 million (over the decade to financial year 2025-26), the
Next Generation Technologies Fund will invest in strategic next generation technologies that have the
potential to deliver game-changing capabilities. Defence will work with industry and academia on how
they can partner with Defence on priority areas of work, such as space capabilities and quantum
technologies.
Defence will also work closely with the Government and industry bodies across Australia, such as the Cooperative Research Centres, which are participating in innovation activities. This will provide greater opportunities for collaboration and leverage the substantial national investment in research and development. The Next Generation Technologies Fund will work closely with the Innovation Hub to identify opportunities for promising technologies to transition to the Hub and access further funding in order to develop into operational capabilities.

**Recommendation 7**

The Committee recommends that where an industry-related fundamental input to capability has been identified, the Department of Defence prioritise Australian based procurement contracts so that relevant industry and Defence staff can develop competence in specific tasks via hands-on experience, or where this is not possible, through making the placement of Australian staff in original equipment manufacturers or foreign military engineering bodies a condition of contract.

**Government Response Agreed in Principle**

Where there is a requirement for relevant industry or Defence staff to develop and maintain competency in specific tasks, this requirement is included as part of the contract statement of work or Australian Industry Capability (AIC) plan. In delivering this requirement there are a variety of methods from embedding staff through to routine training courses to ad-hoc on-the-job training, either domestically or internationally, that can be included in the contract.

Where a Priority Industry Capability has been determined as relevant to a procurement activity, a costed Australian solution for development or support of the critical ADF capabilities is a requirement of tender.

The introduction of the Sovereign Industrial Capability Assessment Framework will see the Sovereign Industrial Capabilities considered in the early stages of the capability development process. This will drive longer term partnerships to be the default approach to ensuring the ADF critical capabilities are developed and supported in Australia.

**Recommendation 8**

Subject to acceptance of Recommendations 1-7, the Committee recommends that the Department of Defence discontinue the Priority Industry Capability and Strategic Industry Capability programs, retain the Australian Industry Capability targets for procurement activity that do not involve an identified fundamental input to capability and continue to promote the Global Supply Chain scheme wherever possible.

**Government Response Agreed in Principle**

The Government is committed to maximising opportunities for competitive Australian industry and to ensuring that the industry base associated with critical ADF capabilities is maintained and supported by Defence.

The existing Priority and Strategic Industry Capability policy is being replaced by the Sovereign Industrial Capability Assessment Framework to improve the identification and management of Sovereign Industrial Capabilities that develop and support our ADF capabilities. Existing contracts and programs that support Priority and Strategic Industry Capabilities will continue until a transition takes place to the new Sovereign Industrial Capabilities, scheduled for the second quarter of 2017.

The Sovereign Industrial Capabilities will be identified in the Defence Industrial Capability Plan to be developed by Defence and the Centre for Defence Industry Capability by the second quarter of 2017.

The Australian Industry Capability Program and the Global Supply Chain Program continue to provide real benefit and growth to small to medium sized companies through the award of domestic and international bid opportunities. The improved competitiveness means Australian businesses are
realising opportunities to diversify into other sectors and overseas markets, competing on the world stage.

Both these programs will be enhanced under the expanded governance framework of the Centre for Defence Industry Capability when it commences operations in the second half of 2016.

**Recommendation 9**

The Committee recommends that the Department of Defence increase the level of support to defence exports where such exports will help sustain or develop a fundamental input to capability.

**Government Response Agreed in principle**

The Australian Government encourages the export of defence and dual-use goods and technology, while recognising that there is a need for appropriate controls over the export of such goods to protect and promote Australia's strategic and foreign policy interests and fulfil Australia's international obligations. The Defence Export Controls Branch will continue to work closely with exporters and other agencies to facilitate exports of Australian indigenous military and dual-use technologies that support Australia's defence and security interests. Through the Sensitive Technologies Advisory Group (STAG), Defence engages with producers of technology critical to Australia's defence capabilities to assist them to understand possible future export restrictions, to develop exportable variants, and encourage them to make commercial decisions about exports early in a technology's life-cycle.

As part of Government's commitment to improve opportunities for Australian business, the Centre for Defence Industry Capability (CDIC) will provide coordinating efforts in relation to export opportunities with AusTrade and the Department of Foreign Affairs and Trade, as well as the States and Territories.

In accordance with the Defence Industry Policy Statement, the "CDIC will guide and mentor companies to improve their international competitiveness through exports programs. The CDIC will do this by:

- acting as a trusted broker of relationships between defence companies, Defence and other Government agencies (for example, with AusTrade)
- offering advisory services to Defence industry to assist enterprises to become 'export ready' and globally competitive
- offering market advice to help guide potential export opportunities
- facilitating Defence trade missions
- facilitating interaction with the Defence Export Controls Branch
- providing a Supplier Continuous Improvement Program, aimed at systematically embedding corporate, operational and continuous improvement capability as required by global defence businesses".

Investment in innovation also helps to ensure Defence remains resilient to emerging threats and provides export opportunities for competitive companies. The Defence Industry Policy Statement outlines the Government's intention to making significant reductions in red tape associated with industry and innovation programs, fundamentally reshaping the way industry engages with Defence. The streamlining of Defence industry and innovation programs into the Defence Innovation Hub and the CDIC will make it simpler and cheaper for business to engage with Defence.

**Recommendation 10**

The Committee recommends that the Minister for Defence Materiel and Science have responsibility for how the capability development, procurement and sustainment systems work, the investment in fundamental input to capability-related innovation and export opportunities including an increased focus on Government to Government sales.
Government Response Agreed in principle

The Minister for Defence, supported by the Minister for Defence Materiel, has responsibility for the overall Defence capability program, including delivery of major projects and management of defence industry policy.

Recommendation 11

The Committee recommends that Defence develop performance measures relevant to the management of the defence industry as a fundamental input to capability and publicly report the outcomes.

Government Response Agreed in principle

As part of the implementation of a Smart Buyer Framework to the acquisition and sustainment of Defence materiel identified in the Defence First Principles Review, Defence is establishing a supplier relationship team within the Capability Acquisition and Sustainment Group. The team will develop and maintain successful collaborative relationships with key suppliers to maximise the benefit to both Defence and industry.

The newly formed supplier relationship team will review existing performance measures and amend or develop performance measures relevant to the management of defence industry with consideration given to making relevant information publically available.

Recommendation 12

The Committee recommends that defence export assistance efforts be prioritised based on a distinction between areas of core and secondary export focus:

- Core export focus would apply to elements of industry output recognised as a fundamental input to capability (FIC), where defence exports can help sustain or spread production costs. This support should extend to funding for research and development that supports exports that will have an impact on the associated FIC; and
- Secondary export focus would apply to those elements of industry output not recognised as a FIC. In such cases, Defence and other related agencies should provide assistance where practicable

Government Response Agreed in principle

The Government is committed to providing industry with greater opportunity to develop internationally competitive capabilities and to enabling better access to global markets.

Defence and the Centre for Defence Industry Capability (CDIC) are developing a Defence Industrial Capability Plan that identifies the Sovereign Industrial Capabilities required to support critical ADF capabilities. In developing the plan, consideration will be given to the types of management approaches both Defence and the CDIC can take to support the Sovereign Industrial Capabilities. This might include priority access to defence industry programs including export programs, the facilitation of Government to Government sales by the Australian Military Sales Office (AMSO) and funding for research and development activities through the Defence Innovation Hub in order to develop or support the capability.

The new approach to innovation is a cornerstone initiative of the Defence Industry Policy Statement enabling Defence and industry to undertake collaborative innovation activities from initial concept, through prototyping and testing to introduction into service. For many of the mature technologies and products, the large defence prime companies will be Team Defence Australia and Austrade will continue to provide assistance and facilitation with the export of a product or service and the CDIC will provide companies with priority assistance where the potential export is in support of a critical ADF capability.

Recommendation 13
The Committee recommends that the Australian Government develop a defence exports strategy and the Department of Defence expand the role of the Australian Military Sales Office to include implementing the objectives of this strategy, based upon the defence industry as a fundamental input to capability.

**Government Response Agreed in principle**

Defence manages a number of programs to increase the international competitiveness of defence industry and to subsequently increase the export of technologies, products and services. These programs are currently administered by Defence or in partnership with the Department of Industry, Innovation and Science.

The Centre for Defence Industry Capability (CDIC) will be established in the second half of 2016 and the role of the Australian Military Sales Office (AMSO) within the framework of the CDIC will be considered as the Centre matures. AMSO continues to be involved with Government to Government transfers, assisting Commercial to (Foreign) Government sales and will provide assistance with export facilitation associated with the Sovereign Industrial Capabilities.

The CDIC will fund critical skilling, industry development and export programs and manage the Australian Government Defence Export Support Forum (AGDESF). This forum consists of the major stakeholders involved in the promotion and facilitation of defence exports and provides a forum to address sectoral wide export issues.

The CDIC will lead development of a defence export strategy with stakeholder input and coordination to be provided by the AGDESF.

**Recommendation 14**

The Committee recommends that the Department of Defence task appropriate Australian Defence Force personnel to assist at trade shows or exhibitions, alongside defence industry participants, to inform and advise foreign customers of the Australian Defence Force’s experience using the displayed products.

**Government Response Agreed in principle**

Experienced senior ADF personnel continue to lead Team Defence Australia (TDA) delegations at overseas trade events. They provide an important advocacy role on behalf of Australia’s defence industry and facilitate meetings between the participating TDA companies and foreign military personnel and defence primes.

Defence Capability Acquisition and Sustainment Group staff and, where appropriate, the Defence Attachés in key regions may also assist in the organisation of trade missions with a focus on addressing the capability needs of particular countries.

Defence will make available Defence Force personnel with experience using the displayed products to promote Australian industry where appropriate and where it provides a strategic benefit to Defence.

**Recommendation 15**

The Committee recommends that the Department of Defence revise the roles of defence attachés to include:

- Gathering information relevant to defence export opportunities on behalf of the Australian defence industry;
- Relaying this information to industry, along with other advice on export opportunities and constructive feedback on Australian defence industry performance, via the Australian Military Sales Office;
- Initiating discussions with foreign governments regarding potential military sales from Australia; and
- Where appropriate, the promotion of Australian products.
Further, pre-deployment training for defence attachés should include mandatory familiarisation with, and understanding of, the Australian defence industry.

Government Response Agreed in principle
In accordance with the 2010 Prime Minister and Cabinet Directive Guidelines for Management of the Australian Government Presence Overseas, the primary responsibility of a Defence Attaché is to advise and assist the Head of Mission to represent the Government of Australia on Defence matters. In turn, the Defence Attaché's primary role is to support the Department of Defence's international engagement with the country(ies) to which they are accredited. One of the 20 roles and functions identified in the Defence Attaché's Directive is to promote Australian defence industry and provide assistance to representatives of Australian defence industry seeking to market defence products or services in the accredited country, within policy guidelines, and as resources permit.

To support this function, the Australian Military Sales Office now briefs Defence Attachés on matters relating to Australian Defence Industry and how Defence Attachés assist in supporting stakeholders, as well as recent case studies. In 2015, this component was re-introduced into DefenceAttaché pre-posting preparation conducted by Defence International Policy Division.

Defence Attachés are often the in-country contact point for many transactions and provide invaluable in-country situational awareness. This information is then passed back to International Policy Division and the Australian Military Sales Office to ensure a coordinated departmental response.

Recommendation 16
The Committee recommends that relevant Government Ministers fulfil a prominent advocacy role on behalf of the Australian defence industry, in particular the Minister for Defence Materiel and Science.

Government Response Agreed
Subject to export controls, the Ministers already strongly advocate for and on behalf of Australia’s defence industry both domestically and internationally. In addition, the Minister for Defence Materiel has portfolio responsibilities covering industry capacity, structure, policy and engagement.

Recommendation 17
The Committee recommends that the Department of Defence enhance the existing risk-based approach to assessing applications to export materiel and technology subject to Australian export control laws.

Government Response Agreed
The Government has implemented the Committee's recommendation to enhance existing application assessment processes by introducing a range of risk-based licence options. Since August 2015, exporters have been able to apply for Australian General Export Licences which are open licences valid for five years that enable licence holders to export approved items to approved countries within the five year period without needing to seek further government authorisation. In January 2016, for lower risk exports, the Government also extended the maximum permit period to five years or the life of the project.

Recommendation 18
The Committee recommends that the Defence Export Control Office improve the defence export approval process by:

- Providing timely updates to applicants on the status of their application;
- Ensuring information regarding regulatory change is promptly communicated to relevant stakeholders;
- Allowing export licences to be valid for longer periods;
- Introducing a simplified process for renewal where approval expires; and
- Managing this process depending on the risks in each case.
Government Response Agreed

The Government has introduced measures to address each aspect of the recommendation.

The Defence Exports Control Branch keeps applicants informed if target timeframes are not met; for example, if a case will exceed the routine 15-day assessment period. For complex cases, applicants are notified by letter and provided an opportunity to provide additional information to support their case. At any stage, applicants are able to contact the Defence Exports Control Branch via email or phone to seek an update on their application.

The Defence Exports Control Branch communicates regulatory changes to stakeholders through the Defence Export Controls website, via email and at forums. The Government is increasingly targeting relevant stakeholders through interagency cooperation and communication with member-based and representative peak organisations.

In January 2016, for lower risk exports, the Government extended the maximum permit period to five years or the life of the project.

Improvements to the online application system have simplified the process for renewal of expired and nearly-expired licences. Applicants are now only required to provide the previous licence number, and the system will automatically generate the licence details from the previous application.

The Defence Exports Control Branch manages applications on a case-by-case basis, depending on the risks posed by the sensitivity of the goods, consignee, end-user and end-use, and destination.

Recommendation 19

The Committee recommends that the Department of Defence publicly report the Defence Export Control Office’s budget, expenditure, numbers of applications processed and overall performance on an annual basis.

Government Response Agreed in principle

The Defence Exports Control website includes a statistics page which reports on the numbers of applications received and processing times.

As the Defence Export Controls Branch is not a separate statutory body, its budget and expenditure are managed and acquitted within the Department of Defence budget. Details are publicly reported in the Defence Annual Report under Program 1.1.


August 2016

Recommendation 1

The committee recommends that a revised explanatory memorandum be issued for the bill which includes a detailed explanation of the rationale for the provisions dealing with the abrogation of the privilege against self-incrimination for witnesses giving evidence before the Inspector-General ADF.

Government Response Agree.

A replacement explanatory memorandum for the Bill was tabled in the Senate on 5 March 2015. The replacement explanatory memorandum includes additional information about the rationale for the provisions dealing with the abrogation of the privilege against self-incrimination for witnesses giving evidence before the Inspector-General ADF.

Recommendation 2

The committee recommends that Defence closely consults with the Defence Force Ombudsman in relation to any regulations made in relation to the bill.
Government Response Agree.

Regulations in relation to the redress of grievance process and the Inspector-General ADF's functions and powers are currently under development. The Defence Force Ombudsman will be consulted in the development process.

Recommendation 3

The committee recommends that the Defence Legislation Amendment (Military Justice Enhancements—Inspector-General ADF) Bill 2014 be passed.

Government Response Agree.

The Bill received royal assent on 20 May 2015 and commenced on 17 June 2015.

Australian Government response to the Senate Legal and Constitutional Affairs References Committee report: Handling of a letter sent by Mr Man Haron Monis to the Attorney-General SEPTEMBER 2016

Background

On 16 June 2015, the Senate referred the following matter to the Legal and Constitutional Affairs References Committee (committee) for inquiry and report by 25 June 2015:

The handling of a letter sent by Man Haron Monis to the Attorney-General, dated 7 October 2014, and the evidence provided during the Budget estimates, including the subsequent correction of that evidence, with particular reference to:

a) the details of the internal inquiry conducted by the Secretary of the Attorney-General’s Department, Mr Chris Moraitis, following the discovery that incorrect evidence had been provided and any subsequent changes made to administrative practices between the department and the Attorney-General's office;

b) the consideration given by the Joint Commonwealth and New South Wales review team to the correspondence sent by Mr Monis to various members of Parliament and other relevant documents and the basis for the assertion by Mr Thawley that the correspondence would make no difference to the findings of the review; and

c) what, if any, changes were made to procedures for the handling of incoming correspondence to the Attorney-General’s Department and the Attorney-General's Office following the raising of the National Terrorism Public Alert level to 'High' on 12 September 2014.

The Senate extended the committee's reporting date to 16 September 2015.

The committee tabled its report on 16 September 2015. The report makes nine recommendations.

The Australian Government's response to the committee's recommendations is provided below.

Recommendation 1

The committee reminds government agencies and statutory authorities, that where evidence is given in error to a Senate committee, the primary duty of the department or statutory authority is to the committee. Witnesses must bring errors or suspected errors to the attention of the relevant Senate committee as a priority.

Response: Noted.

The Government released the revised Guidelines for Official Witnesses before Parliamentary Committees and related matters (the Official Witness Guidelines) in February 2015. At that time, the Official Witness Guidelines were circulated to all Departmental Secretaries. These are also publicly available on the Department of the Prime Minister and Cabinet's website.
Part 5.6 of the Official Witness Guidelines outlines advice for the correction or clarification of evidence and indicates that it is most important that committees receive information at the earliest opportunity.

