INTERNET
The Journals of the Senate are available at

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the Senate and committee hearings are available at

For searching purposes use
http://parlinfo.aph.gov.au

SITTING DAYS—2014

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
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<tbody>
<tr>
<td>February</td>
<td>11, 12, 13</td>
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<tr>
<td>March</td>
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<tr>
<td>June</td>
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<td>September</td>
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<td>October</td>
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<td>November</td>
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<tr>
<td>December</td>
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RADIO BROADCASTS
Broadcasts of proceedings of the Parliament can be heard on ABC NewsRadio in the capital cities on:

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<th>City</th>
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<td>CANBERRA</td>
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<td>PERTH</td>
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<td>SYDNEY</td>
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For information regarding frequencies in other locations please visit
http://www.abc.net.au/newsradio/listen/frequencies.htm
FORTY-FOURTH PARLIAMENT
FIRST SESSION—FOURTH PERIOD

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

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

Senate Party Leaders and Whips
Leader of the Liberal Party in the Senate—Senator Hon. Eric Abetz
Deputy Leader of the Liberal Party in the Senate—Senator Hon. George Henry Brandis QC
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 the Hon Penny Wong
Deputy Leader of the Opposition in the Senate—Senator the Hon Stephen Conroy
Leader of the Australian Greens—Senator Christine Anne Milne
Leader of the Palmer United Party in the Senate—Senator Glenn Patrick Lazarus
Chief Government Whip—Senator David Christopher Bushby
Deputy Government Whips—Senators David Julian Fawcett and Anne Sowerby Ruston
The Nationals Whip—Senator Barry James O’Sullivan
Chief Opposition Whip—Senator Anne McEwen
Deputy Opposition Whips—Senators Catryna Louise Bilyk and Anne Elizabeth Urquhart
Australian Greens Whip—Senator Rachel Siewert
Palmer United Party Whip—Senator Zhenya Wang

Printed by authority of the Senate
<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz, Hon. Eric</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Back, Christopher John</td>
<td>WA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Bernardi, Cory</td>
<td>SA</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Bilyk, Catryna Louise</td>
<td>TAS</td>
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<td>ALP</td>
</tr>
<tr>
<td>Birmingham, Hon. Simon John</td>
<td>SA</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Brandis, Hon. George Henry, QC</td>
<td>QLD</td>
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<td>LP</td>
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<tr>
<td>Brown, Carol Louise</td>
<td>TAS</td>
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<tr>
<td>Bullock, Joseph Warrington</td>
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<td>ALP</td>
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<tr>
<td>Bushby, David Christopher</td>
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<td>30.6.2020</td>
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<tr>
<td>Cameron, Hon. Douglas Niven</td>
<td>NSW</td>
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<td>ALP</td>
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<tr>
<td>Canavan, Matthew James</td>
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<tr>
<td>Carr, Hon. Kim John</td>
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<td>30.6.2017</td>
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<tr>
<td>Cash, Hon. Michaelia Clare</td>
<td>WA</td>
<td>30.6.2020</td>
<td>LP</td>
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<tr>
<td>Colbeck, Hon. Richard Mansell</td>
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<tr>
<td>Collins, Hon. Jacinta Mary Ann</td>
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<td>ALP</td>
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<tr>
<td>Conroy, Hon. Stephen Michael</td>
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<td>30.6.2017</td>
<td>ALP</td>
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<tr>
<td>Cormann, Hon. Mathias Hubert Paul</td>
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<tr>
<td>Dastyari, Sam</td>
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<tr>
<td>Day, Robert John</td>
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<td>Di Natale, Richard</td>
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<td>Edwards, Sean</td>
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<tr>
<td>Faulkner, Hon. John Philip</td>
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<td>Fawcett, David Julian</td>
<td>SA</td>
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<tr>
<td>Fierravanti-Wells, Hon. Concetta Anna</td>
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<td>30.6.2017</td>
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<td>Fifield, Hon. Mitchell Peter</td>
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<td>30.6.2020</td>
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<tr>
<td>Gallacher, Alexander McEachian</td>
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<td>Hanson-Young, Sarah Coral</td>
<td>SA</td>
<td>30.6.2020</td>
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<tr>
<td>Heffernan, Hon. William Daniel</td>
<td>NSW</td>
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<tr>
<td>Johnston, Hon. David Albert Lloyd</td>
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<td>30.6.2020</td>
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<tr>
<td>Ketter, Christopher Ronald</td>
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<td>30.6.2020</td>
<td>ALP</td>
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<td>Lambie, Jacqui</td>
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<td>30.6.2020</td>
<td>IND</td>
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<td>Lazarus, Glenn Patrick</td>
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<td>Leyonhjelm, David Ean</td>
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<td>30.6.2020</td>
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<tr>
<td>Lundy, Kate Alexandra</td>
<td>ACT</td>
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<tr>
<td>Macdonald, Hon. Ian Douglas</td>
<td>QLD</td>
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<td>Madigan, John Joseph</td>
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<td>Marshall, Gavin Mark</td>
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<td>Mason, Hon. Brett John</td>
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<td>McEwen, Anne</td>
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<td>McGrath, James</td>
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<td>McKenzie, Bridget</td>
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<td>30.6.2017</td>
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<tr>
<td>McLucas, Hon. Jan Elizabeth</td>
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<td>Milne, Christine Anne</td>
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<td>AG</td>
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<td>Moore, Claire Mary</td>
<td>QLD</td>
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<tr>
<td>Muir, Ricky Lee</td>
<td>VIC</td>
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<td>Nash, Hon. Fiona Joy</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>NATS</td>
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</table>
Senator  | State or Territory | Term expires | Party  
---|---|---|---
O'Neill, Deborah Mary | NSW | 30.6.2020 | ALP  
O'Sullivan, Barry James | QLD | 30.6.2020 | NATS  
Parry, Stephen Shane | TAS | 30.6.2017 | LP  
Payne, Hon. Marise Ann | NSW | 30.6.2020 | LP  
Peris, Nova Maria OAM | NT | 30.6.2017 | ALP  
Polley, Helen Beatrice | TAS | 30.6.2017 | ALP  
Reynolds, Linda Karen CSC | WA | 30.6.2020 | LP  
Rhiannon, Lee | NSW | 30.6.2017 | AG  
Rice, Janet Elizabeth | VIC | 30.6.2020 | AG  
Ronaldson, Hon. Michael | VIC | 30.6.2017 | LP  
Ruston, Anne Sowerby | SA | 30.6.2017 | LP  
Ryan, Hon. Scott Michael | VIC | 30.6.2020 | LP  
Scullion, Hon. Nigel Gregory | NT | 30.6.2020 | CLP  
Seselja, Zdenko Matthew | ACT | 30.6.2017 | LP  
Siewert, Rachel Mary | WA | 30.6.2017 | AG  
Singh, Hon. Lisa Maria | TAS | 30.6.2017 | ALP  
Sinodinos, Hon. Arthur | NSW | 30.6.2020 | LP  
Smith, Dean Anthony | WA | 30.6.2017 | LP  
Sterle, Glenn | WA | 30.6.2017 | ALP  
Urquhart, Anne Elizabeth | TAS | 30.6.2017 | ALP  
Wang, Zhenya | WA | 30.6.2020 | PUP  
Waters, Larissa Joy | QLD | 30.6.2017 | AG  
Whish-Wilson, Peter Stuart | TAS | 30.6.2020 | AG  
Williams, John Reginald | NSW | 30.6.2020 | NATS  
Wong, Hon. Penelope Ying Yen | SA | 30.6.2020 | ALP  
Wright, Penelope Lesley | SA | 30.6.2017 | AG  
Xenophon, Nicholas | SA | 30.6.2020 | IND  

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

<table>
<thead>
<tr>
<th>Territory</th>
<th>Senator</th>
<th>Party</th>
<th>Senator</th>
<th>Party</th>
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<tr>
<td>Australian Capital Territory</td>
<td>Lundy, K.</td>
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<td>Seselja, Z.M.</td>
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<tr>
<td>Northern Territory</td>
<td>Scullion, N. G.</td>
<td>CLP</td>
<td>Peris, N.M.</td>
<td>ALP</td>
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</table>

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

**PARTY ABBREVIATIONS**

Heads of Parliamentary Departments

Clerk of the Senate—R Laing
Clerk of the House of Representatives—D Elder
Secretary, Department of Parliamentary Services—C Mills
Parliamentary Budget Officer—P Bowen
<table>
<thead>
<tr>
<th>Title</th>
<th>Minister</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prime Minister</td>
<td>The Hon Tony Abbott MP</td>
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<tr>
<td>Minister for Indigenous Affairs</td>
<td>Senator the Hon Nigel Scullion</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for the Public Service</td>
<td>Senator the Hon Eric Abetz</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for Women</td>
<td>Senator the Hon Michaelia Cash</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon Josh Frydenberg MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon Alan Tudge MP</td>
</tr>
<tr>
<td>Minister for Infrastructure and Regional Development (Deputy Prime Minister)</td>
<td>The Hon Warren Truss MP</td>
</tr>
<tr>
<td>Assistant Minister for Infrastructure and Regional Development</td>
<td>The Hon Jamie Briggs MP</td>
</tr>
<tr>
<td>Minister for Foreign Affairs</td>
<td>The Hon Julie Bishop MP</td>
</tr>
<tr>
<td>Minister for Trade and Investment</td>
<td>The Hon Andrew Robb AO MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Foreign Affairs</td>
<td>Senator the Hon Brett Mason</td>
</tr>
<tr>
<td>Minister for Employment (Leader of the Government in the Senate)</td>
<td>Senator the Hon Eric Abetz</td>
</tr>
<tr>
<td>Assistant Minister for Employment (Deputy Leader of the House)</td>
<td>The Hon Luke Hartsuyker MP</td>
</tr>
<tr>
<td>Attorney-General</td>
<td>Senator the Hon George Brandis QC</td>
</tr>
<tr>
<td>Minister for the Arts (Vice-President of the Executive Council)</td>
<td>Senator the Hon George Brandis QC</td>
</tr>
<tr>
<td>(Deputy Leader of the Government in the Senate)</td>
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</tr>
<tr>
<td>Minister for Justice</td>
<td>The Hon Michael Keenan MP</td>
</tr>
<tr>
<td>Treasurer</td>
<td>The Hon Joe Hockey MP</td>
</tr>
<tr>
<td>Minister for Small Business</td>
<td>The Hon Bruce Billson MP</td>
</tr>
<tr>
<td>Acting Assistant Treasurer</td>
<td>Senator the Hon Mathias Cormann</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon Steven Ciobo MP</td>
</tr>
<tr>
<td>Minister for Agriculture (Leader of the House)</td>
<td>The Hon Barnaby Joyce MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Agriculture</td>
<td>Senator the Hon Richard Colbeck</td>
</tr>
<tr>
<td>Minister for Education (Leader of the House)</td>
<td>The Hon Christopher Pyne MP</td>
</tr>
<tr>
<td>Assistant Minister for Education</td>
<td>The Hon Sussan Ley MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Education</td>
<td>Senator the Hon Scott Ryan</td>
</tr>
<tr>
<td>Minister for Industry</td>
<td>The Hon Ian Macfarlane MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Industry</td>
<td>The Hon Bob Baldwin MP</td>
</tr>
<tr>
<td>Minister for Social Services</td>
<td>The Hon Kevin Andrews MP</td>
</tr>
<tr>
<td>Assistant Minister for Social Services (Manager of Government Business in the Senate)</td>
<td>Senator the Hon Mitch Fifield</td>
</tr>
<tr>
<td>Minister for Human Services</td>
<td>Senator the Hon Marise Payne</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Social Services</td>
<td>Senator the Hon Concetta Fierravanti-Wells</td>
</tr>
<tr>
<td>Minister for Communications</td>
<td>The Hon Malcolm Turnbull MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Communications</td>
<td>The Hon Paul Fletcher MP</td>
</tr>
<tr>
<td>Minister for Health</td>
<td>The Hon Peter Dutton MP</td>
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<tr>
<td>Minister for Sport</td>
<td>The Hon Peter Dutton MP</td>
</tr>
<tr>
<td>Assistant Minister for Health</td>
<td>Senator the Hon Fiona Nash</td>
</tr>
<tr>
<td>Title</td>
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<tr>
<td>----------------------------------------------------------------------</td>
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</tr>
<tr>
<td><strong>Minister for Defence</strong></td>
<td>Senator the Hon David Johnston</td>
</tr>
<tr>
<td>Minister for Veterans' Affairs</td>
<td>Senator the Hon Michael Ronaldson</td>
</tr>
<tr>
<td><em>Minister Assisting the Prime Minister for the Centenary of ANZAC</em></td>
<td><em>Senator the Hon Michael Ronaldson</em></td>
</tr>
<tr>
<td>Assistant Minister for Defence</td>
<td>The Hon Stuart Robert MP</td>
</tr>
<tr>
<td><em>Parliamentary Secretary to the Minister for Defence</em></td>
<td><em>The Hon Darren Chester MP</em></td>
</tr>
<tr>
<td><strong>Minister for the Environment</strong></td>
<td>The Hon Greg Hunt MP</td>
</tr>
<tr>
<td><em>Parliamentary Secretary to the Minister for the Environment</em></td>
<td><em>Senator the Hon Simon Birmingham</em></td>
</tr>
<tr>
<td><strong>Minister for Immigration and Border Protection</strong></td>
<td>The Hon Scott Morrison MP</td>
</tr>
<tr>
<td>Assistant Minister for Immigration and Border Protection</td>
<td>Senator the Hon Michaelia Cash</td>
</tr>
<tr>
<td><strong>Minister for Finance</strong></td>
<td>Senator the Hon Mathias Cormann</td>
</tr>
<tr>
<td>Special Minister of State</td>
<td>Senator the Hon Michael Ronaldson</td>
</tr>
<tr>
<td><em>Parliamentary Secretary to the Minister for Finance</em></td>
<td><em>The Hon Michael McCormack MP</em></td>
</tr>
</tbody>
</table>

Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. However, there is a Department of Human Services in the Social Services portfolio and a Department of Veterans' Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases.
## SHADOW MINISTRY

<table>
<thead>
<tr>
<th>Title</th>
<th>Shadow Minister</th>
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</thead>
<tbody>
<tr>
<td><strong>Leader of the Opposition</strong></td>
<td>Hon Bill Shorten MP</td>
</tr>
<tr>
<td>Shadow Minister Assisting the Leader for Science</td>
<td>Senator the Hon Kim Carr</td>
</tr>
<tr>
<td>Shadow Minister Assisting the Leader for Small Business</td>
<td>Hon Bernie Ripoll MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Small Business</td>
<td>Julie Owens MP</td>
</tr>
<tr>
<td>Shadow Cabinet Secretary</td>
<td>Senator the Hon Jacinta Collins</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary to the Leader of the Opposition</td>
<td>Hon Michael Danby MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary to the Leader of the Opposition</td>
<td>Dr Jim Chalmers MP</td>
</tr>
<tr>
<td><strong>Deputy Leader of the Opposition</strong></td>
<td>Hon Tanya Plibersek MP</td>
</tr>
<tr>
<td>Shadow Minister for Foreign Affairs and International Development</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Women</td>
<td>Senator Claire Moore</td>
</tr>
<tr>
<td>Manager of Opposition Business (Senate)</td>
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</tr>
<tr>
<td>Shadow Minister for the Centenary of ANZAC</td>
<td>Hon David Feeney MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Foreign Affairs</td>
<td>Hon Matt Thistlethwaite MP</td>
</tr>
<tr>
<td><strong>Leader of the Opposition in the Senate</strong></td>
<td>Senator the Hon Penny Wong</td>
</tr>
<tr>
<td>Shadow Minister for Trade and Investment</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Trade and Investment</td>
<td>Dr Jim Chalmers MP</td>
</tr>
<tr>
<td><strong>Deputy Leader of the Opposition in the Senate</strong></td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Defence</td>
<td>Hon David Feeney MP</td>
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Wednesday, 3 December 2014

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: A document is tabled pursuant to statute. Details will be recorded in the Journals of the Senate and on the Dynamic Red.

Details of the document also appear at the end of today’s Hansard.

COMMITTEES

Legal and Constitutional Affairs References Committee

Trade and Investment Growth Committee

Meeting

The Clerk: Proposals have been lodged as follows: by the Legal and Constitutional Affairs References Committee for a private meeting during the sitting of the Senate today, from 11.30 am, and by the Joint Select Committee on Trade and Investment Growth, for a private meeting during the sitting of the Senate on 4 December, from 9.30 am.

The PRESIDENT (09:31): I remind senators that the question may be put on any proposal at the request of any senator.

CONDOLENCES

Hughes, Mr Phillip Joel

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (09:31): Mr President, I seek leave to make a short statement of no longer than five minutes relating to the death of Phillip Hughes.

Leave granted.

Senator ABETZ: Australia was shaken last week when one of our fine young sportsmen was injured in tragic circumstances on the field and later succumbed to his injuries. He would have turned 26 last Sunday. Today, in Macksville, his family and friends are gathering to farewell Phillip Joel Hughes. His death in such a public manner, pursuing our national game, has affected many, many Australians and many others abroad.

Phillip Hughes showed his talent on the pitch at a very young age. He played at club and state level and then, aged just 20, received his Australian baggy green. He played for two states, New South Wales and South Australia; he played in the Indian Premier league; and he played for three English county sides, Middlesex, Hampshire and Worcestershire. Phillip Hughes was the youngest player to score twin centuries in a test, before his 21st birthday. He scored a century on his county debut at Lord's.

The reaction to his death has been spontaneous and heartfelt. Phillip Hughes was not only a remarkable cricketer but, by all reports, a modest and engaging young man. The regard in which he was held has been echoed by his team mates and those he played against both in
Australia and across the globe. The circumstances of the injury which led to his death are simply tragically unfortunate. No blame or fault can be laid at the feet of the bowler. Indeed, our thoughts and prayers reach out to the bowler, who was doing nothing other than his professional best. Expert medical commentators have stated how the chance of an injury of this nature having this devastating effect was so remote as to be unforeseeable.

As has been said, in the midst of life we are in death. We express our deepest sympathy to his family on the death of their beloved son. We think of his teammates, who are grappling with the removal from their midst of a gentle, kind young Australian man who loved the country and who had prodigious natural talent. Of all the heart-rending tributes we have seen over the last few days, for me the most moving was from a lady who lives in Macksville and saw him grow up. She said, with poignant simplicity, 'He was a lovely young man.' On behalf of the government, I extend sympathy to the family of Phillip Joel Hughes. May he rest in peace.

**Senator Faulkner** (New South Wales) (09:34): Mr President, I seek leave to speak on behalf of the opposition about the death of Phillip Hughes.

Leave granted.

**Senator Faulkner:** I thank the Senate and I thank my colleagues for this opportunity to speak on their behalf. Phillip Joel Hughes was a cricketer from humble origins with an unorthodox batting technique but a prodigious talent. He reminded us of a time when sport was less professional, less formulaic than it is today. It is perhaps why his career was so exhilarating. It is perhaps why his death is so sobering.

Phillip Hughes grew up on a banana plantation in the tiny town of Macksville on the mid-North Coast of New South Wales. Country New South Wales has produced and nurtured many fine cricketers, like Charlie Turner of Bathurst, Don Bradman of Bowral, Stan McCabe of Grenfell, Bill O'Reilly of Wingello, and Arthur Morris and Dougie Walters, both from Dungog; from another generation, the products of Wagga Wagga, Geoff Lawson, Mark Taylor and Michael Slater; and, more recently again, another North Coast of New South Wales lad, Adam Gilchrist.

It was in Macksville that Phillip Hughes developed his unorthodox approach to batting, playing against his brother in the backyard. Then, and until last Thursday, perhaps to the purist he never quite looked the part. Where most batsmen step across the crease, weight forward, Phillip Hughes would step towards square leg and look to play through the offside. It is said that his onside shots were blocked by the side of the family home, perhaps the reason he was so renowned for his offside play. Maybe the purists were right—his batting was not from the textbook—but he could play. He could really play. You might question the method, but never the result.

Phillip Hughes was playing adult cricket by the age of 12, and aged just 17 he moved to Sydney to play grade for Western Suburbs. He scored 141 on debut, and so word spread about a country boy with a unique style, scoring big in grade cricket, and that word was heard. Selectors took a look for themselves. A year later, aged just 18, Phillip Hughes was selected to play for New South Wales, where, once more, the talent and temperament overcame tradition and technique. He scored 559 runs at an average of 62.11 for New South Wales in his debut season. He became the second fastest player in New South Wales to score 1,500 in
first-class cricket—the fastest was Donald Bradman, a boy from Bowral. At 19, he was the youngest player to make a century in a Sheffield Shield final. A place in the national side beckoned.

In 2009, Phillip Hughes got his break. He was selected to tour South Africa. Against the fierce pace bowling of Morne Morkel and Dale Steyn, he initially faltered, out for a duck in the first innings of the first test, playing an outrageous shot to a short-pitched delivery. He recovered with a steady knock of 75 runs in the second innings. But, in the second test of that tour, in Durban, he emphatically answered those who wondered whether test cricket was beyond him, by scoring a century into each innings, the youngest man ever to do so. There was a refreshing audacity and vitality to a player barely out of his teens against what was then the best bowling attack in the world, boldly hitting successive sixes to bring up a maiden test century. He scored 115 in the first innings and 160 in the second, helping Australia to an unlikely series victory.

In the afterglow of those sparkling innings, Peter Roebuck wrote:

He can defend and he can lash. He is going to score buckets. He has figured out the odds, knows the angles, trusts his eye and likes batting. His technique may be homespun but that does not mean it does not work. He has fast eyes, feet and wits.

These were thrilling innings, full of promise, but a less successful Ashes campaign was to follow, where, in the dim light of a northern summer, the English bowlers targeted Phillip Hughes with short-pitched bowling. He spent the next five years in and out of the test side. There were brief hints of brilliance, portents of what many thought would be a long career: a dazzling debut century in a one-day match, a patient hundred against Sri Lanka away from home, a dogged and mature last-wicket stand in Trent Bridge—an epic that turned the match on its head. But he was inconsistent, and at each missed step he was asked to return to Shield cricket to work on his technique and make runs, and each time he did so, patiently and graciously, never envious of the success of others. After all, he was a young man; there was plenty of time. Many thought that Phillip Hughes's patience, grace and talent would be rewarded this very week with a recall to the test side. His death last week reminds us all of our own mortality—how uncertain and tenuous our grip on life can be.

I cannot pretend to have known Phillip Hughes well, having only had one substantial conversation with him, when he came to Reg Bartley Oval in Rushcutters Bay to give of his time and his support to the cricket charity the LBW Trust. I know many who did know him well, and they all say that he was modest, courteous, with no airs and graces—still very much the kid who made the big time and could not quite believe it. Phillip Hughes was a cricketer of immense talent, but, perhaps of greater importance, he was a fine young man. He denied no youngster his advice or his time.

As a family, as friends, as teammates, as the cricket community and as the nation mourn the loss of Phillip Hughes, our thoughts also turn to Sean Abbott and the terrible aberration and impact of just another of the countless balls he would have bowled over many years of practice and play. Of course there was no ill motivation but sheer, sheer, awful bad luck. My hope is that Sean—with the support of friends, family and the cricket community—will continue to play and prosper in cricket at the highest levels.

It is, at best, a bitter consolation that Phillip Hughes died doing what he loved, but it is some consolation. He was 25 years old. He was 63 not out. The scorebook will show he will remain forever 63 not out. The outpouring of grief of his passing is a matter I have not
previously witnessed for any other sportsman. It will be apparent to all in this chamber that
the death of this young man has reached beyond that moment at the Sydney Cricket Ground,
and has reached well beyond cricket. In part, this is because of the quality of the
overwhelmingly sensitive and appropriate coverage by the Australian media of this terrible
tragedy. I acknowledge the respect that they have shown. I also acknowledge the Australian
cricket team and Cricket Australia. They have been magnificent in the most difficult of
circumstances.

You do not have to have known Phillip Hughes to have shed tears. I know of many who
have wept at the sheer unfairness of his passing. Phillip has not been gifted with all those
extra years to define his cricket career and his life. We have with his death an inkling of what
it meant to Australia when we lost Victor Trumper and Archie Jackson. Nor should we forget
the two young test cricketers who died in wars in Australian uniform, 'Tibby' Cotter and Ross
Gregory.

Death should not come to the young. We grieve for who Phillip was and we grieve for
what he might have been. Cricket will never be quite the same. What happens now is in the
hands of the players, the umpires, the administrators and the wider family of cricket lovers.
That is surely as it should be. Cricket belongs to those who love the game. My sincere
condolences and the condolences of those I speak on behalf of today go to the family and
friends of Phillip Hughes and to all in Australian cricket, and beyond, who mourn his loss.

Senator MILNE (Tasmania—Leader of the Australian Greens) (09:45): by leave—On
behalf of the Australian Greens, I join with Senator Abetz and Senator Faulkner in expressing
profound sadness at the tragic death of outstanding young Australian cricketer Phillip Hughes,
the 408th Australian selected to wear the beloved baggy green for his country. Today we send
our love and thoughts to his family, to his team mates, to the extended cricket family and to
the community in Macksville, as we join them in mourning the tragic death, but also
celebrating the life, of Phillip Joel Hughes.

Cricket is a much loved national sport for both players and spectators. It brings us all so
much joy. But this tragic event brings us an overwhelming feeling of sadness and a coming-
together to pay tribute to a wonderful young Australian. The Greens also send our support to
Sean Abbott and to all other cricketers around the country. The nation is sending you strength
as you reassess your engagement with this great game.

As a mother, I dropped off my son at cricket for years, helped to unpack the bag, wash the
cricket whites—going through the whole saga that families go through from one end of the
country to the other as they pack up their sons and daughters to get to cricket practice and
cricket games. Every time I dropped him off, I never thought that he would die playing the
sport that he loved. It does not enter your head as a family as you drop off someone and go
through this ritual. No doubt it is exactly the same for families everywhere, including the
Hughes family. No doubt, as the family sat in the stands, their great stress for the day was
whether he would play well enough to make it back into the Australian team. And by the end
of the day tragedy had struck.

I think that is in part why we all find it so profoundly sad—because of its randomness. This
tragedy could have hit any cricketing family anywhere, anyone's son or daughter, at any time.
That is why we want the Hughes family to know that we care about what has happened to
them and we share their grief and send them support. We have enormous respect for Phillip
Hughes as a cricketer, but we also want them to know that we recognise he was a much loved son, and we send them our condolence.

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (09:48): by leave—I rise to speak today on behalf of the Nationals in this place to remember the life of Phillip Hughes. Our thoughts are with his family and friends and the Australian cricket community on what must be a very difficult day today. Phillip Hughes was born in Macksville in 1988 and grew up in the community playing sport. As with so many young Australians, it was such an important part of his childhood. He excelled at rugby league as well as cricket, before moving to Sydney as a 17-year-old to play for the Western Suburbs grade cricket team. From there, Phil's talent and hard work delivered outstanding results on the cricket pitch. He walked on for New South Wales at age 18, scored a century in a one-day final at 19 and made his test debut for Australia at age 20. What an incredible achievement. What an honour for him and his family it must have been to see him awarded baggy green No. 408.

Phil Hughes was a tremendous Australian who inspired so many young people in this country, not only through his outstanding ability but also because of his down to earth and humble character. He will be remembered by all who knew him as a genuine good bloke. The effect Phil's tragic death has had on the cricket community, as well as the broader community in Australia and around the world, shows us the impact this young Australian had already made. The touching tributes that have been flowing in from our Australian cricket captain, Michael Clarke, from the New Zealand and Pakistani cricket teams who have been playing this week, from junior cricketers and from the wider community, show how much this tragedy has not only rocked the sport but also impacted on us all. It is fitting that the Australian cricket team has retired his one-day number, 64, so we can always acknowledge his special place in Australian cricket. Today is a sad day but also a day to celebrate Phil Hughes's outstanding contribution. Our thoughts are with his family and friends.

The PRESIDENT: I ask senators to stand in silence as a mark of respect for Phil Hughes.

Honourable senators having stood in their places—

The PRESIDENT: I thank the Senate.

BUSINESS

Consideration of Legislation

Senator LAMBIE (Tasmania) (09:52): I ask leave to move a motion relating to the conduct of the business of the Senate, namely a motion to give precedence to general business order of the day No. 52 for private senators' bills relating to the Defence Force Amendment (Fair Pay for Members of the ADF) Bill 2014.

Leave not granted.

Senator LAMBIE: Pursuant to contingent notice, I move:

That so much of the standing orders be suspended as would prevent Senator Lambie moving a motion relating to the conduct of business of the Senate, namely a motion to give precedence to general business order of the day No. 52 for private senators' bills relating to the Defence Force Amendment (Fair Pay for Members of the ADF) Bill 2014.
Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (09:53): The government does not support the suspension of standing orders. We are now in the last two days of the parliamentary sitting. There is an orderly agenda before us and I simply put to senators that if we are going to have, yet again, another hijacking of the agenda in this the last week as a result of various coalitions of convenience across the chamber, I think we are doing ourselves a disservice in the management of not only this place but also the agenda and the matters the Australian people wish us to deal with.

Let us not fabricate any difference in this place about who cares for the welfare of the Australian Defence Force. We all do. As a cabinet minister I live with that responsibility every day, as does the Prime Minister and as does the Minister for Defence. I trust we all live with that responsibility.

The reality is, in relation to Defence pay, that Australia is burdened with an interest bill of $1,000 million a month, and that is being borrowed simply to pay the interest on the debt that has already been sustained. All spending has to be sustainable, even Defence spending. It is just not feasible to borrow even more money to pay for higher wages. The government needs to find an additional $16,000 million just to replace that which Labor stripped out of Defence during their six years in government.

In answer to a question earlier this week, I indicated what the CPI increases were and what the actual wage increases were for the Public Service, and over the last decade there was a differential of 14 per cent—the wage increases being 42 per cent and CPI 28 per cent. In relation to the ADF, just on wages the differential is some 10 per cent, and that does not take into account the, in general terms, quite generous allowances that do come with Defence Force service.

I also say to honourable senators who might be attracted to this proposition that the Remuneration Tribunal itself has said that it has a long-held view that setting remuneration for one office by reference to another office does not lead to defensible or meaningful wage outcomes. If we want to start setting wages in this place, we can get rid of the Fair Work Commission, get rid of the Remuneration Tribunal and get rid of the Defence Force Remuneration Tribunal.

Senator Cameron: You're trying to get rid of it anyway!

The PRESIDENT: Order on my left!

Senator ABETZ: We get a churlish, silly interjection, as we always expect, from Senator Cameron, but does he actually want the parliament to set wages? That is the issue—and now he falls silent. Of course he does not want to. If we do not want the parliament to set wages, then we should not come rushing in here with populist agendas to try to get wage increases. It is interesting that in this bill we do not have the reverse—that parliamentary salaries should, as a matter of fact, be linked to CPI. The financial situation in this country, regrettably, meant that I was duty-bound on behalf of the government to go to the Remuneration Tribunal and say that parliamentarians, secretaries, the Chief of the Defence Force and the Minister for Defence must all have any wage increases that were to come to them frozen and, for this coming year, set at zero. Why did we do that? Because the money simply is not there. When
we seek to make more generous payments to anyone in Australia, that money first has to come out of the pocket of one of our fellow Australians.

In summary, there is an agenda that needs to be dealt with here. We do not want the parliament setting people's wages when there are remuneration tribunals and other tribunals designed to do that. I invite senators to oppose the motion. *(Time expired)*

**Senator LAMBIE** (Tasmania) (09:58): Mr President, I seek leave to speak on the motion. Leave not granted.

**Senator WONG** (South Australia—Leader of the Opposition in the Senate) (09:58): Mr President, I seek leave to make a one-minute statement.

Leave granted.

**Senator WONG:** I would ask the government to reconsider the courtesy. The senator thought she would be called again after the motion was moved. It was a genuine mistake. Regardless of what people's views are about the merits of the motion, it is Senator Lambie's motion and I would invite the government to extend a little courtesy to allow the senator to speak on the motion she has moved. It would be very churlish not to, I would suggest.

**Senator ABETZ** (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (09:59): I seek leave to make a one-minute statement.

Leave granted.

**Senator ABETZ:** Mr President, regrettably, Senator Lambie's former party has form in this place of moving procedural and other motions and not speaking to them by design. That is what we thought Senator Lambie was doing yet again, and now Senator Wong sees a genuine mistake without even having spoken to Senator Lambie. So here we are, having the opposition championing on the cause of Senator Lambie. Senator Lambie has now been in this place for a number of months and should be aware of the procedures. If Senator Lambie did not know that she should have spoken to her motion when she moved it, so be it. Let her acknowledge that. As the government we would be prepared to extend the courtesy to her.

**Senator LAMBIE** (Tasmania) (10:00): I seek leave to make a short statement for a minute to explain.

Leave granted.

**Senator LAMBIE:** I have to say that I thought I would get a chance to speak on this, but obviously Senator Abetz has jumped straight up—there is no doubt about that. Out of common courtesy—

**Senator Abetz:** You sat down.

**The PRESIDENT:** Order on my right. Senator Lambie has a right to speak. Order on my left as well. Senator Cameron. Senator Conroy.

**Senator LAMBIE:** I do not apologise to Senator Abetz. I doubt that in his first 5½ months he put up a bill. I do not have a big party behind me and so I do not have that impact. I am asking you to give me a fair go and show me some courtesy over this and let me speak for five minutes. More importantly, this is not about me; this is about the men and women who wear the uniform. You know it and I know it. The reason you do not want me to speak is
that you are blocking the remuneration package of $121 million that these men and women are looking for. You have a part in taking away this money away from them. Not allowing me five minutes on the floor is all over—over the ego of your own party and yourself.

The PRESIDENT: Before I move to anyone else, I want to clarify what exactly has happened in this chamber. Senator Lambie sought the call, and leave was denied. Then Senator Lambie, and it is her right, moved a motion to suspend standing orders. I particularly noted Senator Lambie sitting down; I paused; then Senator Abetz rose to his feet and he spoke. In fact, I started to call the question, thinking no-one was going to speak. That is exactly what happened and let us not have a different portrayal of events. Everyone has legitimately sought the call and been given the call at the appropriate time. Now we have the situation where leave, I understand, has now been granted for Senator Lambie to speak for five minutes, because Senator Lambie has indicated that she inadvertently made a mistake. Senator Lambie, you have the call.

Senator LAMBIE (Tasmania) (10:03): The Defence Amendment (Fair Pay for Members of the ADF) Bill 2014 is a critical and important piece of legislation, which deserves precedence and priority to the other general business of this Senate. As the title of the bill indicates, if this legislation is passed by this parliament, it will guarantee that the men and women of our Defence Force receive a fair pay rise, rather than an effective pay cut in the near future—perhaps before Christmas.

Apart from Liberal and National Party members, who have wrong-headed priorities and twisted loyalties to political parties and who have not fought hard enough in their party rooms for their ADF families, who would want to stop this parliament from immediately debating and passing legislation that provides a solution to the ADF pay crisis, created by Australia’s Prime Minister and Defence Minister? What debate could be more important than a debate that fundamentally affects the national security of Australia? If we do not have national security, then we do not have anything.

As the Senate, we daily choose to debate to pass or not legislation which affects education, health, social security, TPV, RETs, the sky-rocketing costs of electricity and fuel and the Tasmanian Freight Equalisation Scheme. But if our nation is not properly secure and our Defence Force has been weakened, either by incompetence or by design, then the best health, education, social security systems in the world will ultimately be of little value to the nation.

Ordinary Tasmanians and Australians 100 per cent support the men and women of our Defence Forces 365 days a year, 24 hours a day. That is unlike some in this chamber, who by their actions or lack of actions and their silence and cowardly behaviour in their party rooms choose to live off the Anzac legend rather than live up to the Anzac legend.

I am looking forward to hearing every word, every syllable and every sentence of those members of this Senate who choose to deny this chamber a debate this morning on the fair pay of members of the Australian Defence Forces, with the help of a magnificent Hansard team, who skilfully record our words for Australia’s history. I will make sure that every full-time member of our Army, Navy and RAAF, approximately 57,000 souls; all of their families and friends; the 20,000 reservists and all their family and friends; and every one of our 200,000 veterans out there and their all of their families and friends—all of those Australians, hundreds of thousands, perhaps even millions—will get an opportunity to read or hear the
poor excuses of those in this Senate who oppose a debate about a fair pay deal for our diggers this morning.

The facts before this chamber are clear. Earlier this week, I meet with Mr Tony Dagger. He is the father of a serving Australian Defence Force member. Mr Dagger presented me, the opposition leader and other members of this parliament with a petition containing almost 60,000 signatures calling on this government to fix the Australian Defence Force pay injustice. Apart from Mr Dagger and his petition supporters, the hundreds and thousands of phone calls and emails to my office and to other senators offices prove why we should have this debate right now.

Importantly, the hundreds of troops serving overseas, who are in harm's way for our benefit and who have been absolutely gutted by this government's and this Prime Minister's decision to take away $17 million of leave and entitlements and then give back the $17 million, are still facing a future with an effective pay cut. Those Australian Defence Force members and their families would like to hear the news of a debate on the Defence Amendment (Fair Pay for Members of the ADF) Bill 2014 today—not a day later and not an hour later. Right now, this government and their members must explain to Australian people why they cannot afford to invest an extra $121 million dollars a year—that is it—into the pay of the men and women of our Defence Force.

The time has now come for the senators in this chamber to live up to the Anzac legend and not off it.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (10:07): I indicate on behalf of Labor that we will be supporting the suspension of standing orders. Let’s be clear: this would not be happening if the government had done the right thing by our service men and women and this would not be happening if the government had not cut the pay and conditions of Australian Defence Force personnel—that is right, of the men and women we ask to sacrifice everything. They are being asked to pay that price by this mean government and a mean, out of touch Prime Minister who is refusing to pay them properly. It is quite simply outrageous.

Not only that, they are treating those who support better pay for ADF personnel with contempt. I had the honour on Monday to meet Tony Dagger, a father who has a son in the ADF. He started an online petition on Change.org. I urge everybody listening to sign it. In a little over four weeks, this petition has been signed by more than 60,000 people. It is remarkable achievement and a clear indication of the community outrage at the government's decision to cut the ADF's pay and conditions. Did the government accept this petition with good grace? Did the government respect the work and efforts of Tony and his supporters? It may not surprise anyone, but the government did not.

Let me read from the Change.org website, which outlines their experience on Monday of this week when meeting the Assistant Minister for Defence, the minister who talks publicly of how he is running the department. This is what they said on their website:

We (our ADF) are being compared to beer and Asprin.

That is right: the Assistant Minister for Defence was so dismissive of this petition that he said it was not as big as others, in support of beer and aspirin. That was the contempt with which he treated parents of our serving personnel. Quite rightly, they felt insulted and that it was
disgraceful. Quite rightly, the petition organisers say that the government is arrogant, ill-informed and self-centred. That is the view of the parents of serving personnel after meeting the Assistant Minister for Defence. I repeat this warning to the government that they gave:
We will not go away, and we will be heard.
The Government will ignore us at their peril.

Standing orders should be suspended so we can debate this bill. We hear the community outrage. We hear the concerns coming to us from the ADF and their families. The government had the chance to do the right thing, and they chose to do the wrong thing. Standing orders should be suspended.

Senator IAN MACDONALD (Queensland) (10:11): The comment just now was from a man who does not even respect the uniform of our defence forces. The people of Australia should know that the opposition's spokesman on defence disrespects the uniform that our servicemen wear.

This is a difficult matter. The Labor Party, in determining these things, should remember that they actually had pay increases for the defence forces less than CPI on two occasions. They cut money out of the Defence Force budget. These matters should be known to those who might be listening to the debate. These matters should be known to Senator Lambie, who has been played by the Labor Party like, as my colleague said, an accordion.

These are difficult issues. I am delighted that the government has returned the leave entitlements that the Remuneration Tribunal took away. I congratulate my colleagues who represent the electorates where the defence forces are most prominent. They, and I as a senator based in the garrison city of Townsville, understand these issues. We also understand the $1 billion a month that the Labor Party's debt is costing Australians—$1 billion a month in borrowed money to pay off the interest on the debt that Labor ran up.

These are difficult situations. I know Senator Johnston and the Prime Minister are addressing the issues. It is important that we actually allow these processes to take place. We should proceed today with the agenda that has been set out for the parliament and which was agreed upon, I understand, by all parties. This interruption will not go anywhere. We should stick by the agenda that has been placed before the parliament for the last two days of this sittings.

I will not delay the Senate any further. I conclude by again reminding anyone who might be following this debate that Labor, on two occasions, had a Defence pay increase that was less than CPI. Where was Senator Lambie then? Where was she then? It did not seem to worry her then. Where was Senator Lambie when Senator Stephen Conroy, the opposition spokesman on defence, insulted a distinguished senior serving officer of our defence forces? Where was Senator Lambie then? This is, again, the sheer hypocrisy of the Labor Party when it comes to defence issues. We should not agree to delay the agenda of the parliament.

Senator MADIGAN (Victoria) (10:15): Whilst I support Senator Lambie's obvious passion for the Defence Force and the issue of pay for the Defence Force—and the men and women who don the uniform in defence of this country should be supported—I also recognise that this place is a house of review. To function properly, it must adhere to the highest principles of democracy, integrity and respect. I therefore do not support Senator Lambie's suspension of standing orders because I do not believe it is the correct procedure in which to
bring this to the Senate. I will not be part of this as I believe this debate deserves far more respect in this place.

The PRESIDENT: The question is that the motion moved by Senator Lambie to suspend standing orders be agreed to.

The Senate divided. [10:21]

(The President—Senator Parry)

Ayes ..................... 33
Noes ..................... 34
Majority ............... 1

AYES
Bilyk, CL
Cameron, DN
Collins, JMA
Faulkner, J
Hanson-Young, SC
Lambie, J
Ludlam, S
Lundy, KA
McLucas, J
Moore, CM
Peris, N
Rhiannon, L
Siewert, R
Sterle, G
Waters, LJ
Wong, P
Xenophon, N

NOES
Abetz, E
Bernardi, C
Brandis, GH
Canavan, M.J.
Colbeck, R
Day, R.J.
Fawcett, DJ
Heffernan, W
Lazarus, GP
Macdonald, ID
Mason, B
McKenzie, B
O'Sullivan, B
Payne, MA
Ruston, A (teller)
Sinodinos, A
Wang, Z

Back, CJ
Birmingham, SJ
Bushby, DC
Cash, MC
Cormann, M
Edwards, S
Fifield, MP
Johnston, D
Leyonhjelm, DE
Madigan, JJ
McGrath, J
Nash, F
Parry, S
Reynolds, L
Scullion, NG
Smith, D
Williams, JR
BILLS

Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014

Second Reading

Senator MOORE (Queensland) (10:23): I rise to speak on the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Case Load) Bill 2014. Before I commence my contribution I want to acknowledge the large number of emails and visits we have had from members of the community who are genuinely concerned about what is involved in this bill. I think all senators would have received emails and visits from people who really care about what is happening with asylum seeker policy in this country, and who have raised issues about this bill.

The bill contains the most comprehensive set of changes to—

The ACTING DEPUTY PRESIDENT (Senator Sterle): Order! Sorry, Senator Moore. Senators: Senator Moore is on her feet and there are a lot of conversations going on. Could you please give Senator Moore the courtesy of being heard.

Senator MOORE: Thank you, Mr Acting Deputy President. This bill contains the most comprehensive set of changes to Australian law on immigration and asylum seekers to be brought before the parliament since the Abbott government took office. Much of the bill is a response to actions of the judiciary. Some of the response is understandable, but much of it is an attempt to pre-empt work that the courts ought to be allowed to do. Labor has grave concerns about many of the provisions of this bill. We believe the bill should be rejected entirely. If it is given a second reading, we propose to introduce substantial amendments.

The minister described the bill as a formal legislative recognition of the government's policy of turning back asylum seeker boats. He claims that this is about saving lives at sea. Let me be clear: Labor does not want to see deaths at sea. That is why, when we were in government, we established asylum-seeker processing in PNG. That decision has played an enormous part in stemming the flow of boat arrivals. However, we have grave concerns about the turn-back policy, for two reasons. The first concerns the impact of the policy on Australia's relationship with Indonesia. The turn-backs have clearly harmed that relationship. If there is to be a long-term resolution to the question of boat arrivals, it could only be in the context of a close cooperation between Australia and the country from which most vessels bearing asylum seekers depart. That close cooperation existed when Labor was in office. The government's actions have destroyed it. Turn-backs have resulted in at least six incursions into Indonesian territorial waters. The other aspect of the turn-back policy that is of concern is the question of whether it does in fact save lives at sea, or whether it puts them at risk. The government have never been able to give satisfactory assurances on this question, because of their clear obsession with operational secrecy.
The minister's argument that the aim of the bill is to recognise turn-backs is deceptive. In fact, the relevant clauses of the bill are about a case now before the High Court: *CPCF v Minister for Immigration and Border Protection & Anor*. In essence, this legislation seeks to scuttle that case, which is fundamentally about the Maritime Powers Act. If the bill passes with these clauses, the precedent value of the case would be made redundant. Labor believes that this is inappropriate. The High Court has a role in upholding the rule of law that parliament must not undermine. If, after the court has made its decision, the government believes that legislation is required because of the consequences of that decision, it can bring another bill before the parliament. But it is not appropriate to legislate while the relevant case is being heard.