**Recommendation 2**

The committee recommends that senior executive staff across the Australian Public Service, including the secretaries of the Department of Prime Minister and Cabinet and the Attorney-General’s Department, undergo training in parliamentary accountability provided by the Department of the Senate, including but not limited to seminars routinely provided for senior executives.

**Response: Noted.**

The revised Government's Official Witness Guidelines outline how to prepare as a witness, including advice that officers should consider training offered by the Australian Public Service Commission and by the Departments of the Senate and the House of Representatives (part 2.10 refers).

In relation to the Attorney-General's Department, the head of the department's Constitutional and Corporate Counsel Division briefed the department's Senior Management Committee (comprising the Secretary, Deputy Secretaries and First Assistant Secretaries) on parliamentary accountability on 19 October 2015 and 8 February 2016. The Chief Operating Officer also emailed all Senior Executive Service (SES) officers on 19 October 2015 to remind them of their responsibilities when appearing before parliamentary committees, including relevant guidance materials. The department regularly provides training to senior officers on parliamentary accountability in the context of Senate estimates.

SES officers in the Department of the Prime Minister and Cabinet were reminded of their obligations to the Parliament and its committees at its senior officials meeting on 12 October 2015. The Department of the Prime Minister and Cabinet also asked the Department of the Senate to provide their SES parliamentary training on 29 January and 1 February 2016. This training was also broadcast so SES officers in regional offices could attend. SES have been advised that, if they could not attend these sessions, the Department of the Senate offers this training twice a year and they are encouraged to attend these scheduled trainings.

**Recommendation 3**

The committee recommends that the Attorney-General's Department:

- formally draw to the attention of all of its officers' the document search and document management protocol;
- implement appropriate training programs to ensure adherence to the protocol; and
- consult with the Australian Government Solicitor for the purpose of reviewing this protocol in a comprehensive and purposeful manner.

**Response: Supported.**

The Attorney-General's Department has made the protocol for official searches for and extraction of documents available to all officers on the department's intranet. The Secretary drew officers' attention to the protocol at all-staff addresses on 6 August and 9 October 2015. The protocol was discussed at the department's Senior Management Committee meetings on 13 July and 29 September 2015 and at the Executive Board meeting on 23 September 2015. The protocol has also been circulated to all staff through emails from the Chief Operating Officer on 30 September and 26 October 2015.

Training for staff on the protocol has been provided in conjunction with the Australian Government Solicitor (AGS). Two face-to-face training sessions were held on 2 and 4 November 2015 and a training video is available to all staff on the intranet.

AGS reviewed the protocol and AGS input was incorporated in the protocol (which was updated on the intranet on 30 September 2015).

**Recommendation 4**
The committee recommends that the Attorney-General's Department:

- review the allocation of resources across its divisions;
- undertake formal risk assessments to mitigate risks associated with the cross-divisional movement of staff and the ad hoc use of staff across departmental divisions; and
- develop and implement training for its staff relating to intradepartmental document management and communications.

**Response: Noted.**

The Attorney-General's Department continues to review the allocation of resources across its divisions as part of business planning, budgeting and risk management processes.

The department assesses risk as part of the process of reallocating staff resources across divisions. The protocol for searches for and extraction of documents requires a single senior officer to be appointed as the lead coordinator, which mitigates risks associated with the movement and use of staff across departmental divisions.

As outlined in the response to recommendation 3, the department has provided training to staff on document management.

**Recommendation 5**

The committee recommends that the Attorney-General's Department implement a training program to ensure that officers responding to correspondence are better aware of the political and cultural connotations of titles and names, especially in relation to known terrorist organisations.

**Response: Supported.**

Officers in the Attorney-General's Department who work on national security issues are aware of the political and cultural connotations of titles and names associated with terrorist organisations through formal and informal training, exposure to intelligence material and briefings, and experience.

**Recommendation 6**

The committee recommends that the Attorney-General's Department subject its document handling procedures to both regular and random audits, to inform further development of protocols, and training and resource requirements.

**Response: Supported.**

The Attorney-General's Department has tested the protocol for official searches for and extraction of documents and refined it based on this experience. The department will audit the use of the protocol in future document search and extraction processes and incorporate lessons learnt.

**Recommendation 7**

The committee recommends that the Attorney-General's Department routinely consult the relevant intelligence and security agencies in relation to sensitive correspondence, especially where it has or may have national security implications.

**Response: Supported.**

The Attorney-General's Department carefully assesses each item of correspondence and liaises with other Government agencies, including law enforcement and security agencies, where an item of correspondence raises concerns. Any letter that is threatening or contains any statements of support for or affiliation with a terrorist organisation will be referred to appropriate authorities.

**Recommendation 8**

The committee recommends that all Commonwealth government agencies ensure that they have procedures in place to bring sensitive correspondence which has or may have national security implications to the attention of the relevant intelligence and security agencies in a timely manner.
Response: Supported.
All Commonwealth departments have processes in place to bring correspondence with national security implications to the attention of relevant security and intelligence agencies.

Recommendation 9
The committee recommends that the Attorney-General's Department review its procedures related to the application of the Web Guide: Guidelines for Ministerial and Agency Websites in a comprehensive and purposeful manner to ensure that these guidelines are applied consistently, objectively and apolitically.

Response: Supported.
The Attorney-General's Department has reviewed its procedures in relation to the application of the Australian Government's Web Guide (now known as the Digital Service Standard design guide on ministerial content). The department has prepared and circulated to staff in the communications and web publishing areas a written guideline which specifies the process for publishing ministerial content.

Dissenting Report from Government Senators
The Government notes the dissenting report.

Australian Labor Party Senators' Additional Comments
The Government does not support the Australian Labor Party senators' additional comments.


DOCUMENTS

Defence Procurement
Order for the Production of Documents

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (15:59): I table a document relating to the order for the production of documents relating to a submarines tender process.

BUDGET

Proposed Expenditure

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (15:56): I table particulars of proposed and certain expenditure for 2016-17, and seek leave to move a motion to refer the documents to legislation committees.

Leave is granted.

Senator FIFIELD: I move:
That the documents be referred to legislation committees for the consideration of the estimates.
Question agreed to.

MINISTERIAL STATEMENTS

National Security

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (15:56): This morning in the House of Representatives the Prime Minister delivered the government's national security statement for 2016. I table a copy of the Prime Minister's statement and I wish to make some remarks in
relation to it and highlight certain of the matters which the Prime Minister averted to in the national security statement.

Since this parliament last met on 5 May, the world has witnessed a seemingly constant barrage of terror attacks: 84 people were killed and 201 injured in Nice; 49 people were killed in Orlando; in a church in Normandy a priest was slain while performing mass; 47 were killed at Ankara airport; while 23 died in Dakar. The list goes on.

In the last year alone, there have been around 40 Islamist terrorist attacks against the West or Western interests. These attacks have resulted in over 700 deaths. Many of those are assessed to have been directed or inspired by Daesh. Daesh's attacks against civilians continues across the Middle East and Africa, resulting in the deaths of thousands, mainly Muslims, in those parts of the world. In July we saw the single deadliest attack conducted by Daesh in Afghanistan with around 80 killed and 230 injured by suicide bombers in Kabul. We in Australia cannot pretend that this is a problem of faraway lands; it is a scourge that threatens the entire world, and it is a scourge which we have felt here in our own homeland.

It is now two years since the national terror threat level was elevated to 'likely', a level now known as 'probable'. That increased threat was largely a consequence of the traction that Daesh was getting from a growing number of Australians. Since that time there have been three terrorist attacks carried out in Australia, and in each of those cases—at Endeavour Hills police station in Victoria, in Martin Place and at Parramatta police station—the attacker claimed allegiance to, or was inspired by, Daesh. In those two years our law enforcement and security agencies have successfully disrupted a further 10 terrorist attacks, many of them hours away from being undertaken, and nine of them featuring individuals with some form of allegiance to Daesh.

In this period, 47 people have been charged as a result of 18 counterterrorism operations around Australia. To put that into context, that is over half of all terrorism-related charges since 2001. This government—with the bipartisan support, I am pleased to say, of the opposition—is determined to do whatever is necessary to protect Australians at home and abroad, while at the same time devising laws which impinge as little as possible upon our traditional rights, freedoms and liberties.

Our effort against Daesh is multilayered. It involves, as you know, Madam Acting Deputy President Reynolds, support for military action in the Middle East; and that military action has seen success. I can tell the Senate that, thanks to the efforts of the Iraqi armed forces and their coalition partners—led by the United States of America and strongly supported by Australia—Daesh has now lost close to half of the territory it held in Iraq and up to 20 per cent of the territory it held in Syria. Our best estimates are that its number of fighters has been cut by about one-third. That is no small achievement, and Australia's military contribution in the air and on the ground has been a significant factor.

Meanwhile, we know that the terrorist group's monthly income has fallen by an estimated 30 per cent since the middle of last year. In June, Daesh suffered its highest net territorial losses in over a year, including key ground near the Turkish border and the last city it controlled in Iraq's Anbar Province, Fallujah. Iraqi forces raised the Iraqi flag over Fallujah on 17 June and Iraqi military leaders announced the city's full liberation on 26 June. That progress has been critically important, but it must continue. We must go on. We have not yet had the victory which we seek.
Once the so-called caliphate is destroyed, it is necessary to undertake the equally challenging task of winning the peace; of establishing a secure and lasting peace in areas of the Middle East which have been under Daesh tyranny. We cannot take that for granted. The United States, Australia and our allies are a formidable war fighting machine, but we know from the past that we have had mixed success in re-establishing political order. That is why the Prime Minister and the government have been so resolute that the right soldiers on the right ground are critical to giving the Middle East the stability it needs and the best opportunity for peace to succeed. It is not simply the victory, but the manner of the victory, that is crucial. Daesh needs to be defeated by Iraqis and by Syrians. Our air support, our trainers and our special forces are of vital importance, but it is essential that Syrians and Iraqis take the lead, win the victory and then keep the peace.

I return to the question of our domestic initiatives. The Australian government has redoubled our efforts to build links at home with Muslim communities because we know that it is because of the links we have with and through the cooperation of those communities that we are able to obtain the intelligence we need in order to identify individuals who are at risk—to intervene and to save at-risk people from the hands of the wicked individuals who would recruit them to a path of destruction.

As the Prime Minister has said many times, strong borders provide an important foundation for public trust in our efforts. They are a precondition of a successful multicultural society. Community trust is becoming ever more important as encryption technology enables terrorists and sympathisers to go dark with their electronic networks, and so community cooperation becomes ever more important.

We should not be so delicate as to say that Daesh and Islamist terrorism have nothing to do with Islam. There is nothing controversial about this. It is a self-evident fact that underpins much of our national security efforts at home and abroad. We will not hesitate to label Islamist extremism when we see it. At the same time, there is nothing to be gained by rashly affixing labels and pre-empting the findings of complex investigations. We will work hard to preserve the mutual respect that makes us one of the most liberal and diverse multicultural countries in the world. We must not link all Muslims with the crimes of a terrorist minority. That is precisely what the extremists want us to do. The government is committed to continuing to work closely with Australia's Muslim communities—as with all communities—to identify, isolate and defeat the Islamist extremists who prey upon them. The government has also taken measures, and will continue to take measures, to strengthen our laws to give those who protect us—the police and the national security agencies—the powers they need while always tailoring those laws in a manner to be consistent with our great liberal democratic traditions.

The government has initiated two new important measures to further strengthen our counterterrorism laws and meet the challenges of the evolving threat environment. First, we are developing a post-sentence preventative detention system to enable a continuing period of detention for high-risk terrorist offenders. It will be a court supervised process similar to the arrangements that apply in a number of jurisdictions for sex offenders and for extremely violent individuals. Some three weeks ago, I met with the state and territory attorneys-general. All have given their in-principle support to the development of this legislation, and I thank
them for their constructive engagement. I will be introducing this legislation in the next sitting week.

Second, the government has accepted all of the recommendations of the review by the Parliamentary Joint Committee on Intelligence and Security into the Counter-Terrorism Legislation Amendment Bill, which I introduced into this chamber last November. Among other things, the bill will strengthen our control order regime and address the regrettable trend of increasingly younger Australians being susceptible to the lies and propaganda of Daesh and its ideology.

Finally, as Senator Payne outlined in answer to a question in question time today, we will amend the Commonwealth Criminal Code to ensure that the law in relation to the targeting of non-state terrorist actors is made consistent with the law in relation to the targeting of individuals engaged in conventional warfare between states.

I said at the outset that this has been a bipartisan endeavour. The legislation that has been introduced by the government in the last two years has in each instance been taken to the Parliamentary Joint Committee on Intelligence and Security. That committee has acted in a bipartisan manner to improve the legislation. This has been, as I said in one of the parliamentary debates, an example of the parliament doing its work at its best, to examine legislation carefully developed by government, further to fine-tune it in order to ensure that the legislation we ultimately pass through this chamber is the best possible legislation we can have, with the powers our agencies need and the laws that the courts need to have available to them, but protective and respectful, nevertheless, of our liberal democratic traditions. On all of those fronts—on the intelligence front, on the law reform front, on the military front, on the diplomatic front and on the front of community engagement—this government will continue to work to keep our community safe and to fulfil the high responsibility of any government to keep our nation secure. I thank the Senate.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (16:12): I move:

That the Senate takes note of the statement.

I thank the Leader of the Government in the Senate for his remarks and associate the opposition with them. The opposition fully shares the government's concerns regarding the threat posed by Daesh to Australia and to Australians. The cooperative bipartisan approach that Labor took to questions of national security in the 44th Parliament will continue in the 45th.

Labor has fully supported the role played by the ADF over the past two years in helping to turn back the Daesh onslaught across Iraq and Syria. But, as many have noted, victory on the battlefield by no means signals the end of the fight. As Daesh forces have been rolled back from the cities and towns, they have increasingly shifted their tactics to continue their fight by other means. As tactics of the terrorists evolve so too must our tactics evolve to continue the fight against them. In this light, the CDF briefed the Leader of the Opposition earlier today on the need to update Australian domestic law to be consistent with international law as to the rules of engagement for our forces. As the Attorney has summarised, domestic law has a narrower definition which has not been updated to respond to such situations, particularly in relation to non-state actors, such as Daesh, which are committed to pursuing warlike terrorist activities. The CDF has highlighted that, whilst under international law forces can strike some
support organisations, Australian domestic law potentially leaves members of the ADF open to prosecution as it is an offence for someone to cause the death of one or more persons if those victims are not ‘taking an active part in the hostilities’. I note that the CDF has said that rules of engagement designed to minimise the risk of civilian deaths will not be changed.

Labor commends the government for bringing this matter before parliament today. We do believe it is vital that members and senators continue to be able to discuss such matters. In the interests of transparency, it is important to keep the Australian people, whom we represent, fully informed of these vital matters of national security. As has been alluded to, in the last parliament Labor supported—and, indeed, improved and amended—some four rounds of national security legislation, and members from both parties of the committee to which the Leader of the Government in the Senate refers, the Parliamentary Joint Committee on Intelligence and Security, worked together to deliver more than 100 amendments to the original legislation. We would anticipate that any future legislation be also referred to the PJCIS for inquiry and report before any vote on the legislation takes place. The opposition also looks forward to being further briefed by the government on the details of the proposed arrangements.

The loss of many innocent lives has become a horribly familiar story in too many places—from Paris to Nice, to Orlando, to Istanbul and endless cities and towns across Iraq and Afghanistan. The Prime Minister earlier today, in another place, warned that:

It is quite possible that the next mass casualty attack on Australian victims will be somewhere in Southeast Asia, where Daesh propaganda has galvanised existing networks of extremists and attracted new recruits.

I know I speak for all in this place when I express my profound hope that this prediction does not prove true.

One factor in defeating this threat will be our strong bilateral relations in this region, which are our strongest asset as we review and strengthen our capabilities in countering violent extremism. Our bilateral relations with Indonesia serve as an example of this type of cooperation. Both parties of government work very closely with Indonesia on matters of security and counterterrorism. Further afield from the region, Australian foreign policy also addresses security issues in global and multilateral forums. Our term on the UN Security Council was an asset for Australia in making an even greater impact on these issues internationally. Our aid program is also an arm of this effort, not only in terms of countering violent extremism but also in terms of our defence against epidemics, climate change and financial crises, all of which pose threats to our security. In these areas, our aid program helps further and protect Australia’s interests.

The recent defeats of Daesh forces in Iraq and Syria have been important steps. But as we have learnt from the terrible toll of the terrorist attacks in the name of Islamic State, these defeats alone will not defeat the threat. As the tactics of the terrorists evolve, they must be met. And, as we meet them, we will never forget what it is we are fighting to defend.

Senator WHISH-WILSON (Tasmania) (16:17): I have recently handed over the defence and veterans portfolio to Senator Ludlam, who is tied up, so I will speak on his behalf. Senator Brandis, before you flee the chamber, I would like this put on record. Perhaps you could explain to the Senate at some stage why Martin Place was a terrorist attack. I would be very interested, especially with your legal background. My understanding was that that is very
much disputed. In fact, the circumstances surrounding that situation were extremely complex, including through the coronial inquest in Sydney. I would be very interested as to why you have got up here and used that as one of your motivations, because we would like to get more detail on that particular issue.