On the issue of new visas, the bill also resurrects temporary protection visas, TPVs, and creates a new class of temporary visas, the safe haven enterprise visa. Labor's position on temporary protection visas is well known. We oppose them because they place their recipients in limbo, with no certainty or assurance about their future beyond the three-year duration of the visa. Our view is that people who have been found to be entitled to Australia's protection should be given permanent protection visas and provided with assistance to settle within the community as quickly as possible. That also gets them off the government's tab, as quickly as possible, and on their way to becoming constructive and contributing members of society. Let us be clear: the vast majority of these people will live here for the rest of their lives, and want to do so. That is what we saw when TPVs were effectively abandoned during the Howard government. We should not repeat that experience. We should accept our obligations, and give those receiving Australia's protection the permanency to which they are entitled.

This bill, the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Case Load) Bill 2014, also purports to introduce another visa class, the safe haven enterprise visa, ostensibly in fulfilment of undertakings the government made to the Palmer United Party. I say 'ostensibly' because, in fact, all this bill does is to name a new visa. The explanatory memorandum states that 'the conditions and operation of SHEVs will be laid down by regulation next year'. The bill therefore holds out a glimmer of hope for permanency to those who might be eligible for the new visa, but guarantees them nothing—in fact, it tells nobody what is involved in these new visas. Labor believes that a pathway to permanent protection, and ultimately to citizenship, is worth supporting. But that pathway must be more than just a name in a bill. The government should withdraw this bill and introduce another that provides a real pathway, and it should also provide information in regulations about how it will work.

Mr Acting Deputy President, this is an issue I have been raising for years, with various governments: the need to have the regulation and the legislation made available at the same time, so that people can see the detail. Too often, we have the situation where the real details are in regulations which are in the future at some time. This is something that needs action across all areas of legislation.

The government should withdraw this bill, as we have said. If it does not and this bill reaches the committee stage, Labor will join with other senators in proposing amendments that turn the imagined pathway provided by the new visa class into a real one. Under those amendments, the new safe haven enterprise visa would be a temporary visa valid for five years and applicants for this visa would need to demonstrate their intent to work and/or study.
in regional Australia. If visa holders do work and/or study in a regional area for at least 3½ years of the visa period, they would become eligible for permanency. Under other amendments we would propose, the right to work would be extended to asylum seekers on bridging visas while their claims for refugee status are assessed and sections of the bill concerning temporary protection visas would be deleted. We believe these should be either abolished or automatically converted to a permanent protection visa after a successful application for refugee status.

Under the issue of fast-tracking, the bill also seeks to change the refugee assessment process in two ways. First, the bill seeks to speed up the process for assessing claims by people who are in Australia in an unauthorised way either because they have overstayed their visa or because they have arrived without appropriate paperwork. It is not clear how this fast-track process will work, because that will depend on regulation, and details of the necessary regulations have not been provided. The second change is the replacement of the Refugee Review Tribunal by an immigration assessment authority, with a limitation of the existing right of review of adverse decisions. This change is of grave concern. Since the Abbott government was elected, Labor has supported much legislation intended to strengthen the refugee assessment process. This support has caused considerable debate, but the Labor Party has actually supported the proposition put forward by the government. In our view this change goes well beyond that. It guts the process. Labor cannot support limiting applicants' rights of review to the extent envisaged in this bill, or can we support the proposed fast-tracking of applications, which doesn't offer much by way of reducing the duration of the process but would go a long way towards reducing people's rights.

With regard to the refugee convention, the bill seeks to remove any reference in the act to refugees. Labor absolutely rejects this. The government argues that the bill codifies the obligations existing under the convention so that the decisions of Australian courts, rather than the decisions of international tribunals or courts in other jurisdictions, will determine Australia's law in this area. There is no good reason for this change, and it is any case unlikely to achieve the government's objective. The minister's second-reading speech makes clear that Australia remains a party to the refugee convention, and that this is given legislative effect by the Migration Act. Our courts will inevitably refer to decisions by courts in other common-law countries when determining how obligations of this kind should be interpreted in Australian law. That happens now and will continue to happen. The codification set out will not remove the established practice of judicial reasoning.

There is a further problem raised by the attempt to codify the law. The bill inserts a requirement in the act that, if persons are able to alter their behaviour reasonably, they should not be able to claim Australia's protection. There are cases now before Australian courts in which a version of that requirement is under consideration, and courts have made decisions on a similar basis in the past, but setting the requirement down in fixed, statutory form raises questions that would not be easy to resolve. What if someone sought protection of the basis of sexual preference, but protection was denied on the basis that alteration of their behaviour would result in that person not being persecuted in his or her country of origin? That may not be the intention of this schedule, but it is not difficult to see how such a possibility could arise.
The bill also contains a provision removing the 90-day rule for hearing of asylum claims, which is an important accountability measure. At the time of last year's federal election, when Labor left government, about half of protection applications were decided within the prescribed 90 days; but, in the most recent report on the Abbott government's performance, only 14 per cent of decisions were being made within go days. The 90-day rule, which was introduced by the Howard government, has proven its worth as a test of the speed with which governments process applications. The rules should be retained. If the 90-day rule is not being met by the department, there should be rationale as to why it is not being met. Rather than changing the rule, there should be an acceptance that the 90-day rule stays and that exceptions to that should be subject to question and a process of explanation from the department to the minister and then to the parliament.

For all of these reasons, Labor opposes this bill, and we will vote to deny it a second reading.

Senator HANSON-YOUNG (South Australia) (10:35): Today I stand here with the overwhelming majority of legal and human rights experts in this country to condemn the regressive and dangerous Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014 before us today. This piece of legislation, if it were to pass, would be a fundamental shift from what are known as due process, fairness before the law, a fair go under the refugee system and, of course, the proper checks and balances to make sure whoever is the government of the day is abiding by our international obligations as well as the basic rules and values of decency and fairness.

This bill should not be called the asylum legacy case bill. It should be called the immigration minister's outrageous grab for power bill. That is all that is in this piece of legislation. This bill is all about Scott Morrison, as the Minister for Immigration, grabbing more power for himself to dictate who will be a refugee, under what conditions they will be a refugee and whether or not they get access to a visa. Of course, overarching all of this is whether children and families remain languishing in terrible conditions on Christmas Island.

When it comes to the way we treat refugees in this country, never before have we seen a bill as insidious, as deceptive and as downright dangerous as this. It is a smorgasbord of suffering, a buffet of brutality, and it should not be allowed to pass this place today. Within this bill the immigration minister wants to make babies that are being born in Australia stateless. He wants to send those babies to camps of cruelty offshore.

He wants to give himself a licence to break international law. He wants to rip the refugee convention from the Australian law books. He wants to change the very definition of who is and who is not a refugee. He wants to fast-track the refugee determination process to remove the right of review, meaning there would be less protection for people who deserve it, less protection for people who may, as a result of mistakes, be sent back to death and torture.

He wants to deny protection to as many refugees as possible. He wants to introduce temporary protection visas for those who have been found to be in genuine need of protection, making them suffer even more for the fact that they dared to dream of freedom and safety for their families. That will leave thousands of refugees—genuine refugees who have been through the proper process, who desperately need protection and have every right to start putting their lives back together—in limbo effectively for the rest of their lives.
He wants to trick the Senate crossbench into thinking that a new visa that is being offered is a pathway to permanency when there is no detail of the safe haven enterprise visa in this legislation. If the minister thinks he can continue to trick this Senate and the crossbenchers in this place, he better think twice because he cannot. It is as clear as day that this minister has no intention of following through with the agreement that was made with the Palmer United Party and with the statements that have been made. He wants only more power for himself and less protection for refugees.

This is an unbelievable grab of power from the minister, and senators in this place have the opportunity to stop this minister, who is so arrogant and so drunk with power, from being able to have even more unfettered discretion. The immigration minister wants to give himself the ability to play God. He wants to be the judge, the jury and the executioner in all these cases. He wants to send refugees, including families and children, back to danger in their homelands. The whole point of this bill is to give as few refugees as possible the opportunity for protection. Even if they are granted protection, he will not even bother to give them a permanent visa that will allow them to rebuild their lives and allow them to contribute to this country. We have thousands of refugees living in the Australian community desolate, without work rights, without the ability to study and without even the right to be able to volunteer. All these people want to be able to do is get on with the rest of their lives—

Senator O'Sullivan: What about the 1,200 who can’t?

Senator HANSON-YOUNG: and this minister wants to start shipping them offshore.

The ACTING DEPUTY PRESIDENT (Senator Lines): Senator Hanson-Young has the right to be heard in silence. I would appreciate her being able to continue in silence.

Senator HANSON-YOUNG: Right now there are about 30,000 asylum seekers waiting for processing in Australia. Disturbingly, there are also 559 children in detention facilities across the country. In total there are 3,084 people in detention here in Australia. To our great shame, there are 167 children locked up on Nauru and in total 1,095 people are detained on Nauru and 1,056 on Manus Island. There is no question that these people need to have their claims processed immediately and be taken out of detention, put into the community and given the opportunity to start contributing to this country and rebuilding their lives. This bill does none of that.

Astonishingly, the immigration minister is using the suffering of these children in detention as a disgusting bargaining chip. He is trying to blackmail the Senate crossbench into accepting this cruel bill by threatening to send each and every one of them to the hellhole on Nauru. How appalling to see the minister who already has so much power—the power to keep people in detention—and who is keeping these children locked up, threaten this place today by saying: 'If you do not pass the bill the way I like it, it is my way or the highway. The children will remain in jail.'

What kind of human being uses children as his pawns in a game of politics? How gross, distasteful and sickening is the minister if he is willing to do this? These are children and they are being destroyed by these policies. The immigration minister is threatening to turn the screws on them even harder. He says that until he gets his own way he will keep them locked up in appalling conditions—conditions that have been condemned by the United Nations and
condemned by our own Human Rights Commission here in Australia. That is not being a leader; that is being a bully and a coward.

What the immigration minister does not want senators in this chamber to understand is that he can release all of these children today if he wants to. He has the power to keep them in detention or to release them into the community. You do not need a bill that condemns them to a life of uncertainty just to get them out of the locked gates and out from behind the barbed wire. He can have them in the community and be processing their claims as we speak. He is actually obliged to do that under the current domestic law, but in fact he is refusing to act as the law currently prescribes to process people's claims, to get on with assessing them.

If they are genuine refugees, let them stay and let them get on with their lives. If they are not, then send them home. No-one is arguing that anyone should get a free ride here. Get on and process their claims. If they are refugees, they can stay. If they are not, deport them. At the moment we have the worst of both worlds. We have a minister who is keeping children locked up, incarcerated in immigration prisons, and babies being born to asylum seeker parents being told they have no right to protection in Australia. Despite being born in Australian hospitals, they will be on the next flight to Nauru, where we know children are being abused and are witnessing abuse every single day.

The Senate inquiry into this bill heard from thousands of human rights lawyers, refugee advocates, academics and community members, all of whom object to this outright. Over 5,000 submissions were made to this Senate inquiry and every single one of them bar the immigration minister's own department said this bill was wrong, said this bill would set Australia up for failure when it comes to looking after some of the world's most vulnerable people.

The overwhelming evidence from experts and the community was that this bill cannot pass, must not pass. Who does this minister think he is to delete the refugee convention from our law books—to say that we will delete the refugee convention from our law books and it will be he who interprets our obligations? Scott Morrison, the Minister for Immigration and Border Protection, wants this Senate to give him the power to dictate who is a refugee and who is not—unfettered, unchecked and not able to be appealed.

Australia is obliged to provide protection to those who arrive on our shores. We are obliged to do that under international law, but we are actually required to do it as part of being a good global citizen—as a nation that stands for fairness, as a nation and that cares about the rule of law, as a nation who proudly drafted the refugee convention 60 years ago because we did not want to see vulnerable people turned away and deported back to danger. And here we have a bill that in the midst of the political heat of the refugee issue here in Australia we have the Abbott government wanting to undermine and delete those very values from our law books.

There are some ways forward in how we manage the needs of refugees and asylum seekers in this country. There are 30,000 people who need their claims assessed. Get on and assess them, find out whether they do need protection or not. If they do, we resettle them and we let them get on with our lives—we get them into the workforce, we get the students and the children into school, we allow families to rebuild here in Australia and contribute to our local communities. If they are not refugees, finish their application process and send them home. But give people who do need assistance a fair go—and that means a genuine pathway to permanency.
The SHEV visa that has been spoken about and was part of the Palmer United Party's deal on this piece of legislation is not what is before us today. There is no detail about how the safe haven enterprise visa would work. Why would that be? It is because the minister has no intention of following through on his obligations. If he did it would be in the legislation or there would be substantial amendments that would have been circulated and talked through in this place. But we see none of that from the government. This is, 'My way or the highway,' according to the immigration minister and the Prime Minister, Tony Abbott.

There is nothing in this piece of legislation that upholds the original deal between the Palmer United Party and Scott Morrison. In addition to that, they have stapled on six other schedules in this piece of legislation that fundamentally undermine the spirit of that arrangement in the first place: more people will be in detention, children born here in Australia sent off to the detention camps on Nauru, deleting the refugee convention, handing ultimate power to the minister to make a decision as to who he thinks deserves his tick of approval and who does not. We know the track record of this minister on these issues and he doesn't give two hoots about the humanitarian needs of those who have come to our shores. Why do we know that? Because we see that he is keeping children locked in appalling conditions every day. Every day those children remain in detention they are damaged further. Mr Morrison keeps them there locked up.

The Australian Greens agree with the majority submitters to the inquiry into this bill that this is a radical deviation from Australia's longstanding commitment to international law and human rights. If this bill passes, it will seriously endanger the lives of many thousands of asylum seekers. The Greens strongly recommend that this bill be rejected by this place today. There would need to be substantial amendments made to this bill if it were to proceed. Six of the seven schedules would need to be deleted and the remaining schedule would need to have a genuine pathway to permanency, so that if people are found to be refugees—after all this time they have spent in detention, all this time they have been left dumped in the community—they should be able to stay, work, pay their taxes and send their kids to school. It is simply asking for a fair go and for people to be treated with dignity and respect. As this bill stands none of that is in here. I strongly urge this place to vote it down at the second reading.

Senator IAN MACDONALD (Queensland) (10:51): It is always easy to follow Senator Hanson-Young in any debate because each debate relating to migration she uses the same emotive words, no matter what lies they are, no matter how untruthful, how contrary to the facts. We have just had another example of that. Don't worry about what is actually in the bill; just use your normal, emotive language that you use on everyone, as I say, no matter how inaccurate and what complete mistruths those statements are. Let me take up some of the things Senator Hanson-Young said. She said, for example: 'We are going to delete the refugee convention from the Australian books.'

Senator Cash interjecting—

Senator IAN MACDONALD: It is not just wrong, Minister—it is absolutely ludicrous that that would be suggested. But it is the typical thing. I have been around for a while and I have been able to work out the Greens. They never bother about the facts, never bother about the legislation; they just come out with whatever lie they can think of and try and fool the public—and it works with the eight per cent or so of Australians who do vote for the Greens.
I experienced Senator Ludlam talking about the telephone interception bill and quite unashamedly saying, 'If this metadata legislation goes through the government, Big Brother will be able to know exactly what you are looking at on your computer.' I was not involved in the debate, but I thought, 'Hang on, I have just been through a Senate inquiry into this, and that is simply wrong!' So I got up and I said to the chamber, 'That is wrong, Senator Ludlam!', and he sat there in the corner with a big smile on his face and nodded. That is the way the Greens behave—do not bother about the truth, do not bother about what the legislation says; just tell any old lie and hope that some people will believe you. As I say, eight per cent of the people clearly do believe the Greens.

I have written down some of Senator Hanson-Young's words, but I should not have to write them down, because you hear them all the time—'unforgivable', 'drunk with power', 'unfettered discretion', 'play God', 'refugees sent back to danger'—it goes on. If you listened to Senator Hanson-Young just then, check what she said back against any speech she has ever made on migration and you will get the same sorts of words. Can I again put out another deliberate mistruth by the previous speaker? She said there are, outrageously, 559 children still in detention—384 in Australia and 167 on Manus Island. Actually, she knows as well as I do that there are 167 on Christmas Island. But let me give you the full facts about children in detention, to put this all in perspective. When John Howard left the government as Prime Minister there were zero, zilch, none—no children in immigration detention. Under six years of Labor government supported by Senator Hanson-Young, Senator Wright and their party, we had thousands of children in detention and thousands of children who lost their lives at sea. We never heard any condemnation from Senator Hanson-Young over the loss of lives of children at sea. Not once did we hear that. Why? Because it was under the watch of the Labor Party, who the Greens kept in power—in fact they were part of that power.

When John Howard left government zero children were in immigration detention. When Tony Abbott became Prime Minister there were 1,743 children in detention centres. Did we hear from Senator Hanson-Young about that? No. Did we hear from the Human Rights Commission about that? No. But that was a year ago—1,743 children in immigration detention. Since the Abbott government has been in power, and thanks to the good work of Senator Cash and Mr Morrison, the relevant ministers, that number is now down to 647. You do not have to take my word for this—have a look at the evidence given at the estimates hearing held last Thursday in this building, a hearing that Senator Hanson was at. She knows these figures: 1,743 when the Abbott government took over, when Mr Morrison and Senator Cash started dealing with Labor's problem. Now there are only 647 in immigration detention. At estimates last week—and Senator Hanson-Young was there, so she knows this—I said to the officials: 'What is the forward projection? What do you think is going to happen to these 647?' And I was told—and it is on the record in Hansard; you can go and look at it yourself—that by June next year there would be no children in immigration detention. No children. I said to them, 'What does "no" mean?'; and they said, 'We will be trying to get to nil, but we can almost guarantee less than 100.' That was on the proviso that this legislation gets through the parliament so the officials can have the necessary authority to do what needs to be done to get those children out of immigration detention.'

If you had heard Senator Hanson-Young, would you believe that that was the case? Of course you would not, because they will tell any lie, misstate any fact, to convince a few
vulnerable voters that the Greens have a heart. The Greens do not have a heart. If they had a heart they would not have been part of thousands of people losing their lives at sea under the watch of the Greens political party and Labor, and there would not have been 1,743 children in detention at the end of their time in government. These are facts. They are not emotive words; they are not any old lie to try and gather a little bit of political support from the few who would believe that sort of rubbish. You see, this is not just Senator Hanson-Young—any member of the Greens political party is the same. They will just say anything, anything at all, to get a vote. I mentioned Senator Ludlam's comment—which he acknowledged! He knew it was a lie. But did that stop him from saying it?

These are the lies that the Greens propagate, and they expect people to believe them. Senator Hanson-Young says these children are 'behind barbed wire' in prison camp. Again, go and see what the officials said about that very subject last Thursday at estimates. They said there is no barbed wire around—the only chain wire fences are around the swimming pools that are put there for the children. Yet if anyone would believe Senator Hanson-Young, and I suspect that as every day goes past there are fewer and fewer people who do believe her, all 647 children in detention are behind barbed wire. How emotive!

Senator Hanson-Young: Have you been there?

Senator IAN MACDONALD: No, I have not, but clearly you have not because the officials told you last Thursday—

The ACTING DEPUTY PRESIDENT: Senator Macdonald—

Senator IAN MACDONALD: Madam Acting Deputy President, you are quite right. I should—

The ACTING DEPUTY PRESIDENT: Resume your seat, please.

Senator Hanson-Young interjecting—

The ACTING DEPUTY PRESIDENT: Senator Hanson-Young, order! Please make your remarks through the chair. I would appreciate Senator Macdonald being given the opportunity to be heard in silence.

Senator IAN MACDONALD: Thank you, Madam Acting Deputy President, and I take your admonishment. It is a shame there is someone in the Senate, a colleague of the house, who tells deliberate untruths about children in detention being behind barbed wire. When that question was put to officials last Thursday in a Senate estimates committee hearing, I think their comment was that the only chain wire fences, which of course are required in every Australian jurisdiction, are around the swimming pools.

Senator O'Sullivan: That is to stop them drowning. We do everything we can to stop them drowning.

Senator IAN MACDONALD: You make a very good point, Senator O'Sullivan. We will do everything possible to stop children from drowning, unlike the Greens and the Labor Party who presided over the deaths at sea of hundreds and hundreds of children and nary a word of condemnation. I hope someone will be able to apologise on behalf of the Greens later in this debate.

Senator Hanson-Young uses words like 'the minister is a bully and a coward and he bullies children in detention camps'. Those of you who know Mr Morrison and Senator Cash know
that you would not find any more humane people than those two people. They are there trying to do a job. I might say the Australian people asked us at the last election to stop the boats. Had they been stopped during the Labor regime, there would not have been 30,000 people in immigration detention at the moment, there would not have been 30,000 people wanting to have their cases dealt with. Not in this particular bill but in other bills before the parliament the minister is trying to give certainty to those people who are in Australia at the moment. If Senator Hanson-Young and the Greens political party wanted to have a look at the bill they would see that the bill before us is particularly beneficial. Temporary protection visas will be granted for a period of up to three years. Senator Hanson-Young would have told you in her speech—if anyone who listened believed it—that nobody was going to get a temporary protection visa. Temporary protection visas will be granted for a period of up to three years. On the expiration, a person's circumstances will be reassessed. Those who are found to still be owed protection will be granted a further temporary protection visa or what is called a SHEV.

I want to talk about the safe haven enterprise visa because I think it is a very good initiative of the government. I congratulate Senator Cash and Mr Morrison for doing this. Consistent with the Abbott government's principles of rewarding enterprise and its belief in a strong regional Australia, a new visa called the safe haven enterprise visa will be created. The safe haven enterprise visa will be open to applications from those who have been processed under the legacy case load and those who are found to engage Australia's protection obligations. The SHEV will be an alternative temporary visa to the temporary protection visa and will encourage enterprise through earning and learning. That is a great initiative. Perhaps the minister can elaborate in her speech on how it is going to be introduced. I think it will be introduced by regulation very shortly. The visa will be valid for five years and, like a temporary protection visa, it will not include family reunion or a right to re-enter Australia.

The SHEV holders who have worked in regional Australia without requiring access to income support for 3½ years will be able to apply for and, if they meet eligibility requirements, will be granted other onshore visas—for example, family and skilled visas as well as temporary, skilled and student visas. So contrary to what Senator Hanson-Young would have you believe, this bill contains a lot of protections and it starts to bring some order to the chaotic situation left to us by the Labor and Green government of the last six years, a government which presided over many deaths at sea, including the deaths of children.

I would hope Senator Hanson-Young might rise at some time during the day and apologise for misleading the Senate about those statistics on the children. She should because she was at the estimates committee just last Thursday when all of these figures were explained by officials. There were zero children in detention when the Howard government was defeated. When the Abbott government came to power, there were 1,743 children in detention, with not a word from the Greens and not a word from the Human Rights Commission. Since that time, in a short 12 months, over 1,000 of those children have been released and by June next year, according to officials—this is their hope, if they are given the authority to do this—there will be no children left in immigration detention. One would have thought that, if the Greens had any care at all, if they had any compassion, if they cared about children in detention they would be the first ones here supporting this bill.

It is my honour and pleasure to chair the Senate Legal and Constitutional Affairs Committee, which looks into these bills very carefully. Senator Hanson-Young would tell
you, I think she said, that there were 5,000 submitters to this inquiry. Well, sorry; there was a petition—the sort of petition you leave at the coffee shop and everyone signs it without knowing what is in it—but the number of submitters is clearly shown in the committee's report and, I am sorry, Senator Hanson-Young, they do not reach 5,000 or 2,000 or whatever other exaggerated number you might have said. There were the usual witnesses at the hearings; a lot of them are refugee advocates. I might say that I think the government's decision not to have taxpayer funding for these migration agents has caused some concern in the migration agents industry. We do get a number of people who, I concede and I congratulate them, do have some expertise in this area; however, they come from a particular view. We on this side come from the view that Australia has an ordered immigration system. We take around 14,000 refugees every year. But if you jump the queue, and if you are wealthy enough to pay the people smugglers—I often wonder whether the people smugglers are donors to the Greens political party; you would think there might be some other reason why the Greens are so in favour of the people smugglers—

Senator Moore: Madam Acting Deputy President, on a point of order: I believe that Senator Macdonald's past comment reflects very seriously on people in this Senate.

Senator IAN MACDONALD: Madam Acting Deputy President, on the point of order: I am talking about the Greens political party. I am not talking about any member in this chamber.

Senator Moore: On the point of order: I think the slur on the party and the members here, about people smugglers being donors to the party, is a very serious reflection on the party and the participants in the Senate.

The ACTING DEPUTY PRESIDENT (Senator Lines): There is no point of order.

Senator IAN MACDONALD: I thought Senator Moore might have taken a point of order on Senator Hanson-Young calling a distinguished minister a bully and a coward. She did not seem to worry about that.

Senator Moore: No.

Senator IAN MACDONALD: Very selective, Senator Moore, but then you would expect that from Labor, because Labor and the Greens presided over the worst mess that Australia has seen. Clearly the Greens and Labor do not want people to understand this, but Australia takes about 14,000 refugees every year. This means that, on a per capita basis, Australia is one of the best countries in the world for accepting refugees. We punch well above our weight.

When people jump the queue, when they have enough money pay people smugglers and other people who support people smugglers, it means that those genuine refugees who are languishing in squalid refugee camps right around the world miss their chance to come into Australia because we take only 14,000. If they come in illegally by sea, then those who are waiting their turn in squalid refugee camps around the world who have already been determined by the UNHCR to be genuine refugees miss out. They have to wait yet another year. I just want to bring some reality to this debate.

The Legal and Constitutional Affairs Legislation Committee looked at this legislation and made four recommendations. I am going to run out of time so I cannot go into those recommendations in detail, but they suggest that some amendment be made and that there be
improvements made to the bill. The fourth recommendation was that, subject to the preceding three recommendations, the bill be passed. I commend the report of the Senate Legal and Constitutional Affairs Legislation Committee inquiry into this bill to the Senate.

Senator WRIGHT (South Australia) (11:12): I rise today to speak about the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014 and to put clearly on the record my disgust for what is an outrageously cruel bill. The content of this bill sends shivers down the spine of all Australians who care about human rights and who consider that the moral health of our nation can be judged by how we treat our fellow human beings who are most in need.

If passed, this bill will widen the immigration minister's powers, marginalise international law and the rules of natural justice and muzzle the ability of Australian courts to scrutinise the government's treatment of asylum seekers. It will also establish a new high-water mark in the cruelty Australia is willing to show to those men, women and children who come to us from persecution and violence and throw themselves on our mercy. Increasingly, our wellsprings of mercy are running completely dry.

The title of this bill refers to the legacy caseload—that is, the 30,000 people who sought Australia's protection between August 2012 and December 2013 and who have suffered the physical and mental anguish of mandatory detention, family separation, uncertainty about their legal status, and the constant risk of removal to Nauru or Manus Island. To quote the New South Wales Bar Association, this bill goes far beyond what is necessary to deal with the legacy caseload. It involves serious departures from Australia's international obligations to human rights and, more generally, to the extent that the bill does deal with the legacy caseload, it does so in a way which is procedurally unjust and unfair.

One of the thousands of submissions received by the Senate Legal and Constitutional Affairs Legislation Committee has described the bill as 'punitive and nasty' and written so as to suggest that, 'asylum seekers are being punished for their temerity in seeking our compassion; for taking at face value our oft-proclaimed commitment to human rights and the rule of law.'

Along with other migration bills before the parliament, this bill constitutes the single biggest change to Australia's asylum seeker policy ever made. The bill's six schedules would fundamentally change the way protection claims are assessed. The bill changes the criteria by which a person is found to be owed protection and the nature of the protection provided by Australia to those in genuine need. It also changes the legal status of those seeking our protection and empowers a range of government agencies to restrict or remove their liberty. In each schedule, the bill removes the now rare existing features of the Migration Act which operate to protect the rights and interests of asylum seekers, in favour of a system that departs from international law and rule of law principles.

As the Greens spokesperson on legal affairs, I have to raise particular concerns about those features of the bill that remove procedural rights and review rights, longstanding protections against oppression in our Australian legal system. These features prescribe a legal framework for the determination of refugee and protection status that is contrary to international law and rule of law principles.
In a move of shameless legal manipulation, the government uses this bill to remove references to the refugee convention from the Migration Act and replaces them with the government's own interpretation of the convention. How can we possibly persuade other countries to fulfil their international obligations when our own actions show that we are prepared to manipulate and undermine an important international convention? Our hypocrisy will be seen for what it is.

This bill also removes fundamental procedural rights to safeguard the integrity of what can be a life-or-death decision about a person's need for protection. It does this by introducing a new fast-track procedure which will give asylum seekers one shot at setting out the evidence needed to substantiate their protection claim to an immigration official, but without providing them any access to independent advice or support. They will not be able to have the merits of the claim reviewed by the Refugee Review Tribunal.

There are so many other egregious betrayals of human rights and rule of law principles in this bill. Unfortunately I do not have the time to go into it. But there is a deep chasm between this proposed law and a principled, fair and dignified approach to providing protection to those in genuine need. The Australian Greens strenuously oppose the passage of this bill. This bill is indefensible and un-Australian.

Senator SESELJA (Australian Capital Territory) (11:17): I am not really sure why Senator Wright did not have the time to go into the detail of this bill; she had another 15 minutes on the clock. Perhaps it would have been better if Senator Wright did go into some of the detail. I think that the Greens in this debate do not want to get bogged down in detail because that would mean getting bogged down in facts, and the facts do not support their argument. That is why we heard that five minute contribution. That is why we heard the hysterical contribution from Sarah Hanson-Young earlier, the disgraceful contribution from Senator Hanson-Young. The hypocrisy that we see in an ongoing way from the Greens on this issue and from the Labor Party on this issue—

The ACTING DEPUTY PRESIDENT (Senator Lines): Before you go on, Senator Seselja, when you are referring to senators, please use the term 'Senator'.

Senator SESELJA: I do apologise. The hypocrisy we have seen from the likes of Senator Hanson-Young, Senator Wright and Labor senators on this issue is absolutely extraordinary. I can see why Senator Wright would not want to get into the detail of this, because the detail does not back their argument. The detail does not back the Greens argument. It does not back the argument that comes from the left of the Labor Party, which seems to now be dominating them in opposition once more on this issue of border protection and illegal arrivals.

The Labor Party pretended at the end of its time—having completely messed up this policy with tragic consequences—that it had learnt its lesson. But in opposition unfortunately, as we see with this bill again today, the Labor Party is showing that it has not learnt a thing. It has shown that, if it is ever given the opportunity again to govern and to be responsible for the border protection of this nation, it will go back to the same old failed policies that the Greens advocate here openly and which the Labor Party has pretended is not part of their policy any more, but we are seeing it more and more.

I want to go to the difference in approach on this issue between the coalition government and the Labor-Greens view of the world, as put in place in government when they were there
and as continued to be advocated by the opposition and by the Greens here today in an ongoing way. The difference is crystal clear. The Labor-Greens policy saw 50,000 illegal arrivals. We saw a flood of people coming to this country illegally and claiming refugee status. We saw at least 1,200 people drown in an effort to get to Australia, lured by the bad policies which were put in place by the Labor-Greens coalition—by the Labor Party in government, egged on by their Greens partners. That is their legacy. There were something like 2,000 children in detention under the Labor Party at one point, because they had been lured here. There were children and adults who got on those boats and did not make it here. That is the tragedy of these policy failures. We have seen a dramatic turnaround on all of those indicators—and I will go to each of them.

Anyone who really cares about this issue should acknowledge that the coalition's policies have actually seen a positive shift, because people are not drowning any more. We should be celebrating that fact. We should be celebrating the fact that we see fewer people in detention, fewer children in detention, now than when we came to office.

I heard Senator Macdonald’s excellent contribution earlier where he talked about what the committee had been told in relation to the dramatic reduction in numbers that we had seen. And in fact the expectation is that those numbers will continue to reduce so that we will see, hopefully very soon, a situation where we do not any more have children in detention, just as we did at the end of the Howard government. That is the legacy when you get control of the borders. When you get this policy right, not only do you stop the drownings, not only do you regain control of the borders but you also see the ability for governments to effectively deal with these issues, and that is what the coalition is getting on with the job of dealing with.

I do find it extraordinary—that a party of government, the opposition in this nation, still allows itself to go back to a policy direction which it acknowledges failed. Labor ministers saw that those policies were failing. They were failing Australia, they were failing our responsibilities, they were failing those who got on boats and did not make it here and they were failing those who waited in refugee camps overseas who could not be resettled because there were far too many people coming here and claiming asylum. So the policies failed across the board, and the Labor Party continues to advocate them.

I do find it extraordinary that we see protests. I have had protests at my office in recent times, and people are entitled to protest. Some of those protesters and some of those who were silent when people were drowning—and many of those people were silent when people were drowning—are now coming out and are very loud. As I said, we had had 50,000 arrivals but what has happened this year? I think there has been one successful people smuggling venture to this country this year compared to 50,000 arrivals over the term of the Labor government. Those people should be saying that is a good thing and some of them occasionally acknowledge that but many do not. The Greens party certainly does not. I have not heard the Labor Party acknowledge it. But I would ask those protesters, as well-intentioned as some of them may be: why were they silent when people were drowning trying to get here because of bad policy? They were silent. Many of them were silent. They believe that those policies were reasonable, well, they were not and they failed.
Why was the Human Rights Commissioner silent? It was extraordinary, the evidence we heard recently, where the Human Rights Commissioner said that her concerns were there in late 2012. She had concerns about these issues in late 2012 but she chose not to launch an inquiry in 2012. She chose not to launch an inquiry while there was a Labor government all through 2013 and the boats continued to arrive, when numbers peaked at 2,000 children in detention. Apparently the Human Rights Commission was not concerned enough to inquire into that. Lo and behold there was a change of government to a coalition government. We stopped the boats, we started to significantly reduce the number of children in detention and that was when the Human Rights Commission thought it was a good time to start inquiring. Based on those facts, you would have to question the impartiality of such a body. It had got concerns from late 2012 and did nothing about it until after there was a change of government. That change of government actually significantly improved the situation that the Human Rights Commission was concerned about, but that was when it started to inquire. So Australians could be forgiven for thinking that many of these activists and the Human Rights Commission are not coming to this in an impartial way. They are actually found out to be quite partisan on this, and I think that is unfortunate.

So let's look at the record on these issues that we are told are of concern. All of us should be concerned about people getting on a leaky boat and not making it here. Thank God that no longer appears to be happening. It is a very rare thing. Thank God we have not seen drownings in recent times. We should all be pleased with that outcome. Surely that is something we can all agree on—that that is a good thing and that that is a significant improvement. Surely that has come about due to policy change because the message has gone out that that is not the path the residency. Getting on that leaky boat is no longer the path to residency in this country and that must be good thing.

We are reducing the numbers, we are getting through the legacy case load and this legislation goes to that legacy case load. It must be a good thing that we are seeing fewer and fewer children in detention. In fact there are far fewer children in detention now than when we came to office. The expectation is that with the right policy settings that will go down to zero as soon as possible, and that is what we should be striving for. I say to some of those critics including the Human Rights Commission, including some of those protesters: why not actually look at those facts and say we are heading in that direction? We are stopping the drownings, we are seeing fewer children in detention and we are getting order back into our immigration system—order that was sadly lacking for the past six years.

In taking significant measures, the coalition now has to deal with the legacy case load that was left to us by the Labor-Greens, Rudd-Gillard-Rudd governments. That is what we are doing and this legislation is about dealing with that. Labor and the Greens now, having created the problem, are again trying to sabotage the solution and are denying work rights to thousands of people—because people who are voting against this bill are denying work rights. So the Greens on the one hand say they want to see work rights but there is a policy in place from the Labor Party that denies people work rights. We are looking to reinstate them through this legislation and they are voting against it.

So what does that say about their commitment? What does that say about their commitment to these people? It says it all—that they would far prefer to pontificate and to oppose, and to go back to their failed policies, than actually help us deal with solutions that will improve the
lot of many but that will maintain the integrity of our immigration system. If we do not maintain the integrity of our immigration system we can see the catastrophic results: we see the thousands of people drowning, we see children in detention and we see all of the things that we do not want to see.

That is what this bill does; it honours the coalition's commitment to restore the full suite of border protection and immigration measures to stop the boats. It reintroduces temporary protection visas; it introduces the safe haven enterprise visa—which is also a temporary visa; it reinforces the government's powers to undertake maritime turnbacks; and it introduces rapid processing and streamlined review arrangements.

The issue around turnbacks is an important one and it is worth reflecting on. Turnbacks have worked. Turnbacks have been an important part of the suite of policy measures that the coalition has put in place. Richard Marles knows this. Richard Marles acknowledged the turnbacks have worked.

**Senator Moore:** It is Mr Marles!

**Senator SESELJA:** Well, he did! This is where the fundamental confusion is in the Labor Party over this policy.

**Senator Whish-Wilson:** We got no information on it!

**Senator SESELJA:** Richard Marles went on television and said, 'We acknowledge that they have had an impact.' And he was very quickly rebuked and brought back into line. He was speaking the truth. It was a rare moment from this Labor opposition, where he was acknowledging that the policies that we have put in place have worked, and he was very quickly undermined by others in the Labor Party, including his own leader.

The turnbacks do work. The turnbacks are part of a suite of measures that have sent a very clear message that getting on a leaky boat and paying a people smuggler is not the path to citizenship in this country. It is not. We have made that absolutely clear, and that should be reinforced. All of our policies should reinforce that, rather than undermine that as they did under the previous government.

I often have discussions, as I said, with advocates. Many of them are well intentioned, but I think those advocates forget—and what they cannot seem to reconcile—that if you are going to have a limit on the number of people you take in an immigration setting then you have to have rules. Whether you take them in the humanitarian space, in refugee places or more broadly, if you are going to limit the refugee space—and virtually all Australians would agree that we have to have a limit—then we have to set those limits in terms of how many people come to Australia. If you are going to do that then you have to have rules and you have to enforce those rules. If you do not enforce those rules then the people smugglers get to choose. They get to choose who gets to be accepted as a refugee in this country.

There are those who languish in other countries in refugee camps—and I have spoken to many of them who are now in my electorate. Many of them waited for many years. I am not saying that some of the people who have arrived here by boat do not have legitimate claims. I am saying that we should not have a policy that is set up to give favouritism and preference, and to make the test of whether you are accepted as a refugee in this country being whether you can arrive here. Under the previous government—under lax border protection policies—those who got here got preference. Those who do not have the means to get here—those who,
one would argue, are the most disadvantaged; of all the displaced people, those with the least means—they are the ones who are most disadvantaged under the former policies. They will never get a look-in because there will always be someone who gets preference by paying a people smuggler and getting here. So, if you acknowledge that we have to have limits then we have to have rules, and those rules have to be enforced. That is at the heart of the difference in how we do border protection and how we manage these things.

There are other significant problems that have flowed from those failed policies. Because so much extra money was being spent we saw cutbacks in other areas—things like Customs screening were cut back significantly under the former government; they were running out money because they blew such a hole in the budget. That is also important. It is important that we screen what is coming into this country, whether it is drugs or other illegal goods. That was undermined because the whole system was in chaos.

The reintroduction of TPVs is fundamental to the government's key objectives to process the current backlog of protection claims. The government is providing temporary protection to those IMAs who are found to engage Australia's protection obligations. TPVs will be granted for a maximum of three years and will provide access to Medicare, social security benefits and work rights. This is a really important part of this legislation: it is providing work rights. The alternative from those who want to vote against this is to deny work rights so that people who have not been processed and who are waiting cannot actually work to sustain themselves. Surely, that is not a good outcome? Surely that is not something that should be advocated, yet it is. It is being advocated; whether they say it or not, that is what they are advocating with their vote.

There are a range of other aspects to this bill, but it fundamentally goes to continuing our job of fixing the problems that we inherited when it comes to border protection. We have made amazing strides in that area, because we no longer see the boats, we no longer see the deaths at sea and we are seeing the numbers of children in detention dramatically reduced. All of those things are great strides, which have come about through strong border protection policies. This is the next step; this is the next part of dealing with that legacy, and I would commend this bill to the Senate.
into business and you gave them a business model and a product to sell, they would do it. There is absolutely no surprise that once you implemented these policies then a flood of people would start to come in again. In fact, 50,000 people paid people smugglers to enter this country illegally. That was totally foreseeable, as were the consequences. If you get that many people coming in on boats you know people will die on the journey. You know that when they arrive they will have to be put into detention, and you also know they will have to be processed. But despite all of this being foreseeable as a consequence of the policy so irresponsibly implemented by those opposite, they did not make the provisions to process this increasing flood of people.

Those opposite talk about compassion all the time. Listening to the debate on this bill, and on similar bills and issues in recent times, I am still struggling—in fact, I find it impossible—to find compassion in a policy that entices people either to their deaths or to indefinite detention in this country. I do not understand the compassion; I see no compassion. In fact, with this legacy caseload, under the system of processing implemented and maintained by those opposite when in government, 30,000 people are still languishing under this system. Now what does that mean? It means 30,000 mothers, fathers and children whose lives are in limbo.

At the recent legislative committee hearing into this legislation, the department of immigration said that 'the government has made it very clear that no illegal maritime arrival will be granted a permanent protection visa. If this legislation is not passed, illegal maritime arrivals will remain barred from being able to lodge an application for a permanent protection visa.' So anybody who opposes this bill will be actively ensuring that these people remain in limbo. The question for these 30,000-plus people is: how long will they remain in limbo? The department said that 'if the government continued to process the IMA backlog for consideration of a grant of a temporary humanitarian concern visa in lieu of the TPVs'—which those on the other side have been blocking; now this is the important bit—it is estimated that the backlog under the Labor-Greens legislation and processes would take at least seven years to process.'

I will say that again: if those opposite block this legislation it will mean that 30,000 people will remain in limbo, many of them for up to seven years. I struggle to understand where the compassion is in that—that is, leaving people, who were enticed to pay to come to this country, in limbo for a further seven years. Surely the most compassionate option would be to speed up their processing time by years so that they can get a decision: yes, they can stay on one of the new visas we are proposing; or, no, they cannot. Surely it is better to give people the news as soon as possible and not leave them in limbo indefinitely.

This bill will reintroduce temporary protection visas and will introduce safe haven enterprise visas, which are also temporary visas. It will reinforce the government's powers to undertake maritime turn backs and it will introduce rapid processing and streamlined review arrangements. Surely a compassionate response is to provide visas; to get people out in the community and provide them with an opportunity to work. It is not compassionate to provide permanent visas. This would again put the people smugglers back in business and we would start all over again with the deaths, with the arrivals, and with more people and more children in detention.
These measures deliver on the government's election commitments to reintroduce these TPVs, to ensure that no IMA will be granted a permanent protection visa, and critically, and most compassionately, to process Labor's backlog of 30,000 asylum seekers. This should come as no surprise to anybody in this chamber or anybody in the Australian community. The reintroduction of TPVs is fundamental to the government's key objectives to process the current backlog of IMA claims. I was on the committee inquiry into this bill; I heard the submissions from a wide range of people. Not a single one of them put forward a credible and implementable solution to this backlog that would not put the people smugglers back in business. To me, that is not the responsible and the compassionate course of action.

Under this policy from our government, we are providing temporary protection to those illegal maritime arrivals who are found to engage Australia's protection obligations. Temporary protection visas will be granted for a maximum of three years and will provide access to Medicare, social security benefits and work rights, despite what those opposite have been claiming. However, most importantly, temporary protection visas will not include family reunion or a right to re-enter Australia. Those of you who have had a look at recent committee testimony from a number of different inquiries will see that that is one of the products that people smugglers sell: you send us your young children—‘anchor children’—and if they get in and get a visa, you can bring your whole family in. That is a horrific and an inhumane offering on behalf of the people smugglers and we cannot not deal with it.

Senator Whish-Wilson: What about people who want to be with their families? What about them?

Senator REYNOLDS: If Senator Whish-Wilson thinks that sending children by boat is a compassionate way to deal with children and that there are remotely has any human rights aspects to it, he is welcome to address that in the chamber later.

These visas will be credited for a period of up to three years. On expiration, a person's individual circumstances will quite reasonably be reassessed. Those who are found to still be owed protection will only be granted a further TPV or a SHEV, a safe haven enterprise visa. If they are found not to engage Australia's protection obligations, they will be required to leave.

Consistent with this government's principles of rewarding enterprise and its belief in a strong regional Australia, a new visa, the safe haven enterprise visa, will also be created by this bill. Again, it absolutely astounds me that people in this chamber, people who represent rural and regional communities in this country, would not be supportive of this new visa. The safe haven enterprise visa will be open to applications by those who have been processed under this legacy case load and who are found to engage Australia's protection obligations. They will be an alternative to the TPV and will also encourage enterprise through learning and earning, which I think is wonderful.

Those granted a SHEV will work in designated regions, identified through a national self-nomination process. These visas will be valid for five years and, like the TPV, will not include family reunion or a right to re-enter Australia because, again, that is another product for people smugglers to sell. Holders of these visas will be targeted to designated regions and encouraged to fill regional job vacancies, and will have access to the same support arrangements as a TPV holder, including Medicare, social security benefits and work rights.
In the last few months as a senator in this place and from my travels around regional Western Australia, I have had many conversations with growers and farmers who simply cannot find local people to do these jobs that keep their businesses, their farms and their horticultural industries going. Any opportunity like this to help growers and farmers across Australia find hardworking employees is something to be commended. Again, I cannot understand how anybody in this place would not think that is a good thing.