The Labor and Liberal parties have yet again sidelined the parliament and the Australian people by quietly agreeing to changes to war crimes legislation, shortcutting debate and expert analysis. The Greens' foreign affairs and defence spokesman, Senator Ludlam, said today:

These changes seriously alter the governance of ADF personnel in combat. They change the definition of a war crime. It's a highly charged, complex topic in which civilians in war zones on the other side of the world have no voice.

We'd like to hear from the ADF about why they feel these changes were needed. What actions are they trying to take that are being prevented by existing war crimes legislation?

Parliament should have a far greater role in debating the use of military force, and the implications of those deployments.

The Greens have always argued for parliamentary war-powers. Senator Ludlam went on:

These are some of the most important decisions a nation can make—

And that is what parliamentarians should be doing as one of their key roles in this place. Senator Ludlam said:

Australian forces operate under much more stringent rules of engagement than many of our allies including the US. Anything that creates a risk of that changing needs to be carefully scrutinised.

It is worth pointing out, on this issue, that Australia is one of the last Western democracies where we can send citizens into conflict zones without recourse to parliament. So it is good that we will get a chance to debate this when Senator Brandis brings this to us next week.

Before I finish up—and we will have more to say on this next week—I want to say that you are coming in here and using examples of terrorism occurring on Australian soil as justification for changes to laws, when those examples are disputed. Certainly with Martin Place, nobody has any doubt at all that the individual in question, Man Haron Monis, was mentally ill. He was a violent criminal with a history of criminality. He reportedly set fire to his wife. He was a very complex character. To label his act of violence, which was a huge tragedy for our nation, as being politically motivated—that has not been established. I have raised it in this house before. The problem with calling people terrorists is that there is no internationally accepted political definition of that word. If it implies political motivation, then the subject is, by nature, highly subjective. Let me make it very clear for the record: Monis was a violent criminal and what he did was tragic and unspeakable, but to come in here and use that as an example of an act of terrorism to give our military special powers, fighting on the other side of the world, I think undermines the case already put by Senator Brandis. So I would like him to come in here next week and clarify why he believed that was an act of terrorism.

Question agreed to.
NOTICES

Postponement

Senator WATERS (Queensland—Co-Deputy Leader of the Australian Greens) (16:21): by leave—At the request of Senator Siewert, I move:

That business of the Senate notice of motion No. 1 be postponed until the next day of sitting.

Question agreed to.

MOTIONS

Racial Discrimination Act 1975

Senator MOORE (Queensland) (16:22): At the request of Senator Dastyari, I move:

That the Senate notes that the Prime Minister (Mr Turnbull) has repeatedly said making changes to section 18C of the Racial Discrimination Act is ‘not a priority’ but has refused to rule them out.

As you well know, Madam Acting Deputy President Reynolds, in this parliament in the last sitting the particular issues around the Racial Discrimination Act were heard many times in discussion—even, I would think, in serious debate many times. In my opinion, that is a very good thing. I think that having more people who really understand the way our legislation operates and who question the way our legislation operates can only make the legislation stronger and also community education more effective. So, whilst I sincerely disagreed with many of the people who emailed me and many of the people who talked to me at community events about their views about section 18C and, not so often but sometimes, section 18D of the Racial Discrimination Act, I was pleased that they felt that they could have the conversation.

Whilst having that conversation in the last parliament, we had an outpouring of concern around any attempt to make change to this legislation. The legislation has been on the books for 20 years, and I am not sure whether, in that 20-year period, anyone had really talked about it too much. But certainly, as a result of some issues being raised in the previous parliament, they did, and it became almost a cause celebre in many ways because there was seemingly an argument in our community about the right to free speech.

I do not think that there is anyone in our nation who does not believe that Australians do have the right to free speech. It is something that we sometimes take for granted. However, the issue that caused so much concern in the last parliament was whether this issue of free speech came alone or there were any responsibilities that came with having open, free speech. I believe that many people in the community agreed that, whilst we do have free speech because that is a democratic right, that right of free speech is very much countenanced by responsibilities.

The Racial Discrimination Act, over 20 years ago, did put some responsibilities around our right to free speech. Specifically it said, in section 18C, that free speech could not in any way hurt, offend or abuse. I think that continues to be the key question. For me, there is a question for all of us and particularly for those people who now again have brought out their concerns about 18C in our current situation. I just want to know, from people who question 18C, what hurt, offence or abuse they believe should happen in our community. I strongly believe that the people who framed the legislation really meant to ensure that we could balance the right to say whatever we wanted to say with another, equally important right: what we wanted to say
should not be framed in a way that would cause hurt, offence or abuse to other members of our community.

What was hoped to be achieved 20 years ago in the RDA was that we would build a strong community that was based on respect. The reason that that legislation was brought forward is that we had ample evidence in our community that there was insufficient respect—that there was not a sense for everybody in our community that they felt safe, secure and respected. For people who are going to be involved in further discussion around the issues in section 18C of the Racial Discrimination Act, it would be useful to go back and see what caused the framers of 18C to make the legislation.

For those of us who remember—and, whilst I was not in this place 20 years ago, I was certainly in the wider community, and I had an interest in issues around discrimination—we had a series of pieces of legislation and a series of community reports, Senate reports and also statements that highlighted, to our shame as a community, that there was effective discrimination based on race that was occurring in our community and had occurred historically. People would remember the National Inquiry into Racist Violence in Australia and the Royal Commission into Aboriginal Deaths in Custody, and we will be absolutely privileged to hear a first speech in this place this afternoon from a man who was deeply involved in that process. I look forward, as I am sure we all do, to hearing Senator Pat Dodson make his first speech in this parliament.

Senator Dodson, in his capacity as a commissioner many years ago, was active in raising awareness in our community about the horrors, the hurt and the damage of unfettered free speech that would attack people on the basis of their race. The Royal Commission into Aboriginal Deaths in Custody set down a baseline which said, ‘This is what has occurred in our history; this is what is still occurring’—at that time—‘and we must put into place many recommendations.’ As you would remember, many recommendations came out of that seminal inquiry, which was publicised widely across our country, but part of those recommendations was to ensure that we would look at the way we would operate as a community. We would identify behaviours and actions which would cause offence, and we would work together as a community to respond to that.

So, as to other things: we had another inquiry that was done by the Law Reform Commission, a group that I respect deeply and whose reports I value reading whenever they come out. At that time, they released a report on multiculturalism and the law which highlighted the way people from different backgrounds were being treated by our law and how they felt as though they had some restrictions on their ability to access legal justice.

As well, we had our international commitments. Australia, as we know, has been a leader in signing up to a range of international treaties. We go back to the actual formation of the League of Nations and then the United Nations, where Australia has always been a leader. We signed up to a range of international treaty obligations, including the International Convention on the Elimination of All Forms of Racial Discrimination; we have clearly identified that we, as a nation, would be part of that treaty obligation. And when you read that treaty you will see that we accept that we will work to eliminate any form of behaviour or action which would cause discrimination to people on the basis of their race. And part of that, I believe, was the introduction of the racial discrimination legislation, in which are sections 18C and 18D. In those, we balanced this ability in our nation to celebrate our freedom to speak freely with the
responsibility—aware of our history; aware of the indication of where hurt and concern was caused—to moderate that right. That is still the situation now.

So again I say: what hurt, offence, abuse, elimination and discrimination do people want to use their speech to cause? And when I ask that question of the people who are saying that they need to go back and rescind this legislation, they are nonplussed. If they go to define what they want to say publicly, they are nonplussed as to saying how that would impact on another. And when we cause people to get together and work through that process, I think that we will achieve what the people who wrote the Racial Discrimination Act would have intended us to.

We, together, can identify what in speech causes offence, what in speech causes people to feel unsafe and what in speech causes people to feel unworthy. And if, by our free speech, we have that effect, I think we should be seriously thinking about how we are using free speech.

In these discussions, we often talk about the individual and the individual impact, and, coincidentally, amongst all the emails that I have at the moment, as we all do, on issues that are important to our nation, there was one from a young man in my state—and I am not going to use his name because he emailed me, and I do not think he wanted his particular name known. His opening cry in the email simply was: 'Please do not change 18C.' To begin with I was pleased that a young man knew what 18C was. But then I went on to read his email, and it was gut-wrenching. He talked about the fact that he was from another country—he and his family had come over here—and he had been subject to bullying and also abuse, linked to the way he looked, the way he spoke and the way he behaved. He said in his email that, when he talked to people about how he felt—and it took him a while to have the courage to talk to other people about how he did feel hurt, offended and excluded by what people in some ways thought could have been a bit of a joke—he was made aware that, in Australia, under the racial discrimination legislation, what was happening to him had been declared to be wrong.

He did not take any particular grievance up. He did not write a submission to the Human Rights Commission claiming that he had been vilified. But becoming aware that this legislation was in place gave him strength to be able to build his response to the people who were bullying him and causing him harm. So, in many ways, that sums up for me the argument as to why this legislation is important. It means that people who are damaged know that our nation has said that that is inappropriate.

Some of the people who have contacted me on the other side, who claim that they should have completely unfettered free speech, indicated that they felt that this piece of legislation was stopping the activities of operations in our nation. So I then went back to check with the Human Rights Commission to see how many complaints had been received by the Human Rights Commission under this particular clause. To begin with, the number was extraordinarily small—and I know that my young man in Queensland was not one of them. But the numbers of people who took their concerns to the level of putting in an actual complaint was very small. Then I went further, to find out what happened when these complaints were received by the commission, and I looked to see how much legal action there was and how much the courts were being damaged by the number of complaints that have been put forward. What I found out from talking with the commission was that, even for most of the claims that got as far as someone making a complaint—having the strength, I believe, to put in a complaint about what they felt was wrong—most of those situations were resolved by having mediation. The people involved could sit down together and work through what the
complaint was and what the impact of the complaint was and what caused the action to occur. Thankfully—and, I think, most successfully—most of these actions were mediated and there was no further action but an agreement that a process had occurred and that there would be no further action taken. Some—and I have not got the numbers with me—did go through to much further action, though not many. Unfortunately, they are the ones we see in the media—the ones that get the highlight in that process.

Nonetheless, as I said about the issue with the young man in Queensland who felt vindicated and strengthened by the fact that they had some protection under legislation, I believe one of the true values of the clauses in the Racial Discrimination Act that look at free speech is that it causes people to know that there is an understanding in our community and an understanding under law that it is not appropriate and not right to use free speech to hurt or abuse or harm.

I know that we are going to hear much more about this issue over the life of this parliament. I genuinely hope for the response that we had in the last parliament, which was such a strengthening and gathering of people across the community from a wide range of multicultural groups, churches and community activists who got together to say that they did not want to have this legislation changed, that they wanted to ensure that people understood that, in Australia, our right to free speech is effectively balanced by a protection: that people should not have freedom to harm, freedom to abuse, freedom to offend. In that process I am hoping that that same community reaction will occur again.

Maybe the way to ensure that we understand the rights of free speech is to have someone like Senator Bernardi come forward with the full support of so many other people from the other side of politics to put this on the agenda again so that we will be able to continually in the parliament have a look at the way we believe free speech should be. We would be able to continually challenge our community to see how they believe free speech should happen. We would be able to challenge our community so that they, if they have not been subject to attack, discrimination or exclusively, will have the ability to put themselves in the place of someone who has. If they do take that opportunity, if they do then see how they would personally feel if they were the victim of someone speaking freely in a way that they would find offensive or harmful, would they still champion a change to 18C?

That continues tonight to be my challenge. Have a look at what the legislation says. See what the intent of the legislation was. Have a look at the environment which led to the legislation being developed and genuinely look at what is occurring in our society, in our community today. See if there have been any changes. See whether people are more prepared to abuse others on their racial basis. See whether there is any more preparedness to think that we have the right to hurt.

I truly believe that, once the community understands the legislation, they will begin to challenge anyone who thinks that we have the right to say anything about anyone at any time which could be harmful and particularly if we use their race. Remember we are talking about the racial discrimination legislation. See if it is appropriate to use someone's race in such a negative way that it could be harmful. I believe that we are able to communicate more efficiently and effectively than that.

If I have trouble with somebody else because of their race—and I am trying desperately to think how that would happen, but if it did. You should never say that nothing could happen,
but if I were having a difficulty with another person that was linked to their race, I would really hope that I would be able to communicate what was affecting me, what was causing me concern without causing them personal concern, that I would be able to identify what the issues were, explain what I was doing and ensure that I would be freely able to make that comment and, in making that comment freely, I would be aware of the impact of my words. Sometimes in this place we forget that, once the words have been said, they can never be taken back.

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (16:41): It is indeed a great honour to be elected as a senator and to participate in our parliamentary debates; there is no doubt about that. What makes the institution of the Senate so important is that those 76 senators that find themselves here come from diverse backgrounds, work tirelessly to get here and work tirelessly to stay here so they can contribute in our national debates. Sometimes, I do not mind saying, it is tiresome to come into this chamber, to witness the relentless politicking, to be part of the relentless point-scoring and partisanship.

In preparing my remarks for this afternoon, I thought that is what I was going to hear from opposition senators, so I am pleasantly surprised by Senator Moore's contribution today, because I do not think we are all that far away from an agreed position in terms of how to move the debate forward. I acknowledge and congratulate Senator Moore's first contribution on this debate this afternoon and hope other senators will contribute in the same vein.

Senator Moore is saying a number of things. Senator Moore is agreeing that there is a debate in the community. I argue there is a debate in the community about this important issue. Senator Moore is suggesting that the Australian Human Rights Commission and the Australian Law Reform Commission have strong views on this. So am I, and in the next few minutes available to me let me explain to you why the Human Rights Commission and the Australian Law Reform Commission agree that review and possibly reform of this law is necessary.

Senator Moore is quite right. I accept that over 20 years ago there would have been some compelling reasons in our community for this law to have been created. What I am arguing is that 20 or so years later it is time to review the suitability of that law, and I argue reform. Others might argue review and no reform, but to move this debate forward we need to step outside of the petty partisanship, step aside from the petty point-scoring and move to a position—

Senator McKim interjecting—

Senator SMITH: Senator Kim, hear me out.

Senator McKim: I will.

Senator SMITH: and move to a position where we can have a community discussion about this important issue. That community discussion should be given to the parliament—should be given to this parliament—to do. I will come back to that point in a few moments. But let me just start by saying that when this debate started a number of years ago—and I have only been in the Senate for four years—there was little support for reform, but what has happened is that the arguments for reform have been increased, not just from Senators McKim, Smith and Moore but from esteemed people in our community. Let me start with one
of them: a very eminent Western Australian who is now the Chief Justice of our High Court. Justice Robert French has said:

The lower registers of the preceding definitions [in 18C] and in particular those of 'offend' and 'insult' seem a long way removed from the mischief to which Art 4 of CERD is directed. They also seem a long way from some of the evils to which Part IIA [of the RDA] is directed as described in the Second Reading Speech.

What the now chief justice, then a justice, was saying is that reform of 18C is defensible. That is the first point. Julian Burnside AO QC, a prominent human rights lawyer not known for his articulation of political values similar to my own or similar to Senator Paterson's, has said:

… the mere fact that you insult or offend someone probably should not, of itself, give rise to legal liability. My personal view is that 18C probably reached a bit too far so a bit of fine-tuning would probably be OK.

What I am trying to demonstrate is that there is a wide breadth of argument in the community from esteemed people who, at a minimum, think that this should be reviewed.

Let me turn now to the Australian Human Rights Commission, because Senator Moore did use the Australian Human Rights Commission's contribution some years ago in defence of her position. Let me share with you what the Australian Human Rights Commission have said in the last two years. They said that 'the legislation could be clarified so that it more plainly reflects the way in which it has been interpreted in practice'. And, most significantly, what did the Australian Law Reform Commission say? The Australian Law Reform Commission concluded, just last year:

… there are arguments that s 18C lacks sufficient precision and clarity, and unjustifiably interferes with freedom of speech by extending to speech that is reasonably likely to 'offend'. In some respects, the provision is broader than is required under international law—

to prohibit the advocacy of racial hatred—

broader than similar laws in other jurisdictions, and may be susceptible to constitutional challenge.

In comparing Australia's section 18C with other common-law countries, the Australian Law Reform Commission found:

The New Zealand and UK provisions seem narrower than the Australian provision … For example, the provisions do not cover offensiveness, and require that the person provoke hostility or hatred against a group of persons defined by race or ethnicity.

The commission also stated that, in 2013, the Canadian parliament repealed a broader provision in the Canadian Human Rights Act—one reason being that the provision conflicted with the freedom of thought, belief, opinion and expression safeguarded by the Canadian Charter of Rights and Freedoms.

I have a strong view on this issue but I accept absolutely that there are other people in the community who have a different view. The idea that we should not take the next step forward and have a proper debate—and I do not like to use the word 'debate'. The word 'debate' in an instant suggests conflict. It does not have to be conflict driven. It can be a parliamentary discussion about the merits or otherwise of reforming section 18C, because people outside of this Senate, esteemed people, have argued that that is the right course of action. The politics in this are tempting. It is easy to whip up hysteria. It is easy to whip up concern. But we have an obligation, as considered people with rights and responsibilities as senators, not to create
fear where fear does not have to be created but to give people a degree of confidence that this is a debate, a deep debate, that we can participate in.