What happens to them after they have worked in regional Australia? If they have worked in regional Australia without requiring access to income support for 3½ years, they will be able to apply, if they meet eligibility requirements, to be granted other onshore visas—for example, family and skilled visas as well as temporary and skilled student visas. If a SHEV holder was to access government assistance to study for a degree, a diploma or a trade certificate in a designated regional area, this would not be classified as accessing social security benefits. However, holders of this visa will not be able to apply for a permanent protection visa. If a holder of a SHEV has relied on income support for more than 18 months during a five-year period, they will only be eligible to apply for another SHEV or a TPV, and this will only be granted if they are found to be engaging Australia's protection obligations. If they are not found to have engaged Australia's protection obligations, they will be required to leave the country.

Amendments in this bill to the Maritime Powers Act strengthen Australia's maritime enforcement framework and the ongoing conduct of border security and maritime enforcement activities. These amendments also reinforce the government's powers and support for Australian border protection officers conducting maritime operations to stop people-smuggling ventures at sea. Enforced turn-backs are a critical component of the government's suite of border protection measures and have been successful in stopping the boats, stopping people dying and putting people smugglers out of business.

These measures affirm and strengthen our government's ability to continue with the successful cessation of boat arrivals in Australia. As someone with firsthand experience with border protection policies, I know the effectiveness of stopping the boats. They are not easy decisions. They are probably some of the hardest decisions that any government has to take, but they have to be made in the national interest and, I must say, in the interest of those who are thinking of putting their lives at risk by paying people smugglers, and now in the interest of the 30,000 illegal maritime arrivals whose lives will be held in limbo under the policies of this government for nearly seven years if this legislation does not go through.

The migration system as it stands promotes a one-size-fits-all approach to responding to other claims. The framework is inconsistent with the robust protection system that promotes efficiency and integrity. While efficiency and integrity are buzzwords used in government and in business, what that actually means for those 30,000 people is that they will have to wait for up to seven years in limbo, and that is not acceptable. Under this bill, a new process, the fast-track assessment process, will efficiently and effectively respond to unmeritorious claims for asylum and, it has to be pointed out, there are many unmeritorious claims for asylum just as there are many that are meritorious. This new fast-track assessment process will replace access to the Refugee Review Tribunal with access to a new model of review—the Immigration Assessment Authority, known as the IAA. These measures are specifically aimed at addressing the current backlog of illegal maritime arrivals.
As we heard during our Legal and Constitutional Affairs Committee hearings on this, 30,000 people are affected. Those who have meritorious claims will be afforded far better treatment under the provisions of this bill. However, it is the government's policy that, if fast-tracked applicants present unmeritorious claims or have protection elsewhere, their cases will be channelled towards a direct immigration outcome, rather than having them access the merits review process in order to prolong their stay in Australia. The measures in this bill will support a robust and timely process, which is, as I said, the humanitarian and the right process. It will better prioritise and assess claims, and afford a differentiated approach depending on the characteristics of the claims. Prompt removal of failed asylum seekers from Australia also supports the integrity of our protection program and reduces the likelihood of applicants deliberately frustrating and playing the system, and delaying removal plans.

The cost of the former Labor government's failures on our border over the last six years of government have been substantial in both humanitarian and financial terms. When looking at this bill and these measures, it is, I think, very important to go back and have a look at what they are designed to address. Labor and the Greens' failed border protection policies resulted in an environment where 50,000 people put their lives and their families' lives at risk by paying people smugglers, working through a pipeline of countries, to make this illegal journey. And why did they do it? Because those opposite deliberately, knowingly and with foresight implemented policies that drew them back to our country. Again, as I have said, I see no compassion in any government that would deliberately do that—not only deliberately bring them here in large numbers but put them into detention centres that were not ready and were not capable of looking after that many people. That is not compassion. That is not humane. Trying now to obstruct legislation that would deal with these 30,000 people in less than the seven years that their system would have taken—that is not the humane or right way to treat these 30,000 human beings.

As a consequence of the policies of those opposite, more than 14,800 have been waiting offshore in very desperate circumstances. Because of the policies of those opposite, they have been denied Australia's protection through humanitarian visas, as places were taken in our program by those illegal maritime arrivals who had paid to come here—many of whom had paid and sent their children on that journey so that the whole family could come in behind them. That is in no way a humanitarian or a responsible government approach.

To me, the most compassionate and humanitarian approach is to pass this legislation to give these 30,000 human beings a decision. If they are not going to stay, it is the right thing to do to tell them so they can get on with their lives elsewhere. If they are able to stay, we should provide them with visas so that they can work, study and raise their families here. That is the humanitarian way. Do not leave them in detention for up to seven years. That would be the consequence of not passing this bill, which I commend to the Senate.

Senator BACK (Western Australia) (11:57): In rising to support the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014, I support the comments of those who have come before me, particularly those of Senator Reynolds in the last few minutes. I will be urging, from a humanitarian point of view, everybody in the chamber to support this legislation. I do want to reflect initially, if I may, on why we are where we are, because I think it is important for people to have some understanding of the history of this issue.
We know that the previous coalition Prime Minister, Mr Howard, dealt with this issue. He of course made the statement that we, Australia, would decide who comes to our country and the circumstances under which they come. It was interesting for me, not long after I came here some six years ago, to hear a comment by the honourable Philip Ruddock, whom Mr Howard appointed as the immigration minister. Coming from his legal background, particularly associated with supporting those in need, one might have thought that Mr Ruddock's view would be very much along the lines of: 'What can we do to encourage more to come?' The interesting point he made was this: 'I came to the realisation that the best way of protecting these would-be asylum seekers who would come by sea under circumstances in which they are encouraged by people smugglers was to make sure that they didn't get on boats in the first place.'

Philip Ruddock took the view that the safest position for those people was to make sure they were not put on old wooden leaky hulls, having paid significant, indeed scandalous, sums of money to people smugglers. So Ruddock went about the process of making sure that that took place. History of course records that that is what the Howard government achieved. At the time, the shadow minister for immigration was Ms Gillard. Ms Gillard used to have a press release. The press release was headed: 'Another boat, another policy failure.' It got to the stage that her staff or their printers were not troubled by that media release, because they stopped when the vessels stopped.

I remember, before meeting Philip Ruddock—Senator Cash would recall as well—watching him being interviewed by a very aggressive BBC interviewer in London. This man was being highly critical and highly rude, and Philip Ruddock in his usual quiet way listened to this fellow for awhile and then said to him, "Why are you attacking our country when you yourselves have exactly the problem that we did have?" He said, 'The only difference is we have addressed it and you haven't.'

Of course, when the Rudd government came into power, the first thing they did was dismantle the processes, practices, procedures and legislation that had stood the test of time with the Howard government. As one who had recently worked in and had businesses in Asia, on the subcontinent and in the Middle East, it became apparent to everybody that the message to the people smugglers was: 'We're back in business. We can put our sign up again because once again Australia is a weak target.' So what we saw in that time was the lamentable circumstance of tens of thousands of people paying hundreds of thousands of dollars collectively to people smugglers to get on leaking boats for the possibility of making it to Australia or to one of our offshore islands.

We know that in excess of 50,000 people got on those more than 800 boats. We know about 1,100 people—about one every second day that Labor was in government between 2007 and 2013 that we know about—were lost at sea. Why do I emphasise that point? I return to some discussions with our naval personnel with whom I had the pleasure and privilege of visiting at the Larrakeyah Barracks as part of Sovereign Borders in July of this year. For those in the gallery who may not be aware: we have this wonderful program between the parliamentarians and the Australian Defence Force where we—there are 14 of us each year—can participate in a program with our Defence Force personnel. We are given no privileges. We meet everybody from the cooks to the generals to the admirals. We have the opportunity to learn from them at the coalface what their activities are, where their challenges lie. For
their sins the military officers come and spend a week with us in Parliament House in September or October.

A circumstance played out last night on national television. That was the stress to naval personnel who have been associated with the illegal-boat-led immigration programs over the last few years. The small amount of footage that I saw was distressing. But the point they made to me was they were sure there were well in excess of 1,100 people who would have been lost at sea. They are the ones that we know about. One can only be open in admiration of the work that those naval and related Army personnel do in protecting our borders but also in offering assistance to those who used to come. They were stressed out because of increased workload. The vessels were certainly stressed out because of increased workload.

But the worst thing of all for them was that recently our national broadcaster, the Australian Broadcasting Corporation, ran a line that our naval personnel had forced the hands of asylum seekers onto hot engine parts on those vessels. You had better have a clear understanding of their anger and their disappointment that such an allegation would be aired on a publicly funded national broadcasting service. I for one praised the Minister for Defence and others who drew attention to the scandalous allegation that was made and which has never been fully retracted, with a half-hearted apology from the head of the ABC.

Let's reflect on what has happened since Minister Morrison, ably assisted by his assistant minister, Michaelia Cash, took over responsibility for this portfolio. Since December last year—about this time—there has been one people smuggling venture, associated with 157 personnel. Only the one. Prior to that time, as we know, from September 2012 to September 2013—prior to us coming into government—there were no fewer than 401 such ventures, with 26½ thousand people on board.

I want to draw attention to the plight of genuine refugees—those who have gone through the process, those who have been found to actually be eligible for refugee status in this country who have been left floundering and rotting in refugee camps around the world as a result of the previous Labor government's policies. And why were they? Because Australia would accept a certain number per year. For each illegal immigrant—each illegally sourced asylum seeker who came—a genuine refugee then continued to rot with their families in refugee camps. I recall in Perth a young Sri Lankan fellow coming to see me, telling me that what was happening in these refugee camps was that, as a family got to the top of the list to come to Australia, unbeknownst to them, as a result of graft and corruption by management of some of these refugee camps, they never got to find out their names got to the top of the queue. Why? Because somebody came along with the inevitable brown paper bag, paid money, went to the top of the queue, came to Australia and had the deserving family continue to rot in such circumstances.

I was delighted to learn that the minister has indicated that we are now back to the stage of accepting some, I believe, 13,500 genuine refugees each year. On top of that, the people who will be the subject of this legislation are actually additional to those numbers. This is critically important—they are additional. So we will see again the flow of genuine refugees coming to this country under the conditions we have always approved and want to see in this place.

It is not just the direct cost—the $11 billion of cost—that the previous government ran up because they discontinued the policies of the Howard government that they inherited and that were working; it is what they then did when trying to account for some of those costs. The
problem was compounded because they cut nearly 700 staff from the Customs service at a
time when their duties were being increased as a result of not just illegal boat arrivals but also
the burgeoning importation of drugs into this country. Only the other day we saw our border
protection, customs, police and related services apprehend some $1.5 billion worth of
methamphetamine and other illegal drugs.

We do not for a minute think that we are getting all that is coming into this country, but
when you cut the guts out of the customs and immigration service—when you take 700
competent people out—what does that do to the drug cartels? It has been put to me that the
drug trade is so lucrative that they say to the drug mules and others in the trade, 'If you get
apprehended, we will replace the product free of charge.' Those are the challenges we are
facing. The number of sea cargo inspections under the Labor government decreased by 25 per
cent and there has been a 75 per cent reduction in air cargo inspections, so the chances now of
being apprehended if you bring something in by air are not high. These are some of the spin-
offs that occur when you end up squandering $11 billion when you inherited a situation that
was under control.

I now come to the circumstance of this legislation directly. Temporary protection visas do
exactly as their name suggests. If somebody comes to this country and returning them to their
country of origin would put them at risk, they will be provided with a temporary protection
visa. Wonderful. Over time, as we know, the conditions that caused them to have to leave
their country, if they were the genuine asylum purposes, may change or can be the subject of
examination and inspection.

I think one of the fairest components of the legislation we are considering, and the one I
urge my colleagues in this place to support, is the capacity for a person during the time they
are under a temporary protection visa to be provided access to Medicare and social security
benefits and allowed to work. A lot of people in our community do not agree with that. We
get email traffic that says: 'Why is the Australian taxpayer providing Medicare services for
these people? Why are we providing social security benefits?' There are a number of reasons:
firstly, we are generous people; secondly, we want to try to minimise the adverse impacts on
these people; and, thirdly, we want to give them the dignity that goes with the capacity to
work. How terrible it must be, for whatever reason and in whatever circumstances, for a
person who comes to this country to be left rotting and not be able to work because they were
not processed by the previous government, which had no sense of generosity and no capacity
for administration.

As a person from a rural and regional background I support the comments of my colleague
Senator Reynolds with regard to work in rural and regional areas. At this very moment where
fruit and other crops are being harvested we have a shortage of labour because Australians are
unwilling to leave their towns and cities to avail themselves of this work. Fruit is not being
picked and is rotting on trees and vines, and grain is not being harvested. Here we have a
tremendous opportunity for these people.

The second element of Minister Morrison's legislation is the safe haven enterprise visa.
This is a visa for a five-year period. If holders of these visas have worked in regional
Australia without requiring income support for 3½ years and if they meet the eligibility
requirements, they will be able to apply for other onshore visas—family, skilled, temporary
skilled and student visas. What a fantastic opportunity. We all know from our own
experiences how quickly those who came in post the Second World War from Southern Europe—Italians, Greeks and others—assimilated into our communities and how we benefited from their involvement. We then had the later wave during and after the Vietnam War. The Vietnamese who have come to this country have enriched this country with their diligence, their hard work and their desire to study and improve themselves, and of course they have changed our cuisine and our outlook on life.

Here under this legislation we are giving those people who will accept and be involved in the safe haven enterprise visa the chance, should they work for 3½ years—which is what they want to do; they do want to do the work that so many Australians do not seem to want to do—of family and skilled visas as well as temporary skilled and student visas. So they can set themselves up with sets of skills that indeed at the conclusion of that time they may well be able to take back to their country of origin, if indeed that is where they return, so that of course their lives and the lives of their children are enhanced into the future.

The legislation certainly requires a circumstance that people do make sure that they comply with Australia's rules and regulations. Perfectly, the Australian community would expect, that if a person on whatever form of these or whatever form of activity in this country, if they cannot comply with the rules of this country, if they cannot comply with reasonable legislation in this country, then they should be denied their right to continue here. I think that is an entirely reasonable circumstance.

Just in the last few minutes I do want to go back to the humanitarian activity and I do want to return to the topic briefly associated with our own military personnel. It is and has been an enormous burden. When we were in Darwin they actually asked us to put the clothing on that the personnel wear when they get into the rubber duckies to actually go to the vessel that they will be intercepting, remembering what temperatures would be like and humidity is like this time of the year. They will be in that equipment for six to eight hours, apprehensive, tentative, not knowing what they are going to meet when they arrive at the vessel. This is a pressure that they endure day after day. I for one want to say how pleased and proud I am of those people. I also want to say that this type of legislation will limit even more quickly and even more severely those who attempt—people smugglers—to bring people to this country illegally.

**Senator XENOPHON** (South Australia) (12:17): Australia's migration policies have always had a long and vexed history. They have been, and rightfully so, open to significant scrutiny from international and domestic courts, independent experts, interest groups and the electorate. It has and will continue to be a passionate debate about a wicked and vexed issue. For me it is always important, always, to remember that we are dealing with legislation that relates to people, our fellow human beings. They are not numbers; they are not the myriad of labels that have been applied to them by all sides of the debate; and they are not political inconveniences, punching bags or props. They are mothers and fathers, sons and daughters, friends, neighbours and acquaintances. They are, in short, people just like you and me who have found themselves in extraordinarily difficult circumstances—some, unimaginable circumstances. So I would like to approach this debate with respect, with compassion and with dignity.

This has not been an easy process for me. On one side this bill does contain a number of measures that I am not comfortable with. But on the other side, if we do not act, the 30,000 people currently awaiting processing will continue to be left in limbo. If this bill does not pass
there is also the real risk that the government will use a nonstatutory process instead, which will not result in any better outcomes for the people who are currently in Australia. This problem is a true Hobson's choice: we are left to decide between two potentially negative outcomes.

Back in 2012 the former government put up a number of proposals, the so-called Malaysia solution, which was rejected by the then opposition and the Australian Greens. I remember at the time—I remember well—I was in hospital and I asked for my vote to be recorded. There is a saying: 'Not to have the perfect should not be the enemy of the good.' As imperfect as the former government's solution was, it was preferable to doing nothing. We saw more and more drownings, more and more people pass away, and more and more people fall victim to people smugglers and the awful consequences of that.

What is being proposed by the government here is by no means perfect—in fact, it is quite imperfect—but the consequences of not supporting it will mean that asylum seekers will be in a worse position, in my view. It also has to be noted what the immigration minister said a few moments ago. He has agreed, as part of a process of constructive engagement with crossbenchers, to increase the humanitarian intake by 7,500 people—a significant increase. My view is that we should double the humanitarian intake or more. We are a big country with a big heart. But I am trying to deal with the actual political realities here. We have an opportunity to increase significantly the humanitarian and refugee intake by 7,500 people on top of the 30,750 per annum. We have an opportunity to have something like 25,000 people on bridging visas have work rights for the first time. We have an opportunity to significantly improve the lot of those individuals who have been left in limbo. The reality is that under the former government border control, immigration policy, was out of control, and that is something we need to take into account.

I have met with many interest groups and representatives, including Amnesty International and also Paris Aristotle of Foundation House and the former government's expert panel. My view on this issue changed when I saw what Angus Houston, Paris Aristotle and Michael L'Estrange said in that expert panel. I congratulate former Prime Minister Gillard for having the foresight to set up that panel—to actually have a circuit breaker to try to look at this in a different way, because to me it meant that we needed to consider the awful moral dilemmas that we had to deal with. I thought the panel headed by Angus Houston came up with a number of sensible proposals.

In that context, I have approached the government to request changes to the bill and to migration policy to improve the conditions for the men, women and children who are awaiting processing. That doesn't mean that we cannot still advocate for a significant increase in the humanitarian intake. It does not mean that we stop being critical of the government's policies, but if we do nothing, if we do not support this bill, then I believe fervently that what will happen is that asylum seekers will be worse off if this bill is not passed, as imperfect as this bill is. That is the moral dilemma; that is the wicked problem.

I want to make it clear that my vote for this bill is conditional on these changes and those circulated by the Palmer United Party. The government has taken my concerns into account and, I understand, will be circulating amendments to that effect. As such, I will not speak to those amendments in detail, but I would like to take this opportunity to outline the changes that I have proposed. I also want to make it very clear that these proposals do not necessarily
represent my ideal outcomes. They do not, but they do make important steps forward—and I
do not believe they should be rejected because they are only 'good' rather than 'perfect'.

Firstly, I have proposed changes to allow people holding TPVs or SHEVs to travel outside
Australia where the minister is satisfied there are compassionate or compelling circumstances
and the minister has approved that travel. That has never occurred before, either under this
government or under the previous government, and I think that is an important concession.
This would cover circumstances where a TPV or SHEV holder wants to travel to visit family
in circumstances such as significant family illness or death. While I would prefer to allow
family reunification on these visas, I believe this is an important step in granting these visa
holders rights that go some way towards acknowledging the importance of family.

Secondly, I have proposed changes to ensure that, through the use of a disallowable
instrument, the fast-track process only applies to the legacy caseload. This will make sure that
the use of this fast-track process will be subject to the scrutiny of the Senate. Thirdly, I have
proposed changes to the definition of 'manifestly unfair' in relation to the rejection of claims
so that it more accurately reflects language used by the UNHCR—and that is important. I
think that is a benchmark that we need to look at very carefully.

Fourthly, I have proposed some changes to the fast-track review process to ensure that it is
not only efficient and quick but must meet the natural justice provisions already included in
the Migration Act. This will help to ensure that decisions take natural justice into account
within the confines of the act and so are more balanced and fair. I have also proposed changes
to the requirement for the review to take new information into account. My specific intention
in this case is to ensure that information that was not provided for personal reasons, including
mental health reasons, can be taken into account. One example that has been put to me are the
many cases of sexual or other assault, where the victim may not volunteer that information in
the first instance. I think all of us can appreciate the reasons behind not sharing that
information—the shame and the trauma that may prevent someone from speaking out. My
proposal to the government was that this type of information and these circumstances must be
taken into account, and I believe these changes will improve the review process in that regard.

Fifthly, I have raised concerns relating to the non-refoulement provisions and how we can
be sure that a person being returned to a country is not facing persecution. In this case the
government has agreed to use phrasing similar to that of the UNHCR to define both when a
person is considered to be part of a particular social group and what effective protection
measures should be taken into account when considering if that person should be returned. I
believe these definitions will bring Australia more in line with UNHCR best practice in terms
of defining and applying these clauses.

Further, I have advocated, as have others, for an increase in Australia's humanitarian intake
and to extend work rights to people on bridging visas. I have always been a strong advocate of
increasing our humanitarian intake. I believe the government could go further, but I do
acknowledge the increase they have proposed will make a real difference—7½ thousand
people. That is 7½ thousand people who can be taken in through that humanitarian and
refugee intake and who can be part of our community. I do not want to throw that away. That
does not mean that my colleagues in the Australian Greens or the opposition cannot say that
we should double it—I think we should—or that we should have a much bigger humanitarian
intake, a much bigger refugee intake. It could be an issue at the next election. I do not have an
issue with that—it ought to be. But I do not want to throw away this opportunity to have 7½ thousand more people come in to this country through that humanitarian and refugee intake process.

Extending work rights to those on bridging visas is also vitally important. Participating in the workforce, even in a small way, makes people a part of our community and society. It gives them, quite simply, a reason to get up in the morning—to feel valued and that they are making a contribution. I do not want to pretend that any of these measures is an ideal outcome or that they represent what I would see happen in the perfect world. But they will make a true difference to the people who are here right now, who are in detention right now, who are waiting to be processed right now. This may not be perfect, but it is good. It is also important to remember that this is not the end of the debate. These measures do not mean that I, as many others, will stop pushing for improvements. They are merely the next step, not the final one, and I would urge my colleagues to support this bill.

Senator MADIGAN (Victoria) (12:27): The Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014 makes significant changes to the way asylum seekers in this country are processed. With amendments, the bill is even more complex than without. The bill will do many things, not least of which is the bringing back of TPVs. As I understand it, the government will not back down on their view in support of TPVs, and I have a problem in backing down on my view against them. As such, I think we are, at this point in time, possibly at a stalemate.

But I want people to be crystal clear that I genuinely want to find the solution to the problem of asylum seekers and what they are experiencing. Having visited Villawood and Broadmeadows on a number of occasions, I know that these people wish to have some surety in their lives. I also know that many of them will be found to be genuine refugees and that there will be some who will be found, ultimately, not to be genuine. I personally think the whole debate has become so polarised. I am not casting aspersions on anybody's motivations here but just asking people to remember that we are all going to go home at the end of this week. We are all going to be with our families. We all know where we are going, so to speak. The issue of asylum seekers, the issue of dealing with compassion and dignity, the issue of addressing the concerns of people in the wider Australian community have to be treaty logically and with respect. There are many moving parts to this machine but in the end it is about people and you cannot commodify people. They are not numbers; they are people. At this point, I cannot support the government's legislation as it stands, but I acknowledge the work of Senator Xenophon. There are a lot of people in this place who are looking for a genuine and a just outcome.

Senator CANAVAN (Queensland) (12:30): This is the first time in this place I have had the opportunity to speak on any refugee or immigration matters. At the outset, I would like to associate myself with the sentiments put on the record by Senator Xenophon and Senator Madigan. We do have a moral obligation to do what we can to accept people who are in unfortunate positions, who do not have the grace and benefit of being born in the safe and democratic nation in which we were born. We try to do the best in the world, as we do in our own lives, to help as many people as we can. I know often I personally fall down in not giving charity to as many fellow Australians as perhaps I should from time to time. Likewise, as a nation I am sure we can do more from time to time, we but we cannot do everything. The
problem of refugees or displaced people has existed for as long as human history itself, going right back to biblical times. As a small nation at one end of the Pacific, we simply cannot fix that problem. We can, however, contribute to helping a not insubstantial number of people to relocate to a new nation, to make a new life, and to give them the opportunity to escape from threats to their life and liberty.

Through my own experiences, although I have not had a lot to do with refugee issues, I have from time to time been in contact with the Hazara community in Brisbane. They are great Australians who have come to this nation in the last decade or so, have found work and made themselves a family, and have taken advantage of the great Australian dream which we offer to everyone who is born here. It is a fantastic thing we can also offer to people from all around the world.

We try to take in around 13,500 refugees a year, which is a high proportion of the population relative to other nations' takes. It is something I fully support. In the past few years, that intake has been breached largely through unauthorised arrivals by boat. While I support an open and welcoming refugee policy where we do not control who is coming to this nation, I have great concern that those refugee places are not necessarily going to the people most in need across the world. They go to the people most able to afford to get on a boat or have access to places like Indonesia where they can take advantage of people-smuggling activities.

There certainly needs to be a change in policy and a recalibration of where we are at. This bill deals with the legacy of policies which have contributed to the fact that we have 30,000 people in migration limbo at the moment, people who came here in an unauthorised way, and we have no real system to process those individuals.

As I said, I think we have a moral obligation to help people. We do not have a moral obligation because we have signed international treaties or because other people tell us we should act in that way; we have that obligation because we are human beings, just as these people are human beings and we should try our best to make their lives better if we can. The changes we are making in this bill have the potential to improve the lives of the 30,000 people. I know others in this chamber do not support temporary protection visas, but I think they are a reasonable compromise between ensuring people have asylum from threats which might impact them in their home countries, while recognising that we cannot help everyone in that situation.

Over time, if the temporary protection visa system works well, we could help more people than we could if we were to offer permanent asylum because there is a limit to the number of people we can take. While I believe we have the obligation to provide people with asylum, it does not extend to say that we have to provide them with permanent residence, only that they should be granted asylum in the period when they need asylum. If circumstances change in their home countries, I see no abrogation of our responsibilities if we ask them to return to their home country when the situation improves. In fact, in my view we do the home countries a disservice if we do not encourage people to go home in those circumstances. We have been involved in fighting a long and hard war in Afghanistan. While I see the need for the Hazara to have asylum, hopefully in the long term Afghanistan will find a modicum of peace and security and the Hazara people will be integral to building peace and stability in that nation. If all we do is take the good people out of a nation and provide them with asylum, then those
other countries will be denuded of those good people and will struggle to rebuild their own nations and to fight against evil and tyranny that sometimes, unfortunately, temporarily succeeds in other countries.

Providing temporary protection is, to me, quite consistent with our obligations, and a temporary protection visa has always seemed to me to be a reasonable and proportionate response to this very difficult issue. Of course, the policy changes I flagged earlier have made a marked difference in the number of boat arrivals in this country. There has been only one people-smuggling venture that has successfully arrived in Australian waters since 19 December 2013—almost a year ago—and with only 157 people. That compares with the 50,000 or so that arrived here under the former government, and that has meant that we have a backlog of 30,000 people in asylum right now.

The government went to an election last year with a clear policy—indeed it has been to the last two elections with a clear policy—to implement changes to our refugee program. The changes have included a program of turning back boats where it is safe to do so, reopening the facilities on Nauru and Manus Island—which the former government did take steps to do before the election—and, of course, the reintroducing temporary protection visas. I think there was a very clear mandate at the last election and widespread support for those policies, and some components have been successfully implemented by the government and have clearly had an impact. As I said earlier, I recognise the concerns of other senators about temporary protection visas, but it seems to me to be a reasonable compromise in this very fraught debate and I would hope that particularly those senators who come from an independent or crossbench perspective will look closely at this compromise and consider it to be a reasonable alternative.

I want to give credit to some of the crossbench and government senators who have introduced a new element to this program. I think that the safe haven enterprise visa, as it has been called, is an extremely innovative and welcome development. We have other visas in this nation which are very beneficial to rural and regional areas; indeed, some of our farms, meatworks and agricultural enterprises would not survive without 457 visas or 417 visas, the holiday visa program. These are essential to providing a workforce for industries in so many areas where unemployment is high. Unfortunately, many Australians do not want to go and pick fruit at a farm, pick grapes in St George or cut down 14-kilogram banana trunks in Innisfail or Tully, and we do rely on getting people from other nations to sustain those industries and farming activities. The enterprise visa will add another menu item to those visas which I think would be quite beneficial. People among those 30,000 who are in that backlog who want to gain access to work can move to an area of need—although I recognise that any area can be designated a region, my understanding is that the government will seek to ensure that those regions are in need of employment and are designated accordingly. People could apply to get a safe haven enterprise visa and move to these areas to add a new source of dynamism and diversity to regions of Australia which need workers, and it would allow these people to get on with their lives and earn some money for their families so that they can afford all the things that we in this chamber, I am sure, are very lucky to be able to afford.

The safe haven enterprise visas would be temporary in nature but my understanding is that after 3½ years on those visas people would be able to apply to be granted other onshore visas, including family-related visas which would not normally be allowed under TPVs generally.
This will provide those people in this queue with hope for a better life. If we pass this bill today, it will provide 30,000 people who are somewhere on our territory, or territory that we have contracted for in Pacific nations, to have a hope for a better life. They can get some form of visa right now. They can apply for rights to work and to provide for their families, and if they prove themselves to tick all the right boxes while undertaking those activities, working and paying taxes, they will be able to become fully-fledged Australians. I think that is a great thing, and I am surprised that it is all that controversial in this place. Why wouldn't we want to give some portion of these 30,000 people hope for a better life? That is what this bill will do.

The government is of a view that a one size fits all approach is not appropriate to this problem because it limits our ability to address and remove unmeritorious claims and diverts resources away from individuals who have more complex claims. This bill will introduce a fast-track assessment process that will efficiently and effectively respond to claims that are deemed to have no merit and will replace access to the Refugee Review Tribunal with a new model of review—the immigration assessment authority, known as the IAA. These changes are consistent with the other issues that have been raised with respect to the surge in boat arrivals that have occurred in the last few years that has, in my view, given priority to people who perhaps are not as much in need as those who are waiting in camps—those who are in a queue, so to speak—waiting to get to a nation of asylum, whether it be Australia or another country.

Our review processes likewise have been blocked and unnecessarily diverted from dealing with claims that are of more merit by those that would seek to abuse processes. However, I completely understand why people might want to do that. I must say, if my family were living in Iran or another nation, I would try to do everything I could to get my family out and to a better life. As I said at the start, we cannot do everything. That does not mean we do nothing but we need to do something that we can do, and we need to do it in the best possible we can, given the scarce resources and the constraints that we have as a nation, and it needs to be consistent with our obligations in this place. This bill does that. It gives people better opportunities and it should be supported by this chamber.

Debate interrupted.

STATEMENTS BY SENATORS

The ACTING DEPUTY PRESIDENT (Senator O'Neill): Order! It being 12.45, the Senate will now move to senators' statements.

Corporate Tax Evasion

Senator HEFFERNAN (New South Wales) (12:45): I would like to talk today about something which should concern all governments of all persuasions in the Western World and all their constituents. Can I just start by outlining what we see for the future: by 2050, there will be nine billion people on the planet, and 50 per cent of them will be poor for water. Ninety-seven per cent of the world's water is actually sea water; three per cent of the world's water is fresh water, and two-thirds of that is tied up permanently in snow and ice. Two-thirds of the world's population by 2050 will be living in the Asian area; 30 per cent of their productive capacity will be gone; about 1.6 billion people on the planet will possibly be displaced. That is the challenge for the planet.
The challenge for the human race of course is the low intake of antibiotics in the food chain—and bacterial resistance—the great challenge for feeding humanity. We do not have a solution to the global food task. By 2070, barring human catastrophe—there is always that caveat—there will be 12 billion people on the planet. China itself will have close to two billion people and will have to have an organisational concept to feed half their people from someone else’s resources.

The next great challenge for the Western world and the world to which we have become accustomed in its sovereignty is capturing the revenue base, which is really where I want to go today. I have to say that we are not even noticing the cost that we are going through and the revenue leakage we are going through. We are taking it for granted that ‘she’ll be right’, whether it is paying for the ABC or paying for whatever governments expect—schools and public hospitals—although there are some exceptions to that. Senator Leyonhjelm does not think we should have public schools and public hospitals. I happen to think we should. We are not even noticing revenue leakage.

Last year the World Bank estimated we missed out on about $3 trillion involved in revenue leakage in the G20, which is mainly the Group of Eight nations. And most of that is through derivative swaps and transfer pricing. The derivate swap market was about $700 trillion. The shadow banking market is 69 per cent of China’s banking. And you wonder why they don’t put the currency on the market! These are serious issues which the electorate needs to be informed of, because what we should be doing—whoever is in government should be doing it—is modelling where we have come from in the last 20 years and modelling where we are going in 20 years time if we do not change the law to catch up with the times in capturing our revenue base.

The Foreign Acquisitions and Takeovers Act 1975 is completely out of date. It does not deal with how we capture revenue from sovereign investors. It needs to be redefined globally. Why does the Future Fund—and I noticed Peter Costello the other day saying ‘Oops! Why would the Future Fund want 14 and now 17 companies in tax havens?’ It is because they do not put the currency on the market! These are serious issues which the electorate needs to be informed of, because what we should be doing—whoever is in government should be doing it—is modelling where we have come from in the last 20 years and modelling where we are going in 20 years time if we do not change the law to catch up with the times in capturing our revenue base.

Ninety per cent of the world’s economy is involved in G20 and the OECD countries. As a group of nations we should solve this, unless we want to be the generation that redefined sovereignty, I went to a bitcoin inquiry the other day and was just amazed that the people promoting it could not tell me whether it was defined as a commodity or a currency—and that included people on the phone from the US and the UK and some bright young people from Australia. Yet it is trading. To me, it aids and abets revenue leakage, so there is tax avoidance.

I absolutely think that we have to come to terms with this. Last year the turnover of the shadow banking world was about $120 trillion, which is 1¾ times the global GDP. These are challenges that most people do not want to talk about. I noticed the US corporate world responded the other day—and congratulations to the government on their G20 approach and putting revenue leakage on the agenda—by saying, ‘we don’t think it’s such a crime to have all this revenue leakage going overseas because they are creating jobs here’. That is alright if you do not want to have schools and hospitals and they leave you in the gutter if you get sick. But
the US last year estimated they missed out on between $650 billion and $800 billion in tax that was avoided. In fact the largest anti-tax-avoidance case last financial year was with an Australian identified company.

So I think it is time that we in the parliament took a responsible stand. There is an inquiry—I think there ought to be a select committee that looks at this—to model where we have come from and the things we have taken for granted. These people are not breaking the law; the law is out of date. We need to model where we are going to finish up.

If you want to finish up like southern Europe—or Greece or somewhere where they do not collect their taxes and they have no enforcement regime. The euro is the common currency—and southern Europe goes to sleep after lunch and northern Europe goes back to work—and they think the currency should be commonly denominated. These things need to be thought through.

I am concerned about the legal point-scoring that is occurring in Australia with things like whether we should have a $7 Medicare co-payment or not. All of these things are well and good to be debated politically but, if we do not solve the issue of having the revenue to pay for the expectations of the electorate, we are wasting our time.

Madam Acting Deputy President, I seek leave to table a document, which I have notified the government and the opposition about.

Leave granted.

Senator HEFFERNAN: Thank you. This document is an article from 21 November 2014 in the *Australian Doctor*. Lots of people would find it difficult to come to terms with a $7 co-payment; obviously lots of people could pay it. A packet of cigarettes is more, but not everyone smokes and not everyone buys a coffee every day. But there are places we can save money. Besides capturing our revenue base—which is a serious problem which is going to redefine sovereignty if we do not fix it. There was $3 trillion in tax avoidance globally last year. This article points to where we could save some money:

The Professional Services Review said it was concerned about high-end claimers, including one GP working in a large suburban practice who drew up more than 400 management plans, 400 team care arrangements and then billed for 1,300 reviews in the space of 12 months.

This is where the doctor gets $250 to fill out a little form and send you down the road to have a care plan done for you.

On review of a sample of this practitioners plans, we noted little evidence of input from anyone other than the practice nurse.

I will go further into the article.

In another case investigated by the PSR, a GP generated $600,000 in Medicare billings during his first seven months practising in Australia.

That is $30,000 a week just billing Medicare—I do not how you would see the patients and think you were taking care of them.

We should put the politics aside. If we want to keep Australia the best place in the world to raise a family, to breathe fresh air and to drink clean water, for God's sake, let's get the politics out of the road. Let us not worry about what tomorrow's headline says or what the
next election is going to be about. Let's look at what we are going to be in 15 or 20 years' time as a nation. I do not want to be blamed for living through a period when our sovereignty was redefined because we did not allow the law to catch up with technology. When the present Foreign Acquisitions and Takeovers Act was written in 1975, we were just barely past the telegram era—and a lot of our laws were written when it took six weeks for the Australian cricket team to go to England by ship. We really need to understand that we need to redefine where we are in the world if we are to maintain our sovereignty.

Last year, the World Bank said there was about $1 trillion involved in bribes. You can get a signature on anything you like in Asia, as long as you find the right person to pay the bribe to. And the cost of those bribes—that is, the corruption that followed—was five per cent of global GDP. These are serious issues. It is a given these days that, to compete in the market, the big companies take as a given that they will pay little or no tax.

The average punter and certainly people listening to this—if there is anyone—would not know the derivative swap market. The derivative swap market is a serious deal as is the challenge of coming to terms with the bitcoin market, which will aid and abet tax avoidance, transfer, profits, drug laundering et cetera. So the great challenge for Australia—it does not matter who is in government—is to capture our revenue base. Let's first find out what is going wrong with what we are doing.

Broadband

**Senator BILYK** (Tasmania—Deputy Opposition Whip in the Senate) (12:55): Before the last election, in its broadband policy launch, the then opposition, now government, promised to deliver a National Broadband Network sooner than Labor and for less capital. Despite offering a second-rate broadband network, any savings the government might have achieved over Labor's network are marginal at best, and the rollout is proceeding at a snail's pace. It is ironic that the coalition's multi-technology mix was supposed to speed up the rollout of the NBN when in fact the switch to the new model has actually slowed it down, so much so that the government has already broken its promise to deliver speeds of 25 megabits per second to every premise by the end of its term.

The latest rollout plan released by NBN Co last Monday shows that fewer than half of Australian households and businesses will be passed by the NBN over the next 18 months. NBN Co is now committing to have the remainder of premises connected to the NBN by 2020. This is despite the Prime Minister promising that all Australians would be able to get an NBN connection by the end of 2016.

In the 10 weeks prior to the election, the NBN rollout was passing an average of 4,290 brownfields premises per week. Data released in August showed that the 10-week average had slowed to 2,707 premises per week. Despite promising to deliver the NBN faster, the rollout has slowed down since the election. So the Government's broadband rollout has come to a grinding halt, in fact, all for the sake of switching to technologies that will deliver a second-rate broadband network.

The Liberal-National coalition continue to demonstrate, as they did before the election, that they just do not get it when it comes to Australians' need for broadband speed. The now Prime Minister, Mr Abbott said at the coalition's policy launch:
We are absolutely confident that 25 megs is going to be enough, more than enough, for the average household.

Well, Minister, it may be now, but I doubt it will be by the time your second-rate NBN is built.

We live in a world where the demand for broadband speed is roughly doubling every 18 months. The average household may not need 100 megabits per second now, but it will not be long before they do. Many other countries around the world are delivering fibre-to-the-premises broadband with speeds of 100 megabits per second or more. South Korea, which has the largest number of fibre connections per head of population, is delivering speeds of 1 gigabit per second and is set to unveil a service which provides speeds of 10 gigabits per second.

If coalition members and senators cannot imagine what anyone would need 100 megabits per second for then that is a failure of their imagination. And we have a Minister for Communications who clearly lacks imagination, because he seems to think that 25 megs is enough. In order to prove his point, Mr Turnbull paid his mates $2 million to produce a cost benefit analysis that favoured his broadband plan, even though he promised before the election to give this task to the independent Productivity Commission or Infrastructure Australia. The authors of the report included known critics of the NBN such as economist Henry Ergas, as well as former staff of the minister. Is it any surprise that they came up with the answers the minister wanted?

According to Minister Turnbull's cost benefit analysis, the median household in Australia will require a download speed of 15 megabits per second by 2023. What makes this finding so absolutely ridiculous is that it suggests demand for broadband speed in Australia is actually going to go backwards. At the end of the last financial year, NBN subscribers were purchasing plans with an average download speed of 36 megabits per second. The report said that by 2023, only five per cent of Australians will want 45 megabits or more yet almost a third of households connecting to the NBN now are ordering plans of 50 megabits per second or more.

We know that NBN plans, both wholesale and retail, are priced according to speed, so if households do not need 25, 50 or 100 megabits per second now why are they paying all that extra money for bandwidth they do not need? Or could it be that those opposite are such luddites that they do not understand what an important utility fast broadband is now, and is increasingly going to be into the future for households and businesses? 2023 is nine years away.

Consider what broadband speeds were like back in 2005 and the applications that are available now that could not have been dreamed of then, and you will see how ridiculous it is to think that 15 megabits per second would be acceptable to an average household almost a decade from now. Even NBN Co CEO Bill Morrow thought that the report was rubbish. Mr Morrow said on Radio National in August, 'I suspect ... when they talk about 15 megabits per second being sufficient for people today, I think that likely is taking a snapshot in today's environment. What will tomorrow be, what will next year and the next decade require, I think is really the question. I think we need to ask the panel how they came up with the 15 megabits per second.'
The cost-benefit analysis not only understated the benefits of fast broadband it hugely overinflated the cost of delivering fibre to the premises. Documents leaked to The Age showed that changes in the construction model put in place by NBN Co's board and management last year resulted in fibre to the premises being delivered faster and cheaper than previously. The documents showed that fibre to the premises had been rolled out in Melton in Victoria 50 percent cheaper and 61 percent faster than in comparable suburbs. Given this fact, it is questionable whether there really will be any cost and time savings from the coalition's second-rate multitechnology mix model and that even if there are they would be marginal at best.

There is no good reason for the government not to continue the fibre-to-the-premises rollout and deliver Australians the broadband they want and need and which will make our nation internationally competitive—no reason other than they are politically invested in their second-rate broadband plan and that it would be too embarrassing for them to admit that they got it wrong. Or maybe Minister Turnbull is just following his original orders from when Mr Abbott first appointed him as communications spokesman, to 'demolish' the NBN?

This brings me to the fibre-to-the-premises rollout in my home state of Tasmania. Another broken promise on the NBN, one that is particularly galling to me as a Tasmanian senator, was the promise to 'honour existing contracts'. This is something Liberal members and senators, including Minister Turnbull and Senator Bushby, kept repeating prior to the last election in response to questions about whether Tasmania would receive the full fibre-to-the-premises rollout.

We know that these were weasel words, designed to give the impression that the full fibre rollout in Tasmania would be delivered without them explicitly saying so. If that was not the impression those opposite were intending to give, why did they not correct TasICT chief executive, Dean Winter, when he said publicly that he took that to mean the full Tasmanian fibre-to-the-premises rollout would be delivered? In fact, Senator Bushby explicitly made the statement that he understood there to be contracts in place for the full fibre-to-the-premises rollout. On 17 August last year, Senator Bushby said:

We understand that those contracts are in place to roll out right across the state, and if that is the case, we will honour that.

Well, last night in a public hearing of the Senate NBN committee, at which I was present and asking questions, NBN Co's Chief Operating Officer, Greg Adcock, said that the contract with Visionstream was renegotiated around a number of elements, including price, technology and time lines. So, no matter what weasel words those opposite used then and continue to use now, they gave the clear impression to Tasmanians that the full fibre rollout would be delivered. Anything less is another lie and another broken promise.

Forty-thousand premises in Tasmania were included in the fibre-to-the-premises rollout plan in July 2013. Contracts were in place to deliver fibre to these premises, and now most of these premises are being told they will only receive the second-rate multitechnology mix under the new rollout plan. This includes households and businesses in suburbs such as Risdon Vale, Claremont, Glenorchy, Margate, Brighton, Pontville, Cremorne and South Arm and, in the north of the state, Newnham, South Launceston, Prospect, Kings Meadows and Legana.
Many Tasmanians would have voted for the Liberal Party at the last federal election in the mistaken belief that they were committed to the full fibre rollout in Tasmania. It is modern infrastructure that would make Tasmania internationally competitive and deliver the jobs that our state so desperately needs—yet, once again, Tasmanians have been misled, betrayed and constantly lied to by this government. I will keep fighting for the hundreds of thousands of Tasmanians to get the broadband service they were promised and so richly deserve.

**Senator Bilyk:** Oh, I've got a fan!

**Nuclear Energy**

**Senator LUDLAM** (Western Australia) (13:05): Congratulations, Senator Bilyk! I just rise to make some quick observations on foreign minister Julie Bishop's comments over the last couple of days that if Australia were going to be dragged by the global community to make some kind of contribution to the task of decarbonising our economy then it was an obvious conclusion, in her view, that nuclear power would have to be brought into the energy mix. I would understand the reasoning behind Ms Bishop's statement to be that we now have 60 years of operating experience for a technology that provides utility-scale baseload electricity and, while carbon emissions from the back-end fuel chain behind fission reactors are certainly not zero, they are nonetheless a lot lower than for coal and gas. And these are quite reasonable prospects, I would add.