I am looking forward to Senator Dodson's contribution in his first speech, which we will hear shortly, as a fellow Western Australian and as someone who spends a lot of time across Western Australia's far North. But I think it is interesting to be reminded of the comments of Mr Warren Mundine reported in The Australian newspaper this week. Mr Mundine did start by opposing the Abbott government's plan to repeal section 18 in its entirety, and that is not what we are talking about. Those of us like Senator Patterson and I, who argue that reform should be possible, are talking about a very, very narrow reform. Mr Mundine has said that he believes that the law needs changing. He has said that he was supportive of removing the terms 'offend' and 'insult' from the section. I quote Mr Mundine now:

"The way things are going at the moment we are seeing people who have been stifled in regards to their conversations, that is the concern I have," he told The Australian. "I do believe it needs changes—not to wipe it completely, but to pull it back a bit."

Again, it just demonstrates the point that there are a variety of opinions in the community. It is beholden on us to conduct the debate carefully, to conduct the debate in adherence with our convictions and values and to accept that different people will have different points of view.

I have an idea about how we can progress that. On many occasions this parliament has demonstrated its capacity to deal with difficult and sensitive issues. A proposition that I have shared with colleagues is that I think it is time—I do think we have the capacity—for a parliamentary inquiry to examine the broader issue of freedom of expression, of which 18C is just one part, and to invite members of the House of Representatives to join in that parliamentary inquiry, because we know that they will have different views as well. We know that the sorts of pressures that are on House of Representative members are different to those that are on senators. It would be a parliamentary inquiry that includes members of the House of Representatives and that is given to an esteemed committee of the parliament—perhaps the Parliamentary Joint Committee on Human Rights, Senator McKim, of which you and I were members in the last parliament. We can step above the partisanship and the point-scoring. But is beholden on all of us to do it in a way that exercises care and caution. And it is beholden on Senator Patterson and me as opponents of reform to make sure that that consensus for reform is as broad as possible. A parliamentary inquiry puts the responsibility on Senator Patterson and me and others to broaden the consensus, to build confidence that this is a positive next step. If it is not a positive next step, we can review that—we can inquire into that. It is just not defensible anymore.

Indeed, in Senator Moore's own contribution she recognised that there is a debate in the community. The Australian Human Rights Commission had a view; I have shared with you why that view is now different. The Australian Law Reform Commission had a view and now that view is different. It is time to take this debate to another level. Rather controversially, let me put out a challenge to my own colleagues: reform is possible, so we must exercise the greatest diligence in making sure that every action, every word we speak, has as its objective building consensus and not distracting from consensus.

Senator McKim, I think a freedom of expression parliamentary inquiry of which 18C is a part is important. We know that one of the most cherished principles in our country is the freedom of opinion and expression. We know that it stands first amongst equals and its
intrinsic worth is the fact that it sits in very close proximity to other liberties that we cherish—the freedom of association, the freedom of assembly, the freedom of thought, the freedom of conscience and the freedom of religion. These are live issues in our debate in our country. I challenge anyone who thinks that they are not. But now is the time to take it to a new level, to a new place, and to encourage and empower parliament to conduct what is a very necessary community inquiry.

Senator McKIM (Tasmania) (16:54): I thank Senator Smith for his contribution. He is invariably worth listening to closely, I have found, in my relatively short time representing the state of Tasmania here in the Senate. However, Senator Smith, I found some inherent contradictions in some of the arguments you made. Firstly, you spent quite a bit of your contribution calling strongly for a review of, variously, 18C and freedom of speech statutes in this country. However, it is beholden on me to point out that you have actually signed on to change section 18C by removing the words 'offend' and 'insult'. So you do not have a position of wanting review—you have actually signed on to the change, Senator Smith. It is worth my pointing out that in my view, and with the greatest respect, inherent contradiction in your contribution.

The problem the proponents of change have more broadly is that there are a range of other far more grievous constraints on freedom of speech that never get a mention. Our defamation laws, which have extreme constraints, in effect, on freedom of speech in this country, never get a mention by those representatives of the Liberal Party and the IPA in this place, because of course they are used by politicians and big corporations in order to stifle freedom of speech. So they are very convenient, and it is conveniently ignored that our defamation laws are a massive constraint on freedom of speech in this country. I refer you also to section 42 of the Border Force Act, which is a massive constraint on freedom of speech for those people who work in the immigration detention centres in our country. If people are truly going to self-style as freedom of speech warriors in this place, or in public debate—I am not suggesting that you are, Senator Smith, but I am suggesting that others in this place have done that—then I want to hear from them objections to section 42 of the Border Force Act. I want to hear from them objections to the significant constraints on the freedom of speech created by our defamation laws. But, do you know what? I am not going to hold my breath, because I do not think those comments are coming because what is driving this debate around 18C is that people want Australians to be able to offend and insult other Australians based on race—based on race; that is the key. Section 18C is in the Racial Discrimination Act. If you want to remove the words 'offend' and 'insult' from the Racial Discrimination Act, logic follows that you want Australians to be able to offend and insult other Australians based on race. What reasonable person would want to offend another Australian based on their race? I do not think there is a reasonable justification for offending and insulting fellow Australians based on their race.

I spoke about section 18D of the Racial Discrimination Act earlier today, but it is worth pointing out that, like defamation laws, like section 42 of the Border Force Act, section 18D never gets a mention in this argument by proponents of change. It is forgotten by proponents of change as often as most Australians, including me, forget the second verse of *Advance Australia Fair*. Section 18D seriously provides massive freedom of speech protections that effectively protect anything said or done in good faith in this country. It is a significant and broad protection.
I also want to point out in the very limited time left to me in this debate that there are many more ominous rights to the threats of ordinary Australians in section 18C. I am going to call people out here, and they are the right wing culture warriors in Australia—I am not referring to Senator Smith, but there are others in this place, including Senator Patterson and Senator Duniam, who is the new Senate for Tasmania—who will take every opportunity to crib their way through our statute books to make Australia a less safe place for people they do not agree with. I have seen this through my life. I say to Senator Paterson and his IPA—he is an agent of the IPA in his place, make no mistake about it—and to Senator Duniam and others that I will not lie down before them and let them crib their way any further than they are able to do. I will defend section 18C to my last breath in this place.

I want to point out to the chamber that threats like the growth in inequality in this place—the gap between the haves and the have-nots in Australia—is a significant challenge to the rights of Australians. Global warming and sea-level rise are significant challenges to the rights of Australians. The ever-expanding surveillance that is done in the national security—which all of those proponents of changes to section 18C line up to support—is a significant challenge to the rights of everyday Australians. But we do not hear a peep from these people about those things. We simply hear that we need to change 18C so that people can be offensive and insulting on the basis of race in this country. Well, not on my watch!

Debate interrupted.

FIRST SPEECH

The PRESIDENT: Pursuant to order I now call Senator Dodson to make his first speech. I ask honourable senators to extend the usual courtesies to him.

Senator DODSON (Western Australia) (17:01): Ngaji mingan, Mr President? How are you, Mr President?

The PRESIDENT: Gala mabu ngangan. I am good. Gala walju! Go ahead.

Senator DODSON: Yawurugun Janu buru Rubibi. I am from Broome. Ngayu nilawal Djagun. My name is Djagun. Ngayu Banaga wamba. I am a Banaga man. I acknowledge with respect the traditional owners of this country, the Ngambri and Ngunuwal people, their elders and their emerging leaders and I thank everyone who has made me welcome here.

I now come to this place, elected by the people of Western Australia. I am honoured to serve our great state and thank the people of Western Australia for their confidence and trust in me. I will carry out my responsibilities and commitments to all Western Australians with dedication and vigour. I come to this upper house, the Senate, very mindful of the traditional role of this place to represent the views of the states. I know that at times our views in the Senate may challenge those of the House. I pledge myself to negotiating any differences with respect and courtesy.

I am committed to working closely with our Labor team, led by our leader Bill Shorten, and all of my Senate colleagues to make a difference for the future of our country. I am particularly honoured to serve in the 45th Parliament with my Aboriginal sisters, my fellow Labor colleagues, Senator Malardmirri McCarthy in the Senate, and Linda Burney in the House of Representatives. I also acknowledge my Aboriginal and Torres Strait brothers and sisters in both houses of the Australian parliament, and those who have led us here, such as

The Senate and the House are now becoming more representative and inclusive of all the peoples of Australia. It is a positive step along our road to have Aboriginal people participating directly in the process of making Australian law. This was not the case at the time when our founding document, the Australian Constitution, was drafted. The only two express references in the Constitution were section 127 and section 51(xxvi), and both related to our exclusion—a situation that lingered in the constitutional landscape of this nation until the 1967 referendum.

The presence of the First Australians, who occupied this continent for millennia, in this great land was disregarded. Something that Bill Stanner in his Boyer lectures referred to as:

...a cult of forgetfulness practised on a national scale.

Clearly, there is work to be done to address this, with constitutional recognition of the First Australians being an important step in this process. I look forward to the report of the Referendum Council and working with the 45th Parliament on this very important task.

I am a proud member of the Yawuru people of Broome. In the Yawuru language from around Broome there are three key concepts from the Bugarrigarra which shape our ways of knowing and understanding. These concepts will inform my work here, as they have formed my being. They are: Mabu ngarrung, a strong community where people matter and are valued; Mabu buru, a strong place, a good country where use of resources is balanced and sacredness is embedded in the landscape; Mabu liyan, a healthy spirit, a good state of being for individuals, families and community. Its essence arises from our encounter with the land and people.

These concepts are not newly minted. They come from the time before time began. We call this the Bugarrigarra—from when the earth was soft and yet to be moulded and given its form by the creative spirits. The Bugarrigarra encompasses the time well before Western philosophy, religion and laws existed or travelled to our lands in ships.

In 2006, after 12 years of litigation, the federal court recognised the native title rights of the Yawuru, and therein acknowledged the existence of our laws and customs under Bugarrigarra in Australian law. The Yawuru now hold some 530,000 hectares of land in and around Broome. Much of the Yawuru land is held under exclusive native title. Other parts are non-exclusive title. However, native title rights are vulnerable to the principle of extinguishment, which has the effect of returning native title rights to our lands and waters to terra nullius or Crown land.

When the Federal Court handed down its determination in 2006, the Western Australian state government appealed the decision. But two years later the full bench of the Federal Court upheld the original decision. During and following the appeal, formal negotiations were undertaken between the Yawuru people, the state government of Western Australia and the shire of Broome. In February 2010, these good faith negotiations led to a native title agreement signed by all the parties and registered with the Native Title Tribunal in August 2010.

The ILUA—the Indigenous land use agreement—settled some key matters of land tenure and governance for the state and for the Yawuru people. The agreement provides a basis for
building economic opportunity in our shared, cosmopolitan world subject, of course, to market factors and opportunities. The agreement-making process and the agreement itself help both communities to face up to the unfinished business of our place, of our country and of our status within the confines of the act. They do not settle, however, fundamental matters of colonisation and dispossession. It is not a panacea, applicable in every case, but shows that local and regional agreement-making is achievable and can be mutually beneficial.

It has refreshed our spirit, our liyan. It enabled us to move on from the many mistakes, poor policies, ignorance and outright racism that have bedevilled us in the past. We now come to the table in our own right: respected as legitimate stakeholders, whose rights can no longer be bypassed, ignored or simply extinguished without compensation. It is one model of agreement making I can commend, while recognising such a model cannot be adopted in all parts of our diverse country. Its limitations are that it does not deal with the claims of sovereignty that many Aboriginal people argue has never been ceded or surrendered. The basis for settlement remains contested since the discredited legal fiction of terra nullius was exposed in the High Court Mabo decision.

As a senator from Western Australia, I will work with my parliamentary colleagues in this place and elsewhere in shaping the social and economic future of our state and the nation as a whole. I am especially focused on the needs of those who live in the regional and remote parts across this great land of ours, particularly in Western Australia. I firmly believe that to be successful in this endeavour we must ensure at all times the full and active engagement of all of our people. I will be working in this place to: make sure that fewer Aboriginal and Torres Strait Islander Australians are locked up in our prisons; help develop northern Australia, in partnership with regional communities, industries and Aboriginal people; build consensus on changing our constitutional framework, recognising the need for meaningful discussions with Aboriginal and Torres Strait Islander peoples on a treaty or treaties; and ensure Aboriginal and Torres Strait Islander Australians and their organisations are key decision makers and empowered partners in programs to transform the current levels of injustice and bureaucratic domination.

In joining my fellow senators, I acknowledge and welcome those of my colleagues who are also new senators. We have become good schoolmates in Senate school. Some, though, have been elected on platforms which I will undoubtedly find challenging. I will not be averse to argument and debate on these issues. This place is, after all, the sanctuary of free speech. The debates will, however, need to be informed by the fundamental principles of respect for the diversity and richness of our various cultures in Australia, and the recognition of our shared humanity. We know, as a fact, that some Australian legislation in the past was founded on outmoded patterns of thought and belief. Our laws have, at times, been based on ingrained paternalism and racial superiority, denying our shared humanity. Such mindsets justified repeated acts of greed that grabbed the lands of our people without negotiation, settlement or compensation—and at times at great human cost, with many lives being taken or cut short. Those laws built bureaucratic systems and processes that controlled the lives of our people; stifling life choices; creating the sorrow, pain and anguish of children ripped from the arms of their mothers.

My family, along with most Aboriginal families, carry this pain in our recent history. I was born before the constitutional changes of 1967. I was hiding in the long grass in the Northern
Territory town of Katherine and watched my age-mates being taken by welfare and police. In Katherine I also watched in fear as white people were bussed in to the town hall meeting, where they vented their hatred and anger against Aboriginal stockworkers for walking off Wave Hill Station and for demanding justice and equal wages. The Australian law at that time was unarguably founded on a social outlook that was highly ethnocentric, even racist. Many of the laws were genocidal in intent, application and consequence. The same moral compass justified the American laws that mandated racial segregation in the US before the civil rights movement. Such views and laws led to the horrors of Soweto and Robben Island and even the hate crimes of Nazi Germany. These systems of laws and regulation shared the same legal, intellectual and moral parentage. These laws and regulations cannot be permitted to emerge once more in our precious democracy.

Our Australian democracy evolves and grows as our nation matures. In times past, people of a different race, a different colour, a different religion, a different sexuality were subjected to exclusion, oppression or discrimination under the laws made in this place. Such laws cannot and must not return to this place. I want to work with all of you in building an Australian nation that is characterised, as it is said in Yawuru, as Mabu ngarrungu—a strong community; Mabu buru—a strong place, a good country in which all Australians of all backgrounds, religions and ethnicities have a life influenced by Mabu liyan—a healthy spirit with the good feelings and sense of worth that comes from mutual respect and balance.

All of us, regardless of race, culture or gender, share a strong identity as Australians wanting to build a common, tolerant and prosperous future together. If we work to find what we have in common rather than what divides us, I believe that we can be better people; we can build a better Australia; we can build a better place for the next generation together.

I would like to express my deepest thanks to my family—and some of them are here today—my friends and the many supporters who have assisted me on my journey to this place. In coming here I have been warmed by the welcome from the Parliament House staff, as well as the security team and the Comcar drivers. I especially wish to recognise all the Aboriginal and Torres Strait Islander leaders, men and women, who have gone before, and those who continue every day in the struggle for justice and equality. I acknowledge respectfully the women who have taken on leadership roles for our people—women such as Faith Bandler, Bonita Mabo, Mum Shirl, Lowitja O'Donohue and many others across our lands.

In closing: I was privileged last month to be at the 50th Anniversary of the Gurindji walk off by the stockmen and their families from Wave Hill Station near Katherine in the Northern Territory. The Gurindji, led by Vincent Lingiari, walked off in protest at poor working conditions and living conditions on the station, but at the core of the strike was a fight for land justice, for equality, for recognition of a people's right to their law, to freedom, to justice and a fair go. Their stance was proudly supported by the union workers of Darwin and by many non-Aboriginal Australians from across Australia.

When Gough Whitlam handed the title to the Wave Hill pastoral lease back to the Gurindji in 1975, he poured dirt from the country into the hands of Vincent. At the time, Prime Minister Whitlam said:

I want to acknowledge that we Australians still have much to do to redress the injustice and oppression that have for so long been the lot of black Australians.
I want to promise you that the act of restitution which we perform today will not stand alone — your fight was not for yourselves alone and we are determined that Aboriginal Australians everywhere will be helped by it.

All Australians everywhere have been lifted by this powerful moment of moral truth and justice; a moment that made Australia a better place, the kind of country we want to be.

Vincent's reply to the Prime Minister was in Gurindji, translated as:

Let us live happily as mates, let us not make it hard for each other.

It was a testament to his strength, his resilience and his generosity of spirit. After a century of theft, of violence, of dehumanising exploitation, of structural and institutionalised racism, of a stolen generation policy, genocidal in its intent and its impact, this leader was ready to move forward to build a better place. Vincent held a vision for his people's freedom — a vision based on fair treatment, getting country back and getting people back on country. His vision was for equal wages, for a self-sufficient, independent, economically secure and culturally grounded community free from oppression and degradation. This vision was never fully realised, but it remains a worthy vision for us all.