While Ms Bishop thinks that building fission reactors in Australia is an obvious conclusion, she also did acknowledge—and I think this is very important—that there would have to be a public debate about the idea because, for a variety of reasons, other people have come to very different conclusions.

I have noticed that some people, particularly young people, are tempted by a lot of other positions to that taken by the Greens. They agree with us on a lot of our work, nonetheless they are perplexed as to why we are as opposed to nuclear energy and all elements of the nuclear fuel chain—from mining all the way through to weapons and waste—as we are. For example, it has come up in all of the AMAs that I have done and it comes up frequently on social media, and it has come up in response to some of my contributions over the last couple of days. It can come in one of two forms: one is simply, 'Why are the Greens against science? You listen to the global climate science community. Why do you not believe that nuclear energy could play a role in a balanced energy mix? That is one. I guess the other one is the sort of George Monbiot view of the world. He is somebody who takes climate change very seriously; he is steeped in climate science and the politics of climate change and he has come to the view—I do not think I have risked paraphrasing him too crudely—that we should 'just build anything: any low- or zero-carbon form of electricity should be on the table because the crisis that we face with the climate is that serious.'

It is to the people who would hold either of those views that I want to make some quick comments today. I want to push back, gently and respectfully, on the idea that people who have formed a view that nuclear energy would be a disaster in Australia, as it has been elsewhere, is a view that we formed purely on the basis of emotion, or the fact that we are scared of radiation, or that we have some kind of emotional or, as the Prime Minister said,
'theological opposition'. I do not have a theological opposition to nuclear power, or to much else; I have a very practical series of reasons for being opposed to it.

For decades the nations that have decided to go nuclear have relied on several varieties of uranium fission plants: in pressurised water reactors, boiling water reactors or—for a small number of nations, principally Canada and India—heavy-water CANDU reactors that do not require uranium enrichment. That is the fleet of reactors that we are stuck with—the kind of reactor that went up at Chernobyl, the kind of reactor that was catastrophically wrecked at Fukushima in Japan and the kind of reactor at the Three Mile Island plant; they are all first- and second-generation uranium fission reactors.

By all means, let us have the debate. We have been having the debate in this country for nearly 60 years and there are very sound reasons why nuclear proponents keep losing that debate: it is not that the debate cannot be had or that we are proposing to censor their views; it is just that there are really sound reasons why they are not being built here and, in my view, why they simply never will be. Dr Ziggy Switkowski, at the behest of the Howard government in the last turn of the wheel in this debate, was the most recent person on the conservative side of politics who, reluctantly, was dragged to the inevitable conclusion that we need to decarbonise our electricity sector. The government said, 'The only form of electricity that seems to make sense is nuclear', so Dr Switkowski, in 2007, undertook his review for the Howard government. His conclusions broadly said that you would need—as cited by Bernard Keane in Crikey this week—a carbon price between $20 and $50 a tonne. Of course that level of carbon price means that to give nukes a step up because of how expensive they are, then you would obviously price in all the renewable energy competitors, which would very quickly run away and out compete nukes.

Let us look at the kinds of plants that are being built around the world and the catastrophic degree to which they are running behind budget and over cost. Flamanville, in France, was originally budgeted to cost $3.3 billion euros; by December of 2012, the cost had increased to $8.5 billion euros and the completion date blown out by five years. There are very similar stories elsewhere where third-generation plants are under construction or proposed for construction.

I would say to anybody who believes that opposition to nuclear energy is based solely on emotion or irrationality: just look at the data. A very good source for that is the World nuclear industry status report. The most recent one was published a couple months ago by Mycle Schneider and Antony Froggatt. They have been publishing these for five or six years, and they are the best source of independent data on how the industry is tracking. The statistics are actually quite forbidding and they led me to the view, quite a few years ago, that globally the commercial nuclear industry is on its knees—not through any kind of ideological obstruction, although absolutely the global anti-nuclear movement has played its part, but mostly, or partly at least, on the grounds of cost. It is ruinously expensive to build in the kinds of redundant safety systems that you need to have a reasonable chance of a fissioning uranium reactor not blowing itself all over the landscape. Certainly the industry believes it has got better at it over recent decades, but that is one of the principle reasons why it is so expensive to build these plants: on a bad day entire regions can get depopulated—whether it is from a tsunami-earthquake combination, whether it is from a failed engineering experiment as was the case in Chernobyl or whether it is from faulty instrumentation or operator error as at Three Mile
Island. If you cut the cooling systems from a fissioning reactor, you risk a meltdown which compromises the reactor's containment system and can then lead to the evacuation of hundreds of thousands, or even millions, of people. It is that serious. That is why these things are so expensive.

According the World nuclear industry status report, the IEA—the International Energy Agency—cites:
… during 2000-13 global investment in power plants was split between renewables (57 percent), fossil fuels (40 percent) and nuclear power (3 percent).

It is actually kind of over, and the opportunities are very, very rapidly dwindling for the industry to take off here in Australia. Part of the reason for that is that renewable energy technologies are quite simply eating them alive. They are small, fast, easy to deploy, cheap, much less labour-intensive and you can bring them onto the grid—either small distributive micro grids or fit them into large grids—much more easily than the multi-gigawatt scale of nuclear power plants. Again, this is not the Greens' view—although it is something that I am very strongly supportive of and optimistic about—this is just what the data says. The investment that is going into clean energy around the world compared to faltering and ultimately failing investment in nuclear really tells the story.

Those who take issue with the Greens' objection to the current generation of nuclear power plants that have proven themselves basically to be obsolete say: 'What about what is coming next? What about thorium? What about molten salt? What about maybe even fusion plants? What about what might just be on the horizon? Why would you oppose those before you have even seen them tested?' Two things come to mind. Firstly, this technology does not exist yet. Nobody has built any of these things at anything approaching a commercial scale, despite tens of billions of dollars of development funding, so it is not through lack of trying. Optimistically these things are really decades away, if they could magically appear at all, and as anybody following climate science even peripherally will know we do not have decades. This challenge is upon us now, which is why it is all the more impressive seeing renewable deployment accelerating so rapidly and outpacing solar and nuclear. Secondly, I am not an engineer, but to me all of these sound like absurdly expensive and complex ways to boil water. With the probable exception of fusion plants, all of these exotic technologies do nothing more than bring water up to boiling point, making it hot enough to raise steam to spin a turbine.

There are many reasons why we take these positions, one of them simply being the unavoidable weapons link. The reason why so much investment has been poured into nukes over recent decades is that the technology for enrichment, or fuel reprocessing, is precisely the same as the technology you need if you are enriching or reprocessing for nuclear weapons. That is why it is absurd to see our own Future Fund still very heavily invested in nuclear weapons—in it up to its neck, in fact. But also there is the fact that the Red Cross recently conducted a poll that indicated that eight of 10 Australians say it is time to ban nuclear weapons. I think we need to really take heed of the fact that popular opinion is very strongly against this technology as much as the markets.

I want to also acknowledge that it is 30 years this week since former Senator Jo Vallentine was elected to this place on a platform of nuclear disarmament. (Time expired)
Economy

Senator CANAVAN (Queensland) (13:15): I agree in part with Senator Ludlam. Although I have no theological opposition to nuclear power, it is too costly thanks to the bountiful and cheap sources of fossil fuel we have in this nation. But I take one issue. I understand why therefore we would not build nuclear in this nation, at least not at the moment given its cost, but I am not sure why we would not sell uranium to other countries who want to use it, even if that means a high-cost source of power for them. If they feel they would like to use higher cost sources of energy than we do, that is up to them. If we can make money selling them uranium, that should be great too. But I do not want to focus on negative things today. I think sometimes we focus on far too many negative things. I was reflecting on this the other day when I looked back at the speeches I have made in this place. I probably have spent too much time talking about debt, drought and why I don’t like the Greens and all those sorts of things. But I want to talk about something more positive, Senator Ludlam. I want to be more positive today and I will try not to attack you too much!

We do live in a very lucky country, as the saying goes. It is not perfect, but we are a very decent, strong and progressive nation. We are very, very lucky to live in a country that has now had 23 years of uninterrupted economic growth. That is something that we do not reflect on enough. It is the second longest period of uninterrupted growth in recorded world history, only beaten by the Netherlands after they discovered oil in the North Sea. Sometimes it is said that we are only lucky because others want to buy our coal and iron ore and that has contributed to it. It certainly has contributed, but only in the second half of that 20-year period has that been a major factor. In the first 10 or so years of this 23-year period, we had very low mining prices and low terms of trade.

The reason we are able to enjoy this economic growth is because of our productivity. Productivity is the seed of all the fruit that we are lucky enough to reap in this country. Our ability to grow more food on less land with fewer workers lets others in our hospitals care for our sick, lets others teach our children, a few of us to create works of art and even fewer of us to give speeches in this grand place. In the early decades of the 20th century, agriculture accounted for around one-quarter of our total employment in Australia and produced just under one-third of our GDP. The Food and Agriculture Organization shows that wheat yields in developing countries have increased from around 800 kilograms per hectare in 1960 to in excess of 2,500 kilograms today. We have always had a problem feeding the world, but that has been massively made easier through better productivity. A culture without a productive economy has never produced high works of art and the more productive the economy the more resources are available to spend on the things in life that are not free but are the best things—our children, our art, our health, none of them are free.

The best things in life are not free. They must be paid for and the only way to pay for them in the long run is by producing wealth. We have had a strong economy for the past two decades and we have produced much more wealth in that time. Two decades ago in about 1993, our economy was worth $783 billion a year—we produced that much wealth a year—or about $44,600 per person. Today, the economy is worth more than $1.5 trillion in size—so it has almost doubled—and we produce around $66,500 in wealth per person. That is a $22½ thousand difference in just 20 years. The sons and daughters of the workers of 20 years ago can now afford to buy a new car every year relative to their parents.
But the last two decades has been a tale of two halves, as I said earlier. The first decade was marked by strong productivity growth. I think it was about 1.2 per cent a year for the first 10 years—much higher than other countries in the world and much higher than our historical average. We benefitted from falling electricity prices in this period, increasing competition and less restrictive capital and labour markets. The second half of this period was also marked by strong economic growth, but the growth occurred in spite of negative productivity growth. From 2002 to 2013, multifactor productivity growth, which is a broad measure of productivity, grew by negative 0.2 per cent per year—a long way from the historical average of 0.7 per cent per year that we have achieved over the last 30 years.

The only reason we sustained high levels of economic growth in such an environment was because of the growth in our terms of trade. A few years ago Glenn Stevens famously said that in 2005 a shipload of iron ore would buy about 2,200 flat-screen TVs. By 2010, that same shipload of iron ore could buy 22,000 flat-screen TVs. That was both because TV prices fell and because iron ore prices rose by a factor of six. Iron ore prices have fallen, so the picture is not quite as rosy today. These are my calculations not Glenn Stevens's, so take them with a grain of salt. By my calculations, a shipload of iron ore today would only buy around 11,000 flat-screen TVs. So we have half the wealth in iron ore that we had just four years ago, but, on the positive side, it is five times the purchasing power of 10 years ago.

Higher and higher prices for iron ore are not sustainable and if we want economic growth in the future we are going to have to have high productivity or increase the utilisation of our capital and labour. I want to focus on the productivity side of things in the remaining time I have today. Productivity growth is a powerful force because it is compound growth—it compounds year on year. So over the next decade if are able to grow our productivity at the same rate as our historical average, 0.7 per cent a year, over a 10-year period the average Australian would be $6,300 better off, just if we go back to our historical growth in productivity compared to the near zero levels of productivity growth that we have had in the past 10 years.

I want to put that in a little context. We could probably all consider that $6,000. It is a lot of money. We spent a lot of time debating the carbon tax in this place and I think rightly so. It cost the average Australian around $300 a year. This debate on productivity could benefit Australians by $6,000 a year if we could achieve those goals. In some sense, this productivity challenge is 20 times more important than the removal of the carbon tax—20 carbon taxes put together. But we do not spend 20 times the time debating the issue. Productivity is a hard concept to get across but it is very, very important.

We spend a lot of time talking about the budget in this place—and, again, rightly so. We spend upwards now of nearly $400 billion of other people's money in this place each year, so it should take a considerable amount of our time and debate. But, again, productivity is actually very important to the overall budget debate even though it does not really feature in any of the budget papers, because our budget is a function not just of the $400 billion that we spend but how much that $400 billion is of the size of the pie. Right now, it is around 26.5 per cent of that pie. But, if we were able to maintain that productivity growth over the next decade—the historical productivity growth—without any budget cuts at all, our spending relative to GDP would fall from 26.5 per cent to 25 per cent, which is the historical average over the last 30 years. So without any budget cuts, if we just dealt with productivity and were
able to lift that, we would go a long way to fixing our budget. It does not mean we would necessarily pay back the debt we have accumulated, but we would go a long way to dealing with the budget problems we have.

The only way we are going to do that is by focusing on areas that are going to deliver productivity growth. There is no silver bullet. There is no one policy or one piece of legislation which is going to fix everything. But we do need to focus on the things that got us to that strong level of productivity growth in the 1990s. We do need to get serious about reducing electricity prices. Again, the carbon tax is a component of that. But there are other things, like the renewable energy target, that lift electricity prices. Our network and access regulation needs reform, and the AER is looking at that at the moment. It is all those things. Lower electricity prices will mean that manufacturing will be stronger, there will be more jobs and we will achieve greater productivity in our businesses.

We need to look at areas of our nation that we can invest in and get greater productivity out of those areas. I was up in the gulf region recently, on a cattle property. It produces around $2,000 a hectare in beef every year. But, if we were able to turn that into cotton production through irrigation, it would produce many, many times that. It would produce around $5,000 a hectare. It would be a great increase in productivity. I noticed a report in the paper today which says there are only four million hectares of irrigated land available in the north—only four million hectares! That is what it actually says. There are only two million hectares of land in the whole country that are irrigated right now. So that report is a bit like saying there were only 300 Spartans at Thermopylae. They did a pretty good job. If we were to irrigate four million hectares of land in Northern Australia, it would increase our productivity massively.

Finally, we need to reform environmental approvals. Those delays are costing us. To get more productivity, we need to get big projects over the line.

Middle East

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (13:25): This will be my last address to this place this year on the question of Palestine. This year has of course been the International Year of Solidarity with the Palestinian People. The year is about the international community acknowledging that what is happening to the Palestinian people is wrong. It is about highlighting the hope for a better world and the hope for peace in Palestine and Israel. Beyond hope, it is about agitating for a solution.

From this pocket of the world, many miles from this tragic conflict, it is about what needs to be done to change the situation and how countries like Australia can be part of the solution. That is why the motion on Monday from the Labor member for Calwell, Maria Vamvakou, and seconded by the Liberal member for Reid, Craig Laundy, is so important. The motion clearly articulates the purpose of the international year of solidarity:

That this House:
(1) notes that as of 1977, the United Nations made 29 November the International Day of Solidarity with the Palestinian People;
(2) recognises 2014 as the United Nations International Year of Solidarity with the Palestinian People (IYSPP); and
(3) acknowledges the objective of the IYSPP was to promote solidarity with the Palestinian people as a central theme, contributing to international awareness of:

(a) core themes regarding the Question of Palestine, as prioritised by the Committee on the Exercise of the Inalienable Rights of the Palestinian People;

(b) obstacles to the ongoing peace process, particularly those requiring urgent action such as settlements, Jerusalem, the blockade of Gaza and the humanitarian situation in the occupied Palestinian territory, and;

(c) mobilisation of global action towards the achievement of a comprehensive, just and lasting solution of the Question of Palestine in accordance with international law and the relevant resolutions of the United Nations.

The motion was supported by the Labor members for Fremantle and Shortland, and implicit support was given by the Liberal member for McMillan. The Liberal member for Higgins was the only member to speak against the motion.

I congratulate the five speakers in support of the motion for their courage to speak out on this issue. It is only through cross-party support for a two-state solution, through cross-party opposition to the Israeli occupation, that the Australian government will be able to take a position of supporting Palestinian statehood—a position that is supported by 135 members of the United Nations General Assembly. Combined, these countries have a population of over 80 per cent of the world’s population. Recently, the United Kingdom and Spanish parliaments also passed resolutions supporting recognition of Palestine. Last night, French law-makers voted in favour of recognising Palestine as a state. Australia is becoming an outlier—at odds with the global community. Australia needs to join with the international community in recognising the state of Palestine.

Last night, the very best of the Australian spirit was on display at the Parliament House soccer pitch. The United Nations Information Centre, in partnership with the Parliamentary Friends of Palestine—co-chaired by the members for Calwell and Reid—the Council of Arab Ambassadors and the General Delegation of Palestine to Australia, New Zealand and the Pacific, organised a commemoration of the International Day of Solidary with the Palestinian People. The international day was last Saturday, 29 November. The celebration included a ceremony and a soccer game between an Australian parliamentary team and members of the ACT Palestinian community. The soccer game was chosen because the ceremony included the presentation of soccer balls and a cheque from 10-year-old Mac Miller of Brisbane to Ambassador Abdulhadi for the children of Gaza.

Mac created a charity called Football: Play It Forward, which raises funds to purchase soccer equipment for children in developing countries to spread the joy from participating in the world game. While I could not attend because of obligations here in the chamber, I am advised that Mac was an outstanding speaker, sharing his story of being in India with Football: Play It Forward when one of the children asked if he could help them provide soccer balls to the children of Gaza. His response was: ‘Why not?’ He set about raising the funds and last night presented Ambassador Abdulhadi with soccer balls for the children of Gaza. The spirit of this donation exemplifies the very best of the Australian spirit. Congratulations, Mac and everyone who took part in the soccer game.

Today, I reiterate my solidarity with the Palestinian people and recognise the tragedy of the current situation in the region. For too long, Palestinians have been denied their inalienable
rights. Never has peace in the Middle East been a more urgent priority. The Palestinian people need to secure their rights to statehood, and Israel urgently needs peace and security. Never before have we so needed the international community to unite in support of a successful outcome.

Sadly, this year has brought some of the most violent and brutal events ever seen in the region. 2014 saw Israel's military operation entitled Protective Edge kill well over 2,000 Palestinians. Among the dead were more than 500 children. A further 11,000 were injured. Whole city blocks were wiped out. The health system was pushed to the brink of collapse, with the number of casualties far outstripping its capacity. UN schools and shelters were bombed, which I view as a blatant barbaric act and a very serious violation of international law.

Estimates by the Gaza health ministry, the United Nations and some human rights groups found that between 69 and 75 per cent of the Palestinian casualties were civilians. The United Nations Office for the Coordination of Humanitarian Affairs reported at the beginning of August that 520,000 Palestinians might have been displaced. To put this in an Australian context, this would be equivalent to the entire population of my home state of Tasmania and then some. More people than the entire state of Tasmania had their homes and neighbourhoods decimated. As a result of the 50 days of terror, these people have no access to shelter, water and to food. They are relying on the international community to provide emergency food, water, medicines and shelter, and the international community is struggling under the weight of the conflicts across the entire Middle East region.

A major and ongoing impediment to the creation of a viable Palestinian state has been the illegal Israeli settlements in the West Bank and Jerusalem. These settlements are forcibly displacing Palestinian civilians through demolitions and the removal of residency rights. We need to recognise what an obstruction these settlements are to the creation of an independent Palestinian state. The injustices that the Palestinian people have had to endure are unimaginable—and they must end. Labor supports a two-state solution as the only way that that justice can be achieved and stability can be built in the region. Clearly, the world must work towards supporting Israel and Palestine to find a way to live side by side in durable peace.

But recent legislative moves within the Israeli government seem to be moving in exactly the opposite direction. This month, we saw very disturbing moves to actively resist the two-state solution through the creation of the so-called Jewish State. While the idea of a Jewish state is not new, a recent draft bill which was approved by the Israeli cabinet goes much further. This bill seeks to define Israel as 'the nation state of the Jewish people' and to limit the rights of non-Jewish citizens to 'individual rights according to the law'. This is a move that would deny Palestinians national rights as a minority.

Human rights groups warn that, if there is no express right to equality, and international law is excluded as a source for legislation alongside Jewish law, they will be powerless to challenge traditional interpretations that discriminate against non-Jews. Palestinians with Israeli citizenship are concerned that they will be subject to Jewish law. Many are worried that this move will see the end of a democratic Israel. This move can do nothing but worsen this tragic situation and inflame the tension. It certainly will do nothing to move Israel closer
to peace and stability. Never have we needed more commitment from the international community to help ensure a successful outcome is achieved.

In his International Day of Solidarity with the Palestinian People address, the United Nations Secretary-General said:

We have passed through another somber, sad and sorry year for Palestinians, Israelis and all who seek peace. Over the course of 50 brutal days this summer, the world witnessed a ruthless war in Gaza—the third such conflict in six years.

The Secretary General concluded his address with:

The mindless cycle of destruction must end. The virtuous circle of peace must begin.

I agree with the Secretary's words. In closing, I again place on record my support for the International Year of Solidarity with the Palestinian People and call on the Australian government to recognise the state of Palestine. (Time expired)

Aboriginal Deaths in Custody

Senator SIEWERT (Western Australia—Australian Greens Whip) (13:35): I rise today to talk about: the appalling rate of incarceration of Aboriginal and Torres Strait Islander peoples about Aboriginal deaths in custody and about those with cognitive impairment who are being held in indefinite custody in this country. The Overcoming Indigenous disadvantage report, released last week, has highlighted the growing gap in incarceration rates in Australia. Aboriginal and Torres Strait Islander Australians made up only 2.3 per cent of the adult population but over a quarter of the adult prison population as at 30 June 2013. Between 2000 and 2013, the imprisonment rate for Aboriginal and Torres Strait Islander adults increased by 57.4 per cent, while the non-Indigenous rate remained fairly constant, leading to a widening of the gap. In 2012-13, the daily average detention rate for Aboriginal and Torres Strait Islander young people was around 24 times the rate for non-Indigenous young people.

This is simply appalling and not enough has been done to address the issue, which is why so many people are calling for the establishment of justice targets to help provide a clear framework in which the federal government and state and territory governments can work with communities and peak Aboriginal organisations to look at how we address this appalling statistic and appalling failure of our system.

The government's cuts to Aboriginal and Torres Strait Islander programs I deeply believe will only make the situation worse as we see critical services lose funding. At the moment, their futures are at risk, which undermines their ability to deliver their programs. There must be a commitment to fund critical legal services, advocacy services and community programs that help meet these justice targets. I was deeply disturbed when the minister refused last week to consider the issue of justice targets, which, as I said, community organisations had been calling for for a long time—including the close the gap campaign.

One of the bright spots last week was the release of the Social Justice Commissioner's Social justice and native title report 2014. While his report had some very distressing information in it, it was a bright spot because it is shining a light on the issue. The government—and everybody—needs to have a good read and take to heart what is said in that report. One of the comments that he made was around justice reinvestment. He said in that report:
In the past five years, it has been encouraging to see so many different people and groups embrace justice reinvestment. However, in all of this enthusiasm we have seen some confusion around what justice reinvestment actually involves. Some academics have warned of the potential pitfalls if justice reinvestment becomes a: 'catch-all buzz word to cover a range of post release, rehabilitative, restorative justice and other policies and programs and thus lose both any sense of internal coherence and the key characteristic that it involves a redirection of resources.'

In my view, it is not necessarily detrimental that advocates in Australia are already trying to adapt justice reinvestment for the Australian context. What works in the United States can be a powerful catalyst for action, but will require thoughtful adaptation to the Australian context. Nonetheless, if the Australian brand of justice reinvestment strays too far from the evidence we may lose some of the strength of this approach.

There is now a growing body of literature on justice reinvestment, so this chapter will only briefly summarise some of the key principles and processes of justice reinvestment to provide clarity and context.

He says:

Justice reinvestment is a powerful crime prevention strategy that can help create safer communities by investing in evidence based prevention and treatment programs. Justice reinvestment looks beyond offenders to the needs of victims and communities.

Justice reinvestment diverts a portion of the funds for imprisonment to local communities where there is a high concentration of offenders. The money that would have been spent on imprisonment is reinvested into services that address the underlying causes of crime in these communities.

My take on that is that we need to be investing in justice reinvestment, we need to make sure that we get it right and that it works, and we need to customise it for the Australian context. For too long, governments at the state, territory and Commonwealth levels have been sitting on their hands when it comes to justice reinvestment. We need to make sure that that is linked to justice targets, but it is a powerful way of addressing the issues that I have been talking about: the appallingly high rate of incarceration for both young and adult Aboriginal and Torres Strait Islander peoples.

He also cites an example of the Cowra justice investment program and talks about some of the progress that has been made there. He says:

Participation in the project by the Cowra community has enabled the team to identify issues underlying the incarceration of its young people. Specifically, community groups and organisations have been consulted throughout the project to assist in identifying effective alternatives to prison which ought to be invested in, such as holistic and long-term initiatives, and better integrated services. Young people will also be interviewed about their experiences and suggestions for change.

These are the important programs that we do need to be investing in. Cutting legal services and cutting other essential funding—half a billion dollars out of funding for Aboriginal and Torres Strait Islanders—is not going to help these types of projects.

Of course, you cannot talk about incarceration of Aboriginal and Torres Strait Islander peoples without talking about deaths in custody and the alarming number of Aboriginal people who have died in custody since the Royal Commission into Aboriginal Deaths in Custody, let alone the number of people who died before the royal commission. The majority of the 339 recommendations made by the commission have not been implemented. Again, I need to raise in this place the death of Miss Dhu, a 22-year-old who died in custody in
Western Australia in August. Miss Dhu was not sentenced to a custodial term; she was fined, and it was because of nonpayment of fines that she ended up in prison and died in prison. This has to stop. In this country, we need to address the issue of deaths in custody and not pretend that, just because we had a royal commission, all of a sudden it is solved. All levels of government need to show leadership in the implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody and to develop programs that address the unacceptably high rate of incarceration of Aboriginal and Torres Strait Islander peoples. We need meaningful action.

The other issue that I would like to raise about incarceration is the indefinite incarceration of people with cognitive impairments. Predominantly, this affects Aboriginal and Torres Strait Islander peoples. It is simply unacceptable in modern Australia to indefinitely hold in custody people who have not been found guilty of a crime or sentenced to prison. Many of the people who we are talking about have been found unfit to stand trial. What happens is that, instead of making sure that we then look after these people, we put them in maximum security prison—some are not in maximum security prison, but a lot are—indefinitely. This is happening around the country.

In my home state of Western Australia, last year there were 37 people with what was termed a mental impairment being held indefinitely in Western Australia. We have obligations under various conventions to make sure that we look after people with a disability. We also, obviously, have signed up to the UN Declaration on the Rights of Indigenous Peoples. It is unacceptable that people are held in jail indefinitely when they have a cognitive impairment.

We heard again yesterday that Australia had breached its obligations, under various UN conventions, for four Aboriginal men with cognitive impairments in the Northern Territory. The response from this government has been to wash their hands of this issue, to disagree with the Australian Human Rights Commission's findings on the cases of these four Aboriginal men, and to say that it is not the government's responsibility. The government basically attacked the Australian Human Rights Commission for the findings that it made in relation to these four men. Australia has lost its way if we think it is acceptable that people who have not been found guilty of any crime but, in most cases, have been found unfit to plead or stand trial are then held indefinitely in maximum security prison. It is unacceptable: they have a cognitive impairment. On the day that we are celebrating International Day of People with Disability, we need to be committing to action to ensure that we address this appalling situation.

**Australian Capital Territory**

*Senator SESELJA (Australian Capital Territory) (13:45):* On 17 October I had the great privilege of attending the MS Go for Gold award ceremony for 2014 at the Town Centre Vikings Club, Tuggeranong. The Go for Gold scholarships are awarded to people living with multiple sclerosis who display a need and potential in various aspects of life. In attendance—along with my colleague Senator Kate Lundy—was the Director of Disability ACT, Richard Baumgart, key MS staff and directors, including the MS CEO Robyn Hunter, senior manager Susan Tame and ACT and southern New South Wales manager, Ann Lehmann.

Roslyn Emmerick, who was a recipient in 2013, conveyed the incredible positive influence the scholarship had in her life through a brilliant poem. Guests were then introduced to the 15...
scholarship recipients, including: Jacqueline Beattie, Beverley Bray, Greg Browne, Yasmine Gray, Beverley Hergenhan, Suzanne Hutchings, Cesar Leon, Kerrie McDonald, Trevor Oddy, and Jen Severn. Each was awarded a scholarship to help realise their dreams. The objective of the Go for Gold scholarships program is to acknowledge the capacity of scholarship recipients to achieve their dreams, despite having multiple sclerosis. For all recipients, the scholarships provide the opportunity to significantly change their lives. The dreams of these individuals vary considerably from the desire to teach an art class, to taking their family holiday on a cruise, to one individual wanting to partake in skydiving.

Central to the scholarship process is fundraising through the MS 24-hour Mega Swim initiative that saw scholarship candidates put together teams and raise funds to fight multiple sclerosis. The 24-hour Mega Swim has supported over 500 Go for Gold scholarship recipients across Australia in fulfilling a dream. Kerrie McDonald's team, The Has Beens, topped the fundraising with an impressive $34,270.

I must congratulate Sherrit Lalande for coordinating the October event, Katie from Town Centre Vikings Club for hosting, Nick Byrne for his role as the MC, Mirimba Kovner for photography and Ann Lehmann for her role in presenting the awards. This was a thoroughly enjoyable event that was both celebratory and emotional for all involved, and I am honoured to have been part of this wonderful event and to see the MS Go for Gold recipients receiving their awards.

As parents we always want the best for our children. We want them to grow up and experience the opportunities of this great country. An essential part of the development of children is education and, whilst it is important we teach our children the academic basics such as literacy and numeracy, it is also important that we equip our children early with education so they can make healthy choices and enjoy healthy lifestyles.

Life Education is the largest independent Australian health and education provider for school-aged children from 5-13 years. It is during this time of growth that children need to instil healthy habits to carry them in good stead into their teenage years. On Monday, 10 November, I had the opportunity to join in on a Life Education lesson with year 2 students at Telopea Park School, which is just down the road from Parliament House. I was joined by Life Education CEO, Jay Bacik, and the ACT Life Action Group Chairman, Captain Christine Clarke. The Life Education Mobile Learning Centre was parked on the school grounds, where educator Michelle Bauman and of course the iconic mascot Healthy Harold treated the kids to an interactive and fun hour long lesson on how to lead a healthy lifestyle.

Having been around for 35 years, Life Education and Healthy Harold have been teaching children all about the importance of leading healthy lifestyles—setting up those habits early on in life—and how to set a good example within their families. The lessons are made up of a mix of social-skills training, role-play sessions, the correction of common myths and interactive and fast moving activities using the latest multimedia technology. At the core of Life Education is a burning desire to see generations of healthy young Australians living their full potential. I am in complete agreement with their vision, which stresses the uniqueness and specialness of each and every child.

It is programs such as Life Education that enable effective and healthy parenting and foster positive development in our kids. Life Education visits over 600,000 children, works with over 24,000 teachers and engages 3400 schools on an annual basis. This is an incredible effort
and a positive influence not just here in the ACT but right around Australia. It is with the help of Life Education and their creative lessons that we can teach children to respect their bodies, to be healthy and active and to make wise choices in life. I would like to thank Life Education for giving me the honour of being an ambassador for them in the ACT. I proudly display the plaque they have given me in my office. This organisation does children in the ACT and across Australia a world of good, and may it continue providing this guidance for many more years to come. I would also like to make mention of Kerrie Blain, the Principal of Telopea school for hosting us on the day.

Last Friday morning I had the privilege of opening the Lifeline Canberra Christmas Book Fair at Calwell Shops. I was joined by many eager booklovers, who were very keen to get their hands on the thousands of fiction and non-fiction books, comics, DVDs and magazines that were on display. This book fair provided a wonderful opportunity for the Lifeline community to connect with the southern Canberra region, as most of Lifeline's fundraising events are held in the North Canberra.

For 43 years Lifeline Canberra has been providing telephone crisis support to people in need, as well as a number of mental health awareness programs to the local community. From the Calwell Book Fair last Friday, the total amount raised came to $13,570. This was a great success and all of the proceeds were donated to Lifeline Canberra's suicide prevention program, which is a part of the Telephone Crisis Support service, and touches the lives of many Canberrans. I know of friends and loved ones who have accessed Lifeline during some of their most difficult times. I thank all of those who do such great work.

A tribute of thanks must be paid to the volunteers, not just at Lifeline, who were involved in organising the event to raise funds for Lifeline. As Lifeline relies primarily on volunteers, the donation of their time cannot be underestimated. I would like to give a particular mention to Carrie Leeson, the CEO of Lifeline Canberra, as well as Frank Vrins, of the South East Tuggeranong Residents Association, for helping to facilitate the event, and Nick Tsoulias the owner of Calwell shopping centre for hosting the event.

I commend Lifeline Canberra on the work they do with their telephone crisis support and suicide prevention. These programs are critical to our community and I thank them for their work and for putting on such a wonderful event.

With Christmas fast approaching, Canberra has been decked out with some wonderful Christmas decorations, but perhaps the most significant of these—I mentioned them last year—is the SIDS and Kids ACT Christmas Lights in the City. I know Senator Wong will be very interested to hear this.

Senator Wong: I love Christmas decorations!

Senator SESELJA: Senator Wong loves Christmas, as I do.

The ACTING DEPUTY PRESIDENT (Senator Back): Don't be distracted, Senator Seselja. Stick to the topic!

Senator SESELJA: I am sticking to the topic, because I hope Senator Wong will get down to the Christmas lights display for SIDS and Kids. It is in the city, in Petrie Plaza, this year. Last year, and I think for a number of years previously, David and Janine Richards had hosted it at their house in Forrest. They had a world record number of lights. They are going for a new world record, in the city this time. It is the main lights display for the city. It is a
fantastic event. The lights display in previous years has been absolutely spectacular. It was a world record for the number of lights but it was also a beautiful display.

The lights display is raising money for SIDS and Kids, which as we know is such an important organisation that raises awareness and does research into sudden infant death syndrome. It is critical in supporting families who may be grieving. SIDS and Kids is fantastic. I will give it a plug but I will also give David and Janine Richards a plug for putting on what is an extraordinary thing. In the past, David and Janine Richards have done this almost on their own. There has been sponsorship by the likes of ActewAGL and others over time, but a lot of it has been driven personally by David and Janine. I know that whilst the ACT government has come on board this year, which is why it is the main lights display, David and Janine will still be driving at. I congratulate David and Janine Richards and SIDS and Kids, and encourage parliamentarians, other Canberrans and other people in the region to get down and see a world record lights display and enjoy the Christmas spirit. (Time expired)

Taxation

Senator SINGH (Tasmania) (13:55): I rise to speak in solidarity with the volunteers of Micah Challenge, an inspirational movement of young Christians from churches and groups all around Australia determined to ease the global scourge of poverty and injustice. In the lead-up to this year's G20, members of Micah Challenge had well over 100 meetings with parliamentarians to shine the light on the corruption, multinational tax dodging and profit-shifting that robs the world's poor of vital resources for sustainable development.

Developing countries lose vast amounts of money each year due to tax dodging, bribery, corruption and illicit financial flows. Effective tax systems, based on cooperative relationships between governments, businesses and individuals, are a bedrock for democracy and growth. When businesses and citizens form part of the formal economy, good tax administration can lift millions out of poverty by enabling the provision of essential services like health care, pensions, education and other instruments of a modern state. If multinational companies and wealthy individuals avoid paying taxes, everyone else has to either pay more tax or go without these services. Multinational corporations can dodge tax quite easily even in Australia, a nation with relatively well policed tax laws, even though the government is slashing jobs at the tax office, and even more easily in developing countries.

When Labor was in government we put in place a significant package aimed at closing some of those loopholes. And, while I am pleased to see that this government has pursued in principle the agenda on multinational profit shifting, its legislative actions are devaluing its words. While the government went to the G20 and said it was a priority to deal with multinational profit shifting, its only actions have been to reverse parts of Labor's package. We are now past a cumulative $1.1 billion in multinational profit shifting measures announced by Labor and reversed by the government, and Australia's losses to tax avoidance are comparatively light. Developing countries are estimated to lose to tax havens almost three times what they get from developed countries in aid.

This year the Australian government had a real opportunity as the president of the G20 to make a difference on this issue, to break down the walls of financial secrecy. As the president of the G20, the Australian government could have supported changes to the global tax rules
that would ensure companies are taxed where they are actually doing business and not allow them to shift profits to secret jurisdictions through artificial legal structures that exploit loopholes in international tax laws.

If the government had followed the inspired and tireless lead of the young women and men from Micah Challenge, then it might have ensured its rhetoric about economic growth referred to more than merely job creation. Growth must include employment, of course, but the Prime Minister ignored the need for growth to also include those who do not have a job, the:

… the provision of public goods to guarantee equality of opportunities, and counter-cyclical macroeconomic policies to reduce volatility— and progress against corruption. That is why growth must include inclusive growth, as so many of the G20 leaders urged to be included in the communique.

Much of the G20 commitments on corruption and tax avoidance risk appearing token, as most if not all G20 countries are already subject to international Financial Action Task Force commitments to require key tax information to be kept and shared, yet most have not been implementing them. But if this progress is made, if these commitments are implemented, if developing countries can keep one-quarter of their GDP in tax revenue through global tax systems reform, instead of one-tenth, then they will not necessarily be asking for aid from Australia, they will be asking to trade with Australia. They will be lifted out of poverty.

I congratulate the advocacy of Micah Challenge and all its individuals and groups, as well as NGOs, unions, community groups and parliamentarians who continue to shine a light on corruption, on multinational tax dodging and on profit shifting that robs the world's poor of vital resources and sustainable development. Let's hope that this tax evasion ends to benefit the world's poor.

Debate interrupted.

QUESTIONS WITHOUT NOTICE

Defence Procurement

Senator GALLACHER (South Australia) (14:00): My question is to the Minister for Defence, Senator Johnston. I refer the minister to the chief executive of the Australian Industry Group, who has said:

… there remains ample time for the federal government to hold a tender process to build Australia's future submarines.

Will the minister stop pretending that a capability gap is an excuse for his cosy deal with Japan and now commit to holding a competitive tender process?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:00): The Labor Party left that program in a dire state of neglect, having done nothing for six years. These are facts that the Labor Party refuses to acknowledge. If there had been anything done that constrained the Abbott government in going forward, you would expect—as I have said on so many occasions—a simple contract and an engagement with the South Australian government for training.

Senator Conroy: Two question times ago!
Senator JOHNSTON: Senator Conroy would need to understand that this is a very serious program that requires the government to actually roll up its sleeves and start to do something. They did six years of nothing, whilst telling the Australian public that everything is rosy in the garden, they had options and they were going forward for the program. But what we got there as a new government we found that nothing has been done with what is one of Australia's most important strategic deterrent capabilities. This is a disgrace. It is a disgrace which you seem to want to dress up as some sort of something that we are doing that is wrong. We are doing everything right to try and clean up your mess and get this particular program, which is such an important program and a vital strategic asset, back on track given the mess you left us.

Senator GALLACHER (South Australia) (14:02): Mr President, I ask a supplementary question. I refer the Minister for Defence to the Australian Strategic Policy Institute, who said that a competitive tender process for our new submarine fleet would drive the price down and efficiency up. Will the minister finally accept the advice of expert after expert, rip up his draft press releases on the Japan deal and hold a competitive tender process?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:02): I love the learned Senator quoting the ASPI. On what you delivered in terms of the Defence budget—

Senator Kim Carr: How learned are you?

The PRESIDENT: Order, Senator Carr.

Senator JOHNSTON: whilst you had custody of it, they said it was an unsustainable mess that was moving to a crisis. That is what you delivered. I have said, and we will stick to this, that there will be the traditional Kinnaird first and second pass process for this important acquisition. That is the standard operating procedure for complex capability acquisition. That is what we will do, that is what everyone expects we will do and that is the way forward.

Senator GALLACHER (South Australia) (14:03): Mr President, I ask a further supplementary question. I refer the Minister for Defence again to AIG, who said that there are substantial risks associated with committing to acquire a submarine without knowing the full implications. Will the minister now abandon his sweetheart deal with Japan and commit to a competitive tender process? Does he think that bringing forward the future frigates will silence the outrage coming from Adelaide about his broken promise on submarines?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:04): This is just so much dross from a senator who sat on his hands for six years while the project went nowhere. Where was he? What was he doing? He was completely preoccupied with the game of politics in South Australia.

Senator Wong: Where are you? You are nowhere.

The PRESIDENT: Order on my left.

Senator JOHNSTON: You want a tender. Senator Conroy last week asked for a limited tender with at least four bidders. What do you want? You do not even understand the process. It seems that some tenderers are more equal than other tenderers.

Senator Wong: For you that's true!

Opposition senators interjecting—

The PRESIDENT: Order on my left.
Budget

Senator McGrath (Queensland) (14:05): My question is the Leader of the Government in the Senate, Senator Abetz. Will the minister advise the Senate of the significant benefits that the government has delivered to Australian families, businesses and workers since coming to office?

Senator Abetz (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:05): I am delighted to inform the Senate and Senator McGrath that since being elected to office the government has reduced the cost of living for Australian families, boosted investor confidence for Australian businesses and protected the jobs of many Australian workers. We have scrapped the world’s biggest carbon tax, saving the average Australian household $550 each and every year, whilst protecting tens of thousands of jobs in the manufacturing sector. We have also abolished Labor’s job destroying mining tax, unshackling this vital sector to create more jobs for more Australians. We have delivered historic free-trade agreements with Japan, Korea in China, opening up three of Asia’s largest markets—

Opposition senators interjecting—

The President: Pause the clock.

Senator Cameron: This is painful!

The President: Order, Senator Cameron.

Senator Abetz: We have delivered historic free-trade agreements that have opened up Australian business and job opportunities in East Asia’s largest markets, from agriculture to the services sector. We have handed down the single largest infrastructure package in Australia’s history, which is worth $50 billion, creating tens of thousands of jobs and investing in our future.

In addition, we have approved $1 trillion worth of projects with environmental approvals. We have cut $2 billion in red tape alone, freeing Australian businesses from the burden of unnecessary and obsolete regulation, helping them to employ more people. We have stopped the boats, preventing deaths at sea and saving the budget billions of dollars. In 2013 under Labor, there were 302 illegal boat arrivals; under this government, that number has been reduced to just one. We have provided an additional $630 million to our police and security services to strengthen our national security. The nation has been turned around for the better.

(Time expired)

Senator McGrath (Queensland) (14:08): Mr President, I ask a supplementary question. Will the minister inform the Senate what work remains to be done in order to build a strong, prosperous economy for a safe and secure Australia?

Senator Cameron: Change the government.

Senator Abetz (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:08): That is what they did in September 2013 last year. The government is implementing long-term structural reforms to clean up Labor’s mess and fix the debt and deficit disaster they left behind. Labor left us with more than 200,000 more Australians unemployed, $667 billion in
projected gross debt and $123 billion in cumulative deficits. As Deloitte Access Economics Director, Mr Richardson, has warned:

If we haven't repaired the budget starting now, we will really regret that down the track.

Senator Lines interjecting—

Senator ABETZ: According to Mr Richardson, the government's budget repair package is 'the only road map to structural fiscal repair that Australia has.'

Senator Lines interjecting—

Senator ABETZ: There is no other in the marketplace. All the Labor Party do is shout, interject, whinge and whine without an alternative strategy. This government has delivered a strategy. (Time expired)

Senator McGrath (Queensland) (14:09): Mr President, I ask a further supplementary question. Can the minister advise the Senate of the importance of overcoming obstacles to strengthening our economy and creating more jobs for more Australians?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:09): There is a very real danger that, if Labor's budget mess is not fixed immediately, Australia will not be in a strong position to withstand any future global economic shocks. We need to take appropriate steps to insulate ourselves against these pressures. If we do not, Australia will be vulnerable to the vagaries of the global economy. If we shirk the hard decisions today, we will suffer the harsh consequences tomorrow, and we will be rightly judged accordingly. We all have a shared responsibility to future generations to do—

Senator Lines interjecting—

The President: Senator Lines.

Senator ABETZ: not that which is easy but to do that which is right. Today, the greatest obstacle to strengthening our economy, regrettably, is the Labor Party, which is blocking over $28 billion worth of savings, including $5 billion of their own savings that they promised the Australian electorate that they would keep. (Time expired)

Australian Defence Force

Senator Lundy (Australian Capital Territory) (14:10): My question is to the Minister for Defence, Senator Johnston. I refer the minister to a petition signed by more than 60,000 people calling on the government to improve its unfair pay deal for Australian Defence Force personnel. Is the minister aware of a recent meeting between the petitioners and his junior minister in which Mr Robert insulted the organisers, comparing their petition for a fair deal on ADF pay to a petition that called for cheaper beer? Does the minister think that this is an appropriate way for his junior minister to behave?

Senator Johnston (Western Australia—Minister for Defence) (14:11): Senator, it is an important issue. Pay is always an important issue, particularly for men and women in uniform. I was not at that meeting. I have not received any information in support of your contention. I am therefore very reluctant to comment on it. Defence Force pay issues are always at the front of this government's mind. The relationship we have with our uniformed personnel is very good and strong. Indeed, I think the relationship that we have with uniforms as a government stands in complete and stark contrast to the derision that the former
government was held in by uniformed personnel, which took so much money out of the defence budget, having had to deal with a chronic shortage of resources