In this Senate, I want to work with my fellow senators to help to build a better country, a better place, a strong, just and inclusive Australia. I look forward to our work together.

Galiya.

FIRST SPEECH

The PRESIDENT (17:25): Order! Before I call Senator Duniam to make his first speech, I ask that honourable senators observe the same courtesies extended to Senator Dodson during his speech, and not interrupt the senator.

Senator DUNIAM (Tasmania) (17:25): Mr President, I start by congratulating you on your re-election. I have to say it is terribly gratifying to have a Tasmanian in charge!

I am sure that so many who have gone before me have found it is an incredibly difficult task to put satisfactorily into words the great honour and privilege it is to be elected to represent one's fellow Australians in this place.

We have had a long election campaign and then a long wait for the results, under the new Senate counting rules. I have to be honest and say that it sometimes felt, as I imagine it did for most Australians, like this day would never come. But that long campaign — the endless hours on the road, knocking on doors and getting to know Tasmanians right across the state — gave me the opportunity to reflect on just why I am doing this and what this amazing and humbling honour actually means to me.

I come from a spectacular state. I come from a state of which there is much to be proud. As the sixth generation of Duniams living on the remarkable island of Tasmania I have a deep affection for that place and a strong commitment to doing what I can to ensure that its future is strong for the generations that follow us.

The Tasmanian people, much like the place itself, are a resilient people. Our state, like many other parts of this country, has been dealt its fair share of bitter blows. But, every time our community is dealt one of those blows, true of the Australian fighting spirit the Tasmanian community picks itself up and works hard to get back on track. In my short life, I
have seen it many times—where communities pitch in together to help out those in need, where no-one is left behind.

And we have faced particular challenges in Tasmania, be it the tragedy that unfolded at Port Arthur in 1996; the 2013 bushfires which devastated the small community of Dunalley; the sudden and destructive floods we saw across Tasmania during this year's election campaign; or, indeed, in my childhood home on the north-west coast of Tasmania where, one after another, major employers slowly left town. First the Tioxide pigment factory closed. Then the APPM paper mills were downsized and eventually closed. Each of these closures was bad in itself, taking hundreds of jobs out of our small community, but the direct consequences for so many other medium and small businesses which rely on big factories saw thousands of jobs go.

But, every time, the people of my home state always come together, looking at ways to help those in need and ways to redefine themselves so they can take the next set of challenges head-on. It is this resilience, this fighting spirit, of my fellow Tasmanians that inspires me. From some of the most remote and disadvantaged communities to our cities, most people are willing to work hard, and want the best for our state.

I want for my three children, now the seventh generation of my family living in Tasmania, and for all of their generation, a future they can look forward to—a future where opportunities exist to do things that previous generations have not been able to in employment, in education and in lifestyle—and a reason to make your life in Tasmania, rather than seek opportunity elsewhere.

Tasmania already has so much on offer: amazing natural wilderness, including some of the most spectacular forests and breathtaking coastlines; world-class produce, like our fish, meat and dairy products, or our increasingly famous cool-climate wines; and its innovative people, throughout our multi-campus university, research centres and small start-up businesses. Tasmania already has the critical elements for a strong future and economic growth. The challenge is in harnessing those elements, maximising them and creating opportunities for the future.

The key to this—as many in our home state would know—is, in my view, the need to tackle the endless departure of young people from our state to take up life elsewhere. Indeed, we should also be doing what we can to entice back those who have left, and we need to let people from other parts of the world in on the secret. Tasmania is a great place to come and live, to work, to raise a family and to develop your potential.

As a father and as a young Tasmanian myself, I see this as one of the key challenges facing our state. One only needs to look at the demography of our state to understand the need to tackle the problem I am talking about. Tasmania has the greatest percentage of people over the age of 65 of any state or territory in the country. Indeed, between the years 2000 and 2015, that percentage increased from 13.5 per cent to 18.3 per cent. By comparison, the percentage of people in Tasmania aged between 24 and 35 dropped by 5.5 per cent over the same period. This leaves that age group the most under-represented in our state by a long shot. These are alarming statistics and only reinforce the need to address this issue.

If we work to a goal where a greater share of the population is at an age where they will be coming into the workforce and contributing to our economy, we will start seeing an
improvement in Tasmania's ability to provide essential services and—dare I say it, for the benefit of my Western Australian colleagues—help contribute more to the national economy.

As I have mentioned, since my endorsement I have had the honour of meeting many compassionate, intelligent and hardworking Tasmanians who, in the course of their everyday lives, are doing their bit to enhance our state's future for the next generation. These people share my desire to see a Tasmania where more young people can and will choose to stay, to find a job, to buy or build a home, to start a business or to raise a family.

As I have already said, Tasmanian produce is high quality and becoming world renowned. As a result, the Tasmanian brand carries with it a premium that the world is willing to pay for. Agriculture to our nation is a vital industry, and it is certainly no different in Tasmania. Fundamentally, it sustains and nourishes us. Economically, it is often a major employer in rural and regional communities. It is an industry where there is employment and investment potential, particularly for our more remote communities, which so often miss out.

But like so many other primary industries, the real challenge is in trying to find the next generation of people able to take on the farm. The high cost just to purchase a farming operation is something that prohibits almost any aspirational young farmer from getting him or herself onto the land. The exception, of course, is if you are already on the family farm.

During the campaign, I had cause to meet with successful young Tasmanian farmer and business innovator James McShane, along with his wife, Tahnee. James was the President of the Rural Youth Organisation of Tasmania and is a strong advocate for the agriculture sector in our state. James and his wife discussed with me at length the need to find ways to get younger people onto the land, and they confirmed that there was no shortage of young farmers wanting to make a start. The key question was: how do we enable these younger people to get a foot in the door and overcome the hurdle of cost?

James's suggestion revolved around the willingness and ability of young farmers to consider leasing a farming operation. This would enable young people to get onto the land, start a farming business and work toward eventual ownership of the farm. Simple though it may sound, he also believes there is a need for the government to assist in directing traffic and providing safeguards around such an initiative. I believe this idea has significant merit and would be a positive step in enabling a younger demographic to live in, and contribute to, our rural and regional communities.

I want to mention another sector of the economy: the manufacturing sector, which across our nation has faced some serious challenges. Competing in global markets is difficult against many low-cost competitors from other parts of the world. Tasmania, like many other parts of the country, has had a strong history in manufacturing. Even to this day, we are still home to some world-leading and innovative manufacturing operations, from the boutique to larger operations with international markets. However, like the rest of the country, we need to compete to survive.

I had the good fortune of spending some time with one fellow involved at a grassroots level in the local manufacturing scene in north-west Tasmania. His name was Brett Cleary. Brett indicated to me that he had observed over the years a pattern of local businesses importing components and items for the repair and maintenance of their operations from overseas. This importing took place when items of an identical nature and quality were able to be
manufactured right there on the north-west coast and, indeed, at a far cheaper rate than the imports. As Brett explained to me, this happened simply because there was no knowledge of the local option. These smaller local manufacturers had limited means of promoting their wares against larger overseas suppliers. He believed there was a need to somehow promote the fact that local manufacturing options could supply what local consumers were after—right there, on the doorstep, at a competitive price. His suggestion was to facilitate a central point where local manufacturers can link up with local buyers.

Of course, a local community is not going to be able to produce everything it needs within that local community, but if there is a chance that it can be done then we should support that and enable local manufacturers to thrive and, in turn, employ local people. By enhancing the chances of local innovative manufacturing operations through simply connecting manufacturers with consumers, we are retaining jobs in our community rather than needlessly sending them elsewhere. This could provide new and sustainable jobs for younger people—jobs that might just keep them in our communities.

These are just two examples of suggestions made by other people to me during the election. I am not talking about things that I have come up with or ideas that I have had. I know no-one here has a mortgage on good ideas; no-one has all the answers. If I thought I had all the answers, I am pretty sure I would be told very soon that I was wrong. This is an illustration of the importance of getting out, staying in touch with our community and understanding what will work to fix local problems. I see the most important part of my role is to listen to my community and to work with them on suggestions and ideas they may have for our future. This is the good thing about a strong community: people can work together, share ideas and reach a good outcome. Additionally, good ideas and good policies do not need to be complex. In fact, it is my belief that they should not be. Simple, practical policies do not have to involve large bureaucracies and mountains of paperwork to actually achieve results. The two examples of great ideas that came from listening to my community are ideas that do not require massive machinery of government to make them work, yet they are ideas I believe will yield great benefits for the community. I look forward to continuing to work with the people I have mentioned and the Tasmanian community on trying to bring to life these and other positive ideas for a stronger future in my home state and other parts of the country.

Being able to do this, to take up the ideas of my community in this place and within government, is the benefit of our system of parliamentary democracy. Every day we need to give thanks for the simple fact that we are blessed with free democratic government. Australia is one of the few countries in the world that, since our Federation in 1901, has continuously enjoyed stable and fair democratic government. It is easy for those of us who have known nothing else to take for granted the amazing benefits and freedoms we have living in a democracy. We can have a say over the future of our country. Indeed, it is entirely up to us when we at the ballot box cast our vote on election day. We can openly express dissent in the government. We can form alternative political parties for a specific cause or community. And we can do all of these things without fear of repercussions, punishment or persecution.

As is true of many Australian families, my family is no stranger to involvement in democratic institutions. My late grandmother, Iris Graham OAM, was the first woman elected to the Burnie Council in 1953 and then almost 20 years later stood as a Labor candidate in the Tasmanian Legislative Council seat of West Devon. Sadly, she was unsuccessful but then,
perhaps having seen the light, subsequently ran again as an Independent. My own mother, Mary Duniam, is currently the deputy mayor of the Waratah-Wynyard municipality—a force of nature in her own right, supported so wonderfully by my amazing father, Roy.

But, for me, the true value of democracy really only became clear when I met my wife, Anisa, and her family. Anisa's family sought political asylum in Australia having come from Albania, a country that for approximately 46 years was brutally ruled by a communist dictatorship that oppressed its people in the worst of ways. Over the 15 or so years that I have had the honour of knowing my parents-in-law, I have heard firsthand just how evil that regime was and how lucky they feel to be here in Australia, enjoying all the rights, privileges and responsibilities of democracy. Just them saying that to me, and knowing how they cherish those rights, really brings it home.

Both of my parents-in-law came from families classified by the regime to be anti-communist and so, of course, the Communist Party not only viewed all the family members, including the children, with suspicion, but also took any opportunity to punish them. For instance, my wife's maternal great-grandfather, Fran Mirakaj, was ordered to denounce his Catholic faith and instead pledge his faith in the dictator. His refusal to do so resulted in him being tortured to death in ways that do not bear explaining. In April this year, this man, who was killed for simply standing up for his beliefs, was among the Albanian martyrs beatified by Pope Francis.

Then there is the story of Sute Bashar, my wife's great-aunt who, because of her anti-communist ties, was imprisoned with her three young sons for over 25 years. While Sute eventually was released from political prison, sadly only one of her children joined her in freedom. The other two, too young to express an opinion in any way, never survived the ordeal.

I could go on, but the point I want to make is that I draw a true appreciation of democracy from the experience of my wife's family. They fought hard and sacrificed a lot for what we have and, sadly, what we take for granted. This is also a key reason that I identify as a Liberal: the protection of freedoms in our society.

Underpinning our strong democracy is a need for respect—respect for one another's views and indeed respect for the outcome of a democratic process. I hope that, with the significant and sensitive debates we have coming up, we can all show respect for one another and our individual views.

The values, the views and the priorities I bring to this place have been built around what I have learnt in my life so far. A thoughtful man once said that the seven crimes of modern society were these: wealth without work; pleasure without conscience; knowledge without character; commerce without morality; science without humanity; worship without sacrifice; and, perhaps above all, politics without principle. My own guiding principles come from my own hardworking parents, from the experiences relayed to me by my parents-in-law and from my own personal beliefs and life experiences to date. It is those things that will inform the decisions I make—nothing else and no-one else.

No election is possible without the help of many. Across Tasmania and across the nation thousands of volunteers, because of their firm beliefs in the Liberal cause, went out en masse and campaigned for a Liberal victory. I will never forget the support our party membership in
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Tasmania has shown to me. I am honoured also that some of those volunteers have flown from Tasmania to join me today, including Jim and Judy Bowler, who first helped me out shortly after I moved to Hobart for university by renting me a house. I have to say that I must have made a good impression, because they ended up renting their house to five very unruly university students, yet they are still here supporting me today! So thank you. Some of my dearest friends are also here: Nick, Jane and Dan, to name a few. Thank you so much for your unending support.

Over the years I have had the opportunity to work with many amazing and committed people: Brad Stansfield, Don Morris, Kate Raggatt and Sandy Wittle, among scores of others I cannot even begin to name today. Their commitment and loyalty to the cause cannot be questioned. These people will remain friends I will have for life, and to them I say: your invaluable advice and guidance will always be appreciated.

I want also to pay tribute to the professionals of the Tasmanian division: our state president, Geoff Page, for his admirable and commonsense leadership of our party in Tasmania, supported by Sam McQuestin, who did an amazing job in tough circumstances. I would also like to thank those who have taken a chance on me over the years, including your predecessor, Mr President, Paul Calvert; Eric Abetz; you, Mr President; and the Premier of Tasmania, Will Hodgman. Thank you for the opportunities I have been given. Also, to the Speaker of the Tasmanian House of Assembly, Elise Archer, who has done me the honour of being here today: thank you, Elise, for your and Dale's support. To my fellow first-time Tasmanian candidates who sadly did not make it here—Amanda Sue Markham, Marcus Allan and John Tucker: thank you for working with me through the campaign.

To my parents-in-law, Zekri and Tina: thank you for welcoming me into your family and for supporting Anisa and me as you have done so unconditionally. To my parents, Mary and Roy: you have always encouraged my ideas and my goals. Your commitment to family and hard work in life was not lost on me. The example you provided has set me up for life. I know how hard you both worked to provide for our family and I truly thank you. To my brother, Mathew, and his partner, Sanka, and my sister Paula and her husband, Brett: thank you for being so supportive on this journey.

My late grandfather, Tasman Duniam, once gave me a homemade box in which he wrote, maybe whimsically, that one day I might become a Tasmanian senator. So we can all blame him for putting the idea into my head!

Finally, to my family, my three wonderful sons, Hugo, Henry and Spencer: I know there will be times when we will not see a lot of each other, but I hope in time you understand why we decided to do this.

And, finally, to my partner in crime—the ever-understanding Anisa, my wife, who has supported me from day one: I know I will be thanking you for the rest of my life.

Mr President, my late grandmother Iris Graham had a lifelong motto: 'Deeds, not words.' What I say here today about what I want to achieve, while important, is one thing. Acting on words and hopes is quite another. I look forward to working hard to implement what I believe is right for my state and for this country. I thank the Senate.
Consideration resumed of the motion:

That the Senate notes that the Prime Minister (Mr Turnbull) has repeatedly said making changes to section 18C of the Racial Discrimination Act is “not a priority” but has refused to rule them out.

Senator CAMERON (New South Wales) (17:50): I am pleased to participate in this debate, and I remember that some time ago I participated in a previous discussion on this issue when the coalition were proposing to change section 18C, which is all about offensive behaviour because of race, colour or national or ethnic origin. At the time, I spoke about my upbringing in Scotland and the issues that cause discrimination in Scotland. That was mainly about religion at that time, and the religious discrimination was quite severe on the west coast of Scotland, where I come from. Catholics and Protestants were divided across religious lines, and I do not think much of it was about religion either.

So I come with the view that there should be no place for any discrimination and that no-one should be offended, insulted or humiliated because of their race or religion. My experience was that all it does is create great disharmony in the community. My wife was brought up as a Roman Catholic and I was brought up as a Presbyterian. I know what it was like to live—for a short period with my wife's parents, who were practising Catholics—in what was basically a Catholic village outside Glasgow. It was a village where because you were Presbyterian or Protestant terrible religious discrimination went on. I do not think that is something that I want to see here. In fact, one of the reasons we emigrated to Australia was because Australia had a great deal of tolerance in religious practice.

I am not religious at all. I do not have any religion. I was brought up Presbyterian but I am an atheist. My wife was not a practising Catholic so we had the issue of our children and their religion. We took the view that if they wanted to be religious, that was something that they could take up but we did not want the pressure either from my family or my relatives or my wife's family or her relatives to try and force my children to be brought up in one religion or the other. I think the best thing I have ever done was come to Australia where that pressure was never brought on. I can be an atheist, I can be treated respectfully and that is something that you do not get in some areas in Scotland or in Northern Ireland—it is still a big problem. I think racial discrimination has to be treated very carefully, not just racial discrimination but religious discrimination or any discrimination at all.

I have been discriminated against in here. People have said that I need to learn to speak 'Australian'. I did not know there was such a language as 'Australian' but I was told, 'You have to speak Australian.' I have been told that I am incomprehensible by coalition senators. They know what I am saying, they understand me but that is the sort of discrimination that has been placed on me. When I first came to Australia, I worked at Garden Island dockyard as a fitter. I remember a newly arrived migrant like myself, a Greek guy, saying to me, 'Doug, why you no speak good English like me?' And that is a true story. I went home to Elaine that night and I said, 'I do not think we are going to make it in Australia because nobody can understand me.' But now that I have got an Aussie accent, I think everything has turned out not too bad. But seriously, if you come here and you do not have English as your native language or if you are
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not white Anglo-Saxon then there are challenges. There are real challenges for some Aboriginal Australians.

My background is one where you have to have a legislated opposition to this kind of cultural discrimination. You cannot rely on people doing the right thing. You cannot rely on people not being offended because the people who are discriminated against here are migrants, Aboriginal Australians and even people like myself from time to time—but being from a white Anglo-Saxon background, hey, I do not have a problem. But I cannot really imagine what it is like for many people who are discriminated against. You see it in the newspaper reports and you see it in the reports on the television news where people are attacked because of their racial background both verbally and physically on public transport. We just cannot have that.

I came to Australia because it was an egalitarian country, because it did recognise multiculturalism, because it did welcome people from all areas and from all ethnic bases around the world, even though Aboriginal Australians were suffering discrimination. We have heard from Senator Dodson that these things are slowly but surely changing. I think one of the biggest problems we could have is if we have a debate. There is no problem having a debate but a debate that results in the diminution of the protections for some of our most vulnerable people in society, I am strongly opposed to and I am opposed to any changes to the Racial Discrimination Amendment Bill.

I think, of the debate that is going on at the moment, there are some people that really believe in this. Senator Leyonhjelm, from his political perspective, believes that people should be able to be offended, insulted and humiliated. But I have to say, Senator Leyonhjelm, you did not handle it too well when the TV station rolled up and gave you a hard time. You did not handle that very well at all but that is what we all have to learn. You understand that these things happen from time to time. When Senator Williams has a go at me, I cop it on the chin.

My life in Australia has been one where I have been extremely lucky, but many others have not been as lucky. They have not been as lucky because they are not white Anglo-Saxons or they are not white Anglo-Saxon males. There is discrimination against females in this country. You have only got to look at the numbers in the coalition to know there is a problem with female participation in the coalition. So I am of the view that we should not be making any changes to the Racial Discrimination Amendment Bill. We should as a parliament be looking after those that are in a weak and vulnerable position and we should be making sure that they cannot be divided against in this country. People should not be subjected to offence, insult, humiliation or intimidation and that is a position that we should hold strongly.

I know the debate is on because there is an attack on the Prime Minister. This is a challenge to Mr Turnbull's authority. It is being driven by right-wing extremists in the coalition and is being supported by people that should know better. It is a mixture of the extremists and the gullible in the coalition. We should just get beyond this and say that no-one should be insulted, offended, humiliated or intimidated in this country.

Debate interrupted.
COMMITTEES
Membership

The PRESIDENT (18:00): I have received letters requesting changes in the membership of committees.

Senator NASH (New South Wales—Deputy Leader of The Nationals, Minister for Regional Development, Minister for Local Government and Territories and Minister for Regional Communications) (18:00): by leave—I move:

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

Appropriations, Staffing and Security—Standing Committee—
  Appointed—Back, Collins, Fawcett, Fifield and Gallagher

Community Affairs Legislation Committee—
  Appointed—
    Senators Duniam, Farrell, Reynolds, Siewert, Smith and Watt

Community Affairs References Committee—
  Appointed—
    Senators Duniam, Farrell, Pratt, Reynolds, Siewert and Watt

Economics Legislation Committee—
  Appointed—
    Senators Bernardi, Bushby, Hume, Ketter, McAllister and Xenophon

Economics References Committee—
  Appointed—
    Senators Bernardi, Dastyari, Hume, Ketter and McAllister
    Participating members: Senators Abetz, Back, Bilyk, Brown, Bushby, Cameron, Carr, Chisholm, Collins, Conroy, Di Natale, Dodson, Duniam, Farrell, Fawcett, Gallacher, Gallagher, Griff, Hanson, Hanson-Young, Hinch, Kakoschke-Moore, Ketter, Lambie, Lines, Ludlam, Macdonald, Marshall, McCarthy,
McKenzie, McKim, Moore, O'Neill, O'Sullivan, Paterson, Polley, Pratt, Reynolds, Rhiannon, Rice, Roberts, Siewert, Singh, Smith, Sterle, Urquhart, Waters, Watt, Whish-Wilson, Williams and Wong

**Education and Employment Legislation Committee**—

Appointed—

Senators Cameron, Hanson-Young, McKenzie, O’Neill, Paterson and Williams


**Education and Employment References Committee**—

Appointed—

Senators Cameron, Collins, Hanson-Young, McKenzie, O’Neill and Paterson


**Environment and Communications Legislation Committee**—

Appointed—

Senators Duniam, Hume, Marshall, Paterson, Urquhart and Waters


**Environment and Communications References Committee**—

Appointed—

Senators Chisholm, Duniam, Marshall, Paterson, Urquhart and Waters


**Finance and Public Administration Legislation Committee**—

Appointed—

Senators Bernardi, Farrell, McAllister, McKenzie, Smith and Whish-Wilson

Participating members: Senators Abetz, Back, Bilyk, Brown, Bushby, Cameron, Carr, Chisholm, Collins, Conroy, Dastyari, Di Natale, Dodson, Duniam, Fawcett, Gallacher, Gallagher, Griff, Hanson-Young, Hinch, Hume, Kakoschke-Moore, Ketter, Lambie, Leyonhjelm, Lines, Ludlam, Macdonald,
Marshall, McCarthy, McKim, Moore, O'Neil, O'Sullivan, Paterson, Polley, Pratt, Reynolds, Rhiannon, Rice, Roberts, Siewert, Singh, Sterle, Urquhart, Waters, Watt, Williams, Wong and Xenophon

Finance and Public Administration References Committee—

Appointed—

Senators Bernardi, Farrell, McAllister, McKenzie, Singh and Whish-Wilson


Foreign Affairs, Defence and Trade Legislation Committee—

Appointed—

Senators Abetz, Back, Fawcett, Gallacher, Ludlam and Moore


Foreign Affairs, Defence and Trade References Committee—

Appointed—

Senators Abetz, Back, Dastyari, Fawcett, Gallacher, Ludlam and Moore


House—Standing Committee—

Appointed—Senators Brown, Collins and Urquhart

Legal and Constitutional Affairs Legislation Committee—

Appointed—

Senators Fawcett, Macdonald, McKim, Pratt, Reynolds and Watt


Legal and Constitutional Affairs References Committee—

Appointed—

Senators Dodson, Macdonald, McKim, Pratt, Reynolds and Watt

Participating members: Senators Abetz, Back, Bernardi, Brandis, Bilyk, Brown, Burston, Bushby, Cameron, Carr, Chisholm, Collins, Conroy, Dastyari, Di Natale, Duniam, Fawcett, Gallacher,
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Gallagher, Griff, Hanson, Hanson-Young, Hinch, Hume, Kakoschke-Moore, Ketter, Lambie, Leyonhjelm, Lines, Ludlam, Marshall, McAllister, McCarthy, McKenzie, Moore, O'Neill, O'Sullivan, Paterson, Polley, Rhiannon, Rice, Siewert, Singh, Smith, Sterle, Urquhart, Waters, Whish-Wilson, Williams, Wong and Xenophon

Library—Standing Committee—
   Appointed—Senators Lines and Moore

Privileges—Standing Committee—
   Appointed—Senators Abetz, Collins, Ludlam, Macdonald, Marshall, McKenzie, Smith and Urquhart

Procedure—Standing Committee—
   Appointed—Senators Bushby, Dastyari, Fifield, Siewert, Smith and Urquhart

Publications—Standing Committee—
   Appointed—Senators Bilyk, Farrell and Marshall

Regulations and Ordinances—Standing Committee—
   Appointed—Senators Abetz, Collins, Ludlam, Macdonald, Marshall, McKenzie, Smith and Urquhart

Rural and Regional Affairs and Transport Legislation Committee—
   Appointed—Senators Abetz, Back, McCarthy, O'Sullivan, Rice and Sterle

Rural and Regional Affairs and Transport References Committee—
   Appointed—Senators Abetz, Back, Chisholm, McCarthy, O'Sullivan, Rice and Sterle

Scrutiny of Bills—Standing Committee—
   Appointed—Senators Bernardi, Duniam, Polley, Rice, Watt and Williams

Selection of Bills—Standing Committee—
   Appointed—Senators Bilyk, Dastyari, Fawcett and Fifield

Senators' Interests—Standing Committee—
   Appointed—Senators Bernardi, Bilyk, Bushby, Lines, Marshall, McKenzie, O'Neill and Rhiannon

Treaties—Joint Standing Committee—
   Appointed—Senators Back, Farrell, Fawcett, Hanson-Young, Macdonald, Singh and Sterle.
   Committee Membership
   Question put and passed.
STATEMENT BY THE PRESIDENT
Parliamentary Language

The PRESIDENT (18:00): I wish to make a statement in relation to unparliamentary language. Before question time today, senators may recall that Senator Bernardi asked whether there were precedents for Deputy Presidents making what could be characterised as partisan speeches. I can assure the Senate that researchers have revealed that there are many such speeches by former Deputy Presidents, including on the address-in-reply. The election of a senator to the position of Deputy President does not require that senator to refrain from expressing a partisan point of view, where they consider it is appropriate. But, of course, they are completely impartial in the chair.

Senator Bernardi also asked me to review part of Senator Lambie's contribution on the address-in-reply debate earlier today. Senator Seselja took a point of order suggesting that Senator Lambie should be asked to withdraw reflections upon Senator Bernardi. The Acting Deputy President suggested that Senator Lambie should consider rephrasing her comments, and Senator Lambie resumed her speech. Senator Seselja took a further point of order again asking that the initial reflections be withdrawn. Senator Collins, on the same point of order, indicated her view that Senator Lambie had been in the process of rephrasing her comments, as requested by the chair. The Acting Deputy President appears to have accepted this to be the case and did not require a withdrawal. Senator Seselja did not press the point any further.

It is not entirely clear to me that Senator Lambie was, in fact, in the process of rephrasing her earlier references, but it appears to have been accepted by the chamber that this was the case. Certainly, it would have been inappropriate for the original remarks to stand, and the suggestion that Senator Lambie withdraw or rephrase the comments was appropriate.

During this point of order Senator Seselja also suggested that Senator Lambie should be asked to withdraw the use of the term 'hypocrites'. Senator Collins, again on the point of order, suggested that the use of the term in that collective way was not out of order, and this appears to have been accepted, also. I remind the Senate that unparliamentary language does not cease to be unparliamentary merely because it is directed at a group of members or senators rather than to an individual. I remind all senators that they should refer to other members of this place appropriately.

I also remind senators that requests for withdrawal of words must be made at the time. Such requests cannot be made retrospectively. This is in accordance with rulings of past Presidents over many decades, and reflects the duty of the chair to maintain order. It would simply not be feasible for senators to be able to revisit past debates and insist on the withdrawal of words after the event.

COMMITTEES
Select Committee on Health
Report

Consideration resumed of the motion:
That the Senate take note of the report.

Senator POLLEY (Tasmania) (18:06): I rise to speak in consideration of the committee report of the Select Committee on Health, Hospital funding cuts: the perfect storm—the
demolition of federal-state health relations 2014-2016 final report. It brings me to the issues that we experienced during the federal election in my home state of Tasmania, particularly around the Launceston General Hospital and the Royal Hobart Hospital rebuild. We know that the Liberals went to the last election promising that there would be no cuts. Then they inflicted a billion dollars of savage cuts to Tasmanian hospitals—to the Launceston General Hospital, to the Royal Hobart Hospital and to the Mersey hospital. Since these cuts, there has been crisis after crisis at the Launceston General Hospital, lengthy delays to the ongoing development of the Royal Hobart Hospital and, during a two-week period in June, nine of the 11 specialist doctors from the hospital's emergency department resigned, retired or reduced their hours. The reason for these walkouts was aired in the media with staff saying they had lost faith in their ability to care for patients. A shortage of beds has led to people not only being admitted into hospital through the emergency department but for the first time in so long—longer than I can remember—there was a gentlemen in his 70s left for days in the emergency department at the Launceston General Hospital. We know that there was a woman down at the Royal Hobart Hospital who was left lying on the floor.

We know that the nursing staff have reported very dangerous working conditions due to the lack of resources. The community of Tasmania—and I know across the country in fact—has said enough is enough. Why has our only public hospital, the Launceston General Hospital, been forced into an untenable position whereby there have been walkouts, people walking off the job and people so stressed because they have not been able to deliver the services that they believe are essential to their local community?

What did we see during the federal election? We had the former member for Bass, Mr Nikolic, responding to the concerns of the people in his community by saying that this was a state issue—that is all he could come up with. The Tasmanian community will not stand by. They have demonstrated resoundingly at the last federal election that they will not stand by and allow governments to cut, cut and cut their health services. They will not allow a government to get away with threatening to derail and destabilise Medicare, our great public health system in this country—or the one that we have had and we aspire to have the best in the world.

We know that even the Liberals are going off against very conservative people by trying to blame a legislative councillor in the north of the state for holding a press conference in relation to the crisis at the hospital. It is pretty serious when you have the AMA, GPs and pathologists all campaigning against you at a federal election. They are not natural supporters of the Labor Party; they are not a group of people you would expect to go out campaigning against a Liberal federal government.

But the local member, the former local member, failed to protect the Launceston General Hospital from these cuts. He failed his community. Because he did not listen to his community, they voted him out. There is no-one else to blame for his demise but himself and his government's policies that he espoused on a daily basis.

As I said in a speech earlier this week, we know that his mantra was: 'Jobs and growth. Jobs and growth. Jobs and growth.' I tell you across the rest of Tasmania people were saying: 'No more cuts. No more cuts to education. No more cuts to our health system, and we will never allow you to undermine Medicare.' That was the outcome.
Quite clearly, we know that the former member failed to not only listen to but engage people within his community so he paid the highest price: they voted him out. But, earlier this week in a speech, I spoke about the three amigos, the three arrogant and out-of-touch House of Representatives members from Tasmania—now former members—the members for Bass, Lyons and Braddon. I said to them that I had brought a message from the Tasmanian community and that was: adios amigos. But I can see that, instead of taking my very sound advice, Mr Nikolic has not ridden out of town, because he has given me the great honour of a story that appeared in our local great newspaper, The Examiner, online. I quote from his Facebook page, which said:

Disappointing to see Labor Senator Helen Polley still celebrating her involvement in nasty, false and personal politics.

Quite clearly, Mr Nikolic, you still have not learnt from your firsthand experience of being defeated in the election, because you failed your constituency. There was nothing at all that I shared with the community that was nasty. There was certainly nothing that was false. There was certainly nothing from me that was a personal attack on him. What I did do was remind the community, which is my responsibility, of all the things he voted for when he was the member for Bass. I highlighted the fact that he failed to stand up for our health system. He failed to provide the funding that we need for education; in fact, they cut money.

Mr Nikolic also failed older Tasmanians, because it was his government that over the last three years gutted aged care. They used it as an ATM to take $3 billion away from older Australians. I do not think that is a record that he should be proud of and I do not think he should be offended because I reminded the community of his failings as a member. I never made a personal attack on him whatsoever—none whatsoever—but I did my job as a senator for Tasmania: I went out and campaigned to ensure that they had the best representation possible. It is fantastic to finally have Labor members, once again, like Ross Hart, the new member for Bass, along with his colleagues Justine Keay and Brian Mitchell, who will be good listeners for their communities. They will stand up and fight for their communities, and they certainly will not turn their backs on the people who elected them.

I say again that this government have an opportunity. They were re-elected, but with that comes enormous responsibility. The responsibility that they have, as every federal government has always had and always should, is to look after those people who are most vulnerable in our communities. We had a speech from a new government senator from Tasmania, who I thought made some fantastic comments. He is a proud Tasmanian, as am I, and I suggest that those opposite and the leadership of the government should sit down and talk with him, because he has some good ideas, and I believe he will be a strong voice for his constituency.

When it comes to things such as aged-care policy, we need to have a bipartisan approach because we have a responsibility as elected senators and as members of the opposition and the government, as I said, to look after those who are most vulnerable in our communities. And I am sad to say that the 44th Parliament, under the leadership of Mr Abbott and Mr Turnbull, failed miserably. (Time expired)

I seek leave to continue my remarks.

Leave granted; debate adjourned.
Senator IAN MACDONALD (Queensland) (18:16): I also wish to speak on this motion about the select committee report on supposed hospital funding cuts. I note in commencing that Senator Polley said she never personally attacked Mr Nikolic when he was in this parliament. It seems to me that she has waited until he was not in the parliament and could not speak for himself in this place to launch a pretty vicious personal attack on a great Australian who, both in parliament and his life previously in our defence forces, has made a magnificent contribution to Australia—a much more significant contribution, I might say with respect, than Senator Polley ever has or will.

Senator Polley's discussion on this health report draws to my attention the whole question of hospital funding. I commence my remarks by congratulating all of those who work in our hospitals, both public and private—the nursing staff, the support staff, the medical staff. They do a wonderful job for all Australians and it means, of course, that Australia has one of the best, if not the best, health systems anywhere on this planet. So congratulations go to all of those involved.

My congratulations also go to Sussan Ley, the Minister for Health, who has done a wonderful job in the time that she has been the health minister, and has continued funding not only to hospitals but all aspects of the health budget. I particularly note the work that Ms Ley has done in bringing on to the Pharmaceutical Benefits Scheme some very expensive drugs that have now been made available to ordinary members of society. I mention in passing just one of them: the drug related to fixing hepatitis C. So congratulations to the coalition government and the minister on the work she has been doing there, and also on the work she has been doing generally with hospitals.

Senator Polley's reference to Medicare alerts me yet again, with much sadness, to what is the most disgraceful episode that I have ever seen in my long life in any campaign. This was perpetrated by the unions, who control the Labor Party, with the Labor Party and with that outrageously fraudulent group called GetUp!, which is just a front for the Greens political party. I do not know what happened elsewhere, although I suspect this disgracefully dishonest campaign was conducted by the unions and the Labor Party and the Greens right throughout Australia, but I know it certainly happened in north Queensland.

In the two pre-poll booths in Townsville there were long queues waiting to get a pre-poll, and southern unionists—not locals, I might say, but people imported by the Labor Party and the unions, from the south somewhere—were there bullying people in the queue with dishonest comments like, 'the Liberals will get rid of Medicare' and 'the Liberals are going to sell Medicare'. I mean, who would want to buy Medicare, for a start? It was a disgracefully dishonest campaign.

Further to that, the unions—and I suspect, the Labor Party—had printed cards that looked exactly the same as the Medicare card all of us have when we go to a doctor or a hospital. But these were fraudulent cards with a message on them that said the coalition government was going to sell Medicare, to get rid of Medicare. It was completely dishonest and fraudulent. This was followed up by those robocalls—unauthorised, I must say, but I do not think anyone would challenge me in saying they were paid for by the unions or the Labor Party—with voices coming across in the blackout period in the last couple of days before the election, saying, 'this is a message from your local Medicare office; the coalition government is going to get rid of Medicare', or words to that effect. This was a disgracefully lying campaign that is
the lowest point that I ever seen in the long years that I have been involved in campaigns in Australia.

This campaign by the Labor Party and the unions actually scared a lot of people. Those unionists who were bullying people along the queue waiting for a vote at the pre-poll picked their mark. They would go to older people—

**The ACTING DEPUTY PRESIDENT (Senator Back):** Senator Polley on a point of order.

**Senator Polley:** I am sure that under standing orders, as the good senator would know, you should not be misleading the Senate. If you have something that you want to talk about on bullying at polling booths, then perhaps you should talk to your former member who was grabbing leaflets out of people's hands.

**The ACTING DEPUTY PRESIDENT:** Senator Polley, resume your seat. As you well know, that is a debating point. Senator Macdonald, please continue.

**Senator IAN MACDONALD:** As I always say with those ridiculous points of order, the Labor Party will try that bullying on me. I can tell you, Senator Polley, it does not work on me. In fact, you had a couple of your union hacks on these polling booths and as they were standing there, lying to people and saying, 'the coalition will sell Medicare,' I went and stood next to them. As they would say that, I would say: 'Please ignore this. That is a complete lie.' The unionists on a couple of occasions then turned round and said to me, 'You're bullying me. You're in my space.' Me bully them! They were about five times my size! But I just told the voters who had been told a lie by these union thugs what the truth was. The unionists said, 'You're in my space.' I said, 'If you don't like it, move somewhere else or go back to Sydney, Brisbane or Hobart, from whence you obviously came.' This was the low point: trying to confuse and frighten vulnerable people into casting a vote on the basis of the most outrageous lie I have ever head in my long time in politics.

**Senator Polley interjecting—**

**Senator IAN MACDONALD:** For Senator Polley to continue the mistruths about funding by the coalition government for hospitals and health care right around Australia is equally as demeaning.

The GetUp! people are just a front for the Greens political party and the left wing of the Labor Party, and they even acknowledge that themselves now. We have always known GetUp! were a fraud, but they are confirming that themselves now. They were in the electorate of Dawson, which is in the southern part of Townsville, going down through my home town of Ayr and into Mackay. Five or six of them were there trying to run this campaign; they were not very good, I might say, but they were there in numbers. They had this big banner up saying, 'The coalition is going to sell the Mackay hospital'. Now they could not work out that although it was still in the electorate of Dawson, they had these signs about the Mackay hospital talking about a city 400 or 500 kilometres south of Townsville. Quite frankly, Townsville people were really not convinced on the way they voted because someone was talking about a hospital 400 or 500 kilometres away! But that was the standard of the sort of person that GetUp! were paying or had convinced to go and try and get rid of Mr Christensen in the electorate of Dawson. Mr Christensen increased his vote in spite of a most
vicious campaign against him by the unions and GetUp!—they both set upon him. So perhaps the Labor Party will learn in the future that they should look at their resources more.

On that, I might add that the CFMEU and the MUA, I was told, sent up workers to hand out how-to-vote cards for the Glenn Lazarus Team. Remember Senator Lazarus, who was here for a short period of time? Undistinguished time, I might say. He had all these unionists up there handing out his how-to-vote cards. I think he got about one per cent of the vote. Again, I understand there are repercussions within the Labor Party for the MUA and the CFMEU putting resources into Mr Lazarus's campaign rather than the Labor one—although, of course, Lazarus's preferences all went directly to the Labor Party, as you would expect if you had seen the way then Senator Lazarus voted in this chamber.

So while this report is a majority report, you can understand where it is coming from. I think the minority report is by far the better indication of what happened in that committee.

Legal and Constitutional Affairs References Committee

Report

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (18:27): I move:

That the Senate take note of the report.

I seek leave to continue my remarks.

Leave granted.

Senator IAN MACDONALD (Queensland) (18:28): I was the deputy chair of that particular committee inquiring into the establishment of a national registration system for Australian paramedics, although I attended very few of the meetings of that committee. I will not repeat my comments on the next report, but it was on the need for a nationally consistent approach to alcohol fuelled violence. I refused to get involved in both of those inquiries. This was the Legal and Constitutional Affairs Committee of the Commonwealth of Australia, and both of these subjects related to pet hobbies and pet campaigns of the then chairman. While very important issues, they certainly were not matters for the Commonwealth parliament and they were certainly not matters for the Legal and Constitutional Affairs Committee.

I only raise that in this context: to plead with senators, as they consider referring matters to committees in this parliament, that they sensibly refer to committees of the federal parliament matters that are within the jurisdiction of the federal parliament and matters that can be dealt with by the particular committee they are referred to. If there was a federal element to this one, then it clearly should have gone to the health committee and not the legal and constitutional affairs committee.

In relation to the other one, the need for a nationally consistent approach to alcohol-fuelled violence, it may have been relevant—I doubt it—to some other area of federal parliamentary import, but certainly it was not a matter for the legal and constitutional affairs committee. I only make those comments to say to senators: refer what you like, but please send it to the right committee and please send it to a committee that does have some federal government jurisdiction in these areas.

Senator POLLEY (Tasmania) (18:30): I want to make a few remarks in relation to this report of the Legal and Constitutional Affairs References Committee, Establishment of a
national registration system for Australian paramedics to improve and ensure patient and community safety. I just find it incredible that Senator Macdonald, a senator with such a long career in this place, would not be able to support the establishment of a national registration system for Australian paramedics to improve and ensure patient and community safety. I think that says it all. We heard in his previous contribution to this chamber the ramblings of a senator who has obviously been here for a long time. Maybe he gets a bit tired of some of these committees and having to participate. I think it is our responsibility in this place, when a reference is made to a committee, to make every endeavour to make a contribution.

In terms of some of the comments that Senator Macdonald was making before, and his usual rants and personal attacks, about whether or not somebody is not going to make a contribution or has not made a contribution—we are all a bit tired of the same old mantra; we really are. People who have been in this chamber have heard me speak on numerous occasions about the Defence Force—those people who have served our country, those people who have laid their lives on the line for us, those people, such as my family, who have stood shoulder to shoulder in battles with their fellow Australians. I have never once made any comments in relation to the former member for Bass's military service. I am the first person to stand up and to pay tribute to those who serve in the defence forces.

My family has a proud history. My father survived the Burma railway line for 3½ years. He survived Changi. He gave the best part of his life for this country because he believed in what he was doing. I would not be here, obviously, if he had not returned from that. Senator Macdonald stood up in this chamber and cast aspersions, saying I was being disrespectful to a former member of this place—and the seat of Bass has had another Liberal member who had a distinguished service in the military—and it needs to be corrected on the record. At no time have I, or would I, ever cast aspersions on the former member for Bass's contribution to this country through the Defence Force.

But I have, as I said, a responsibility to talk about the issues that affect my community. The comments made about the Medicare campaign were extraordinary. When this side of the chamber runs a federal campaign and highlights the shortcomings of the government—and they did, in fact, set up a committee and they spent, I am sure, somewhere in the vicinity of $6 million looking at the privatisation of aspects of Medicare; that is a fact; that was not misleading. But, for Senator Macdonald to come into this chamber, as he does so regularly, and bully people, put women down on this side, as he is renowned for doing—we are just not going to sit in this chamber and say, 'Oh well, that's just Senator Macdonald. We'll just let him go, because everyone knows that he has the same rant.' I think if you go back over the 11 years that I have been in this chamber, you will hear the same rant from him, attacking people who have a different view, attacking unionists. I was never a unionist. But I defend the right of those people. As a former member of a union, you have the right. That is a right of our democracy. That is what we should be fighting for in this place. But, from the actions of this government and the former government, we know, when it comes to workers' rights, where their loyalties lie, and it is certainly not with the workers of this country. That is for sure.

But I go back to the comments that I made during my first speech, on health issues. I go back to that because—

Senator Ian Macdonald: Well, this is about paramedics.
Senator POLLEY: Paramedics actually work in the health system, believe it or not. What we want to see is the best when it comes to the safety of those people who work in the health system, just as importantly we need to ensure that the community are safe as well. But it just goes to the fact that Senator Macdonald cannot sit in this chamber and listen to anyone else's contribution without standing up, accusing people of lying and going on about what may or may not have happened at polling booths. As I said when I took that point of order, if you want to talk about bullying, then you need to talk to people from your own party in the seat of Bass about when people were going to the prepolls and the complaints that were made by your former member—

The ACTING DEPUTY PRESIDENT (Senator Back): Point of order, Senator Polley: I draw your attention to the fact that we are speaking about the national registration system for Australian paramedics. With deep respect, can I ask you to just confine your comments to that particular topic, if I may.

Senator POLLEY: As I was saying, if people come into this chamber and make accusations and allegations about other people then they ought to look in their own backyard first. But I will go back to this important report.

The ACTING DEPUTY PRESIDENT: Thank you.

Senator POLLEY: There are so many good reports that come down that are done by senators from all around this chamber that make a great contribution. I think it is a bit sad sometimes that the Australian community do not actually understand the amount of work that goes into those reports. I am not talking about the senators' contribution necessarily; I am talking about the witnesses who come forward to give that evidence. I am talking about the secretariats. Those who have been in this chamber know—through you, Mr Acting Deputy President; I know that Senator Macdonald has been here a long, long time, much longer than me, but he would understand—that there are an awful lot of reports that unfortunately, when they have been tabled, sit in a bookcase somewhere gathering dust. That is why we on this side of the chamber are very mindful, when we are sending references to committees, of the amount of work that is going to be expected to be done by the secretariat and the parliamentary staff.

But we also have to say how much we appreciate the time that was taken by those people to come forth to give evidence to this committee so that this report was tabled. People have the opportunity to read that, and then they will make up their own minds as to whether they support the recommendations. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Select Committee on Health

Report

Consideration resumed of the motion:
That the Senate take note of the report.

Senator O’NEILL (New South Wales) (18:38): I rise to speak on the final health report of the Select Committee on Health, from the 44th Parliament. It is entitled Hospital funding cuts: the perfect storm—the demolition of federal-state health relations 2014-2016. I want to take the opportunity to thank members of the committee and the secretariat in my opening
remarks. I was very privileged to chair this committee, which undertook 52 hearings across the course of the last parliament. Every effort was made to get to regional and remote contexts because how health is experienced is very much dependent on the geographical area in which you live, and I believe in essence in the principle of bringing the parliament to the people and allowing the witnesses who have the opportunity to put on the record their lived experience, which is a source of powerful testimony, and it is a very important source of knowledge. I appreciate the gifts of intellect that very well prepared and highly educated participants in the space bring with their formal submissions, but having people able to speak to the committee of their lived experience is another type of evidence that I think is vital to enliven our understanding of the lived reality of Australians at this time.

Can I thank Senator Ricky Muir, former senator of the AMEP, for his deputy chairmanship from 25 June 2015. Other members of the committee were Senator Sean Edwards; Senator Jenny McAllister, who attended many of the hearings from 14 May 2015; Senator Claire Moore, who has an outstanding and long engagement with health, from 26 November; Senator Zed Seselja, who attended a couple of the sessions; and Senator John Williams as well. Can I also acknowledge former member Senator the Hon. Jan McLucas, from Queensland. Jan was a wonderful mentor for me in chairing this committee. Her depth and breadth of knowledge after her many years of service to the Australian people through the ALP here in the Senate were a fantastic asset to be able to draw on, and I wish her well in her new life outside this chamber. Substitute members who helped us make quorum include Senator Chris Ketter, Senator the Hon. Doug Cameron and Senator Dastyari, and we had a participating member, Senator Jacqui Lambie, who joined us for some of the Tasmanian hearings. To all of those senators I am very, very grateful for their participation in the hearings and their participation in helping us make quorum on those days so that witnesses who were prepared to come and give evidence were able to do so in accordance with the rules of the Senate.

I am genuinely delighted to have the opportunity to acknowledge the secretariat's wonderful contribution to enabling this committee, and their contact with the community at large in enabling them to participate in the process was just beyond reproach. They were so ably led by the secretary, Mr Stephen Palethorpe, who is a wonderful asset to this institution and serves it with great distinction. His very able principal research officer, Miss Jed Reardon, was just wonderful at every part of the journey. I also thank Mr Josh See, who did a lot of the backup work for us. Other support was offered to us by Michael Kirby, Josh Wrest, Erin Pynor, Annemieke Jongsma, Rosalind McMahon and Sophie Clark, who were members of that secretariat.

In terms of the content—and I would love to continue to speak to this report on other occasions—Dr Stephen Duckett, the Director of the Health Program from the Grattan Institute, really summed up one of the key things reported in this final report, the seventh report that the committee tabled, when he said:

The 2014 budget did serious damage to Commonwealth-state relations and the confidence with which states could plan and manage health services. It did this by abrogating an agreement about public hospital funding which had been signed by governments of all political persuasions and unilaterally imposing a new funding model on the states.
That is, at its heart, the problem that we faced through the entire 44th Parliament, and this problem, which was constructed by the 2014 budget of Mr Abbott, continues to be a pressing reality, a policy reality that Australia needs to deal with. The fallout that has arisen from that decision to tear up the national health partnerships is absolutely devastating to this country.

As a senator for New South Wales, tonight I really want to talk about the chilling piece of evidence that was given to us in the Campbelltown hearing by Dr Andrew McDonald. I am very pleased to say that the new member for Macarthur, Dr Mike Freelander, is also a paediatrician who works alongside Dr McDonald and is now representing the people of Campbelltown. I am sure he will be a very powerful voice in the other place for the need to redress this massive deficit in funding for New South Wales. Dr Andrew McDonald from Campbelltown Hospital said:

The annual hospitals budget, from New South Wales, is about $20 billion. And that is quite accurate. The cut in that 2014 budget for the state of New South Wales, as evidenced by the Parliamentary Budget Office, was $17.7 billion. Dr McDonald went on to say:

That is one year's salary, effectively.

You can close the system for a year or you can fund to meet demand … $18.3 billion … is, virtually, a year's New South Wales hospital budget worth of cuts.

So, to understand the scale of what Mr Abbott did in that 2014 budget: if you are a person who wants to access a health service in New South Wales, the cut that Mr Abbott inflicted was a cut the equivalent of shutting down the entire hospital system of the whole state of New South Wales for one year. That cut is still lurking. There is no redress. And the pressure that is on the New South Wales health system is commensurate with the scale of the cut that was inflicted and has not been properly redressed.

Mr Baird described that cut when it happened as: 'a kick in the guts' for the people of the state, and asked:

What services would he like us to cut here in NSW on the back of the funding cuts we've seen overnight?

That was the response of the Liberal Premier, Mr Baird, to the cuts put forward by the Abbott government.

This report is replete with evidence from highly qualified people. Mind you, we could not get the department of health from New South Wales to come forward and put anything on the record; they were powerfully dissuaded from participating—in fact, in our hearing in Broken Hill, we were able to get an email that was sent from the manager telling the people under him not to participate in this inquiry. That is a terrible insult to the people of Broken Hill and to the public servants of New South Wales—that they could not come forward and put on the record the reality of the impact of cuts in Broken Hill, out there in the seat that should be better represented by Ms Ley, their current representative.

I will make further remarks later, but I just want to point out one example of where the federal relationship with the state is particularly important, and that is for cross-border communication and the sharing of responsibility for patients whose needs should be bigger than where the boundary of the state exists. This is evidence that was given to us in the
Lismore hearing by a Mr Wilson. I had been asking questions about what happens when people go over, and he said:

Senator O'Neill, you mentioned something about the border crossings before. I have an example for you. There was a patient in Tweed Hospital. I cannot use names because of confidentiality. He was having a big gastric bleed. Instead of being transferred to the Gold Coast where they could have done something about it, he was transferred all the way down to Lismore in the back of an ambulance—with a doctor and a bag full of blood, just in case something happened. I raised this with the JCC, so this is on record there too.

Senator McLucas asked: 'Where was he from?' Mr Wilson answered:

It was at Tweed Hospital. I do not know where he was actually from, but he came from Tweed Hospital. Gold Coast is where? Lismore is where?

Now, for those who don't know, the Tweed Hospital is much, much closer to the Gold Coast than it is to Lismore. This was a man with a serious, life-threatening, major gastric bleed, and who, for the sake of dollars, was loaded into an ambulance, to drive the cost into New South Wales and not into Queensland. That is how much pressure our state budgets are under, that they put this man at risk by putting him in an ambulance, with a doctor—it doesn't matter; they were going to keep the cost in New South Wales; Queenslanders would not have it. This is a very big problem. Mr Wilson continued:

They put him in the ambulance. If you do not know about that situation, you can bleed out inside your stomach and have no external signs very quickly. What was a doctor in the back of an ambulance with a box full of blood going to do? That has been happening progressively since the change of government in Queensland—the blocking of the border—but that is nothing to do with this. It is a big, big problem, and that is just a taste of a little bit of what we found from New South Wales, and I look forward to making further remarks on further occasions.

The PRESIDENT: Thank you, Senator O'Neill. So you would like to keep that document alive by seeking to continue your remarks?

Senator O'NEILL: Yes, Mr President; I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Community Affairs References Committee
Report

Consideration resumed of the motion:

That the Senate take note of the report.

Senator POLLEY (Tasmania) (18:49): I want to make some comments in relation to the Community Affairs References Committee report, Palliative care in Australia—

The PRESIDENT: What number?

Senator POLLEY: Committee report No. 14 on today's Notice Paper. I just want to speak again, briefly, in relation to palliative care and the way our communities are changing. Our communities are not only demanding but deserve to have more options when it comes to palliative care, whether that is in an aged-care home or in an individual's home, or whether or not they have access to a hospice so that they can take that journey of the end of life in surroundings they want and with access to people that they want to spend those times with. I think there is still so much more that could be done.

CHAMBER
We do health pretty well in this country. We do palliative care very well in this country. But I think there is more that could be done.

It was rather disappointing during the federal election campaign in Tasmania—again, in the seat of Bass where I have some responsibility, which covers the north-east of Tasmania. We were fortunate enough to be able to make an election commitment to support the Northern Hospice campaign to have a stand-alone, ground-floor hospice with 10 beds in Launceston. The hospice committee, under the leadership of Barb Baker, have been campaigning for that for in excess of 10 years, after a facility closed in Launceston. Although there are four public beds available in Launceston, they are not on the ground floor. Although you are made to feel very welcome in the hospital that provides those four beds, I have to say: it is not the sort of environment that I would choose if I needed to have that palliative care. Certainly the community has expressed to me the reason I am such a strong advocate for a northern hospice: so that families have access 24 hours a day. Also, if you have it on the ground floor, you can have a garden. Families can come. They can share stories and that special time together, having a barbecue and feeling that it is more of a home situation.

Recently I was at a meeting to listen to the state Liberal minister's plan for health in Tasmania, and there were a number of people there who were asking questions about where the state government stood in relation to providing those services that are needed in the north of the state. It is unfortunate. At the last state election they did commit money and they have actually delivered on that commitment to have a look at whether or not a stand-alone, 10-bed hospice was warranted in the north of the state. In that report that was handed down and that the state Liberal government adopted they did not at any time give proper consideration to the impact on accident and emergency and at the acute hospital. Really, if you need palliative care, the last place you want to be is in an acute hospital. So, even though they funded that report and although there is still a very strong movement in the north of the state to have this hospice, we were not able to get the Liberal government during the federal election to match the funding that we committed so that northern Tasmanians could have this hospice.

Now, it is the last place you want to be—there is no doubt about that—but, as one of the women in the audience said, she was alone when she was looking after her husband. Trying to coordinate the services that are available to give that care at home was fairly difficult. I know there have been moves to change that and spoke about that earlier this week. But she said: 'The issue will become for me even greater because at least I was able to help with my husband and he was able to stay at home. But I have no family, so if I am in that same situation where I am going to need palliative care then I won't be able to stay in my own home.' So she would like to be able to go into a hospice where, as I said, it is on the ground floor, you have a garden and you have an area where family can come and go without being in an acute hospital.

There were a number of other contributions that night. So it is still very much an issue, and I sincerely hope that the government will take heed of this report, because it is extremely important.

And we have to remember palliative care is not just for older people. Unfortunately, there are too many children who have to have palliative care. Palliative care and the hospices that I have visited around the country can make such a huge difference, particularly in those last few days. When I was in Queensland a couple of years ago, I visited this wonderful hospice
It was quite ironic to go and see what they were doing, because they not only cared for those people and gave them palliative care but also ran counselling sessions for the families. They did things with the children so that they would understand the process that was happening with their mother or their father—their loved ones. It was an interesting story.

There was a lady there who had been in extreme pain and was suffering, but the one thing she wanted to do was to have contact with her son. It just so happened that he was in Risdon Prison Complex in Tasmania. I have a great deal of respect for the prison to have taken the action that they did in allowing her to have videoconferencing with Skype to say the things that she wanted to say to her son. I give full credit to the prison for allowing that to happen because of those people who had been caring for her. The way they spoke about how it had changed her last few days before the passed away is what hospices are all about. That not only was a benefit for her but was obviously a great benefit for her son, who was not able to see her or even to be at her funeral. So again they allowed him to participate via Skype.

Those sorts of actions can make a great deal of difference to somebody who is going through those final days, but we all know that palliative care can go on for month after month after month, and those people who deliver that palliative care have the utmost respect, I know, from all of us and particularly from those families that use those services. But I do stress and urge this government to consider funding for the northern hospice project that has been put before them. Before the previous election in 2013, they were supportive of the hospice. Both the incumbent Labor member and then the Liberal candidate at that time who became the member for Bass supported the hospice. The current Minister for Health in Tasmania before he was elected to government supported the northern hospice.

Economies, bureaucrats and dollars should not determine the sort of society that we live in. Sometimes governments have to do the right thing and provide the community with the things that they need. As far as I am concerned, we deserve nothing less than a world-class palliative care system in this country, and I urge this government to look again. I know that we have four Liberal senators from my home state and I have no doubt they have the same passion and commitment to people who need those services, so I ask them again to look at this project and to give the support that is needed in northern Tasmania to ensure that this hospice project comes to fruition.

**DOCUMENTS**

**Consideration**

The following order of the day relating to documents was considered:

Estimates hearings—Unanswered questions on notice—Additional estimates 2015-16—Statements pursuant to the order of the Senate of 25 June 2014—Foreign Affairs and Trade portfolio; Health portfolio; Tourism Australia. Motion to take note of documents moved by Senator Urquhart. Debate adjourned till Thursday at general business, Senator Urquhart in continuation.

Orders of the day nos 1 to 9 relating to documents were called on but no motion was moved.

**Committee Reports and Government Responses—Orders of the Day—Consideration**

The following orders of the day relating to committee reports and government responses were considered:

Environment and Communications Legislation Committee—Australian Broadcasting Corporation Amendment (Rural and Regional Advocacy) Bill 2015—Interim report. Motion to take note of report.
moved by Senator McKenzie. Debate adjourned till the next day of sitting, Senator McKenzie in continuation.


Health—Select Committee—Hospital funding cuts: the perfect storm – The demolition of Federal-State health relations 2014-2016—Final report. Motion to take note of report moved by Senator Polley and debated. Debate adjourned till the next day of sitting, Senator O'Neill in continuation.

Legal and Constitutional Affairs References Committee—Conditions and treatment of asylum seekers and refugees at the regional processing centres in the Republic of Nauru and Papua New Guinea—Interim report. Motion to take note of report moved by Senator Urquhart. Debate adjourned till the next day of sitting, Senator Urquhart in continuation.

Legal and Constitutional Affairs References Committee—Establishment of a national registration system for Australian paramedics to improve and ensure patient and community safety—Report. Motion to take note of report moved by Senator Macdonald and debated. Debate adjourned till the next day of sitting, Senator Polley in continuation.

Legal and Constitutional Affairs References Committee—Need for a nationally-consistent approach to alcohol-fuelled violence—Interim report. Motion to take note of report moved by Senator Urquhart. Debate adjourned till the next day of sitting, Senator Urquhart in continuation.

Economics References Committee—Personal choice and community impacts: the classification of publications, films and computer games (term of reference e)—Interim report. Motion to take note of report moved by Senator Leyonhjelm. Debate adjourned till the next day of sitting, Senator Leyonhjelm in continuation.

Economics References Committee—Personal choice and community impacts: the sale and use of tobacco, tobacco products, nicotine products and e-cigarettes (term of reference a)—Interim report. Motion to take note of report moved by Senator Leyonhjelm. Debate adjourned till the next day of sitting, Senator Leyonhjelm in continuation.

Economics References Committee—Personal choice and community impacts: sale and service of alcohol (term of reference b)—Interim report. Motion to take note of report moved by Senator Leyonhjelm. Debate adjourned till the next day of sitting, Senator Leyonhjelm in continuation.

Rural and Regional Affairs and Transport References Committee—Report—Industry structures and systems governing the imposition and disbursement of marketing and research and development (R&D) levies in the agriculture sector—Government response. Motion to take note of report moved by Senator McKenzie. Debate adjourned till the next day of sitting, Senator McKenzie in continuation.

Community Affairs References Committee—Report—Palliative care in Australia—Government response. Motion to take note of report moved by Senator Polley. Debate adjourned till the next day of sitting, Senator Polley in continuation.

Economics References Committee—Report—Interest rates and informed choice in the Australian credit card market—Government response. Motion to take note of report moved by Senator Urquhart. Debate adjourned till the next day of sitting, Senator Urquhart in continuation.

Australian Commission for Law Enforcement Integrity—Joint Statutory Committee—Jurisdiction of the Australian Commission for Law Enforcement Integrity—Report. Motion of Senator Smith to take note of report called on. On the motion of Senator Urquhart the debate was adjourned till the next day of sitting.

Foreign Affairs, Defence and Trade—Joint Standing Committee—A world without the death penalty: Australia's advocacy for the abolition of the death penalty—Report. Motion of Senator Smith
to take note of report called on. On the motion of Senator Urquhart the debate was adjourned till the next day of sitting.

Foreign Affairs, Defence and Trade—Joint Standing Committee—Food for thought: improving health and nutrition in the Indo-Pacific region—Report. Motion of Senator Smith to take note of report agreed to.


Migration—Joint Standing Committee—Seasonal change: Inquiry into the Seasonal Worker Programme—Report. Motion of Senator Smith to take note of report called on. On the motion of Senator Urquhart the debate was adjourned till the next day of sitting.

National Disability Insurance Scheme—Joint Standing Committee—Accommodation for people with disabilities and the NDIS—Report. Motion of Senator Urquhart to take note of report called on.

Orders of the day nos 1, 11 and 12 relating to committee reports and government responses were called on but no motion was moved.

Auditor-General's Reports—Orders of the Day—Consideration

Orders of the day nos 1 to 9 relating to reports of the Auditor-General were called on but no motion was moved.

ADJOURNMENT

The PRESIDENT (19:00): Order! There being no further consideration of committee reports, government responses and Auditor-General's reports, I propose the question:

That the Senate do now adjourn.

Racial Discrimination Act 1975

Senator HUME (Victoria) (19:01): I rise tonight to speak on the subject of section 18C of the Racial Discrimination Act. I believe that freedom of speech is, and always will be, the defining characteristic of democracy. A society where citizens are able to speak freely, both publicly and privately, without fear or favour, is a truly democratic one. In Australia we are incredibly lucky to have such a society, because, as we know, this is by no means the status quo around the world. We, on this side of the chamber, have traditionally been the custodians of the principle of freedom of speech, and it is a record of which I am incredibly proud.

In On Liberty, JS Mill writes that the principle of freedom of speech is incredibly important, almost as important as the concept of liberty of thought. Mill believed that in a democracy there should be 'absolute freedom of opinion and sentiment on all subjects, practical or speculative, scientific, moral or theological'. Freedom of speech is democracy. Like Mill, I consider the principle of freedom of speech to be fundamental. It is important to our nation and to our citizens but also to the world.

CHAMBER
I have watched with interest the recent developments in Queensland and Tasmania concerning freedom of speech. Tasmania’s draft changes to the state’s Anti-Discrimination Act were announced in late August. These proposed amendments would make it illegal to offend, humiliate, intimidate, insult or ridicule on the basis of—and there is quite a list—race, age, sexual orientation, lawful sexual activity, gender, gender identity, intersex, marital status, pregnancy, breastfeeding, parental status, family responsibilities and disability. There has been a great deal of debate around these proposed amendments, particularly around whether they go too far and whether they unduly stifle freedom of speech. I think this debate will continue for some time. But debate is good. Debate is a good thing.

I spoke yesterday, in my first speech, about the wisdom of crowds. Diverse groups of people with diverse opinions bring different views, different perspectives and different values to the table. They make better decisions together. They make better, more effective and more encompassing decisions than groups who share similar views. We are all aware that there are many differing views in Australian society on 18C, and it is undeniably an important issue. Reflective of society as we are, among my colleagues there are also different views on 18C. Some believe that 18C should remain as it currently stands. Others believe that the terms 'offend' and 'insult' should be removed. Some believe that section 18D, which lists the exemptions to 18C, is a sufficient counterbalance. Others believe that the 'reasonable person' test should be applied to both 18C and 18D. These are all differing views—all valid—and I believe they should all be debated, for the best result of that debate will reflect the wisdom of crowds.

I strongly believe that freedom of speech should be applied in debating the principle of freedom of speech. The regulation of free speech is a dangerous act. It is much easier to regulate something than to deregulate it. You cannot regulate what people think, as much as some covet the ability to do so. But I fully understand the government’s position on this matter. The government recognises the diverse range of community views on 18C, and it welcomes reasonable and legitimate debate on all sides of this issue. The government has also made it clear that it has no plans to bring forward amendments to 18C. There are other things to be done. There are pressing, urgent issues that must be addressed.

I thank the chamber for allowing me to speak freely on a matter of such importance. I am reminded of the often-misquoted words: ‘I disapprove of what you say but I will defend to the death your right to say it.’

Senate adjourned at 19:06

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.]

Civil Aviation Act 1988—

Civil Aviation Regulations 1988—Direction — number of cabin attendants (Alliance Airlines Pty Limited)—CASA 95/16 [F2016L01354].

Civil Aviation Safety Regulations 1998—

Exemption — DAMP requirements for maintenance organisations outside Australian territory—CASA EX132/16 [F2016L01358].
Exemption — from examiner proficiency check for flight examiner rating holders—CASA EX133/16 [F2016L01361].

Exemption — professional development program and approved course of professional development for flight examiners—CASA EX134/16 [F2016L01362].

Inspection, Test and Retirement—AD/GAS/1 Amdt 11 [F2016L01364].

Part 66 Manual of Standards Amendment Instrument 2016 (No. 5) [F2016L01357].

*Food Standards Australia New Zealand Act 1991*—

Food Standards (Application A1118 – Food derived from Herbicide-tolerant Corn Line MON87419) Variation [F2016L01363].


*Higher Education Support Act 2003*—Higher Education Support (Health Train Education Services Pty Ltd) VET Provider Approval Revocation 2016 [F2016L01366].


*National Health Act 1953*—National Health (Highly specialised drugs program) Special Arrangement Amendment Instrument 2016 (No. 8)—PB 76 of 2016 [F2016L01365].


*Veterans' Entitlements Act 1986*—

Statement of Principles concerning antiphospholipid syndrome (Balance of Probabilities)—No. 70 of 2016 [F2016L01352].

Statement of Principles concerning antiphospholipid syndrome (Reasonable Hypothesis)—No. 69 of 2016 [F2016L01348].

Statement of Principles concerning ganglion (Balance of Probabilities)—No. 72 of 2016 [F2016L01353].

Statement of Principles concerning ganglion (Reasonable Hypothesis)—No. 71 of 2016 [F2016L01356].

Statement of Principles concerning incisional hernia (Balance of Probabilities)—No. 74 of 2016 [F2016L01349].

Statement of Principles concerning incisional hernia (Reasonable Hypothesis) (No. 73 of 2016)—No. 73 of 2016 [F2016L01350].

**Tabling**

The following documents were tabled by the Clerk pursuant to order of the Senate of 20 June 2001, as amended:

- Entity contracts for 2015-16—Letters of advice—
- Attorney General's portfolio.
- Defence portfolio.
- Education and Training portfolio.
- Foreign Affairs and Trade portfolio.
- Treasury portfolio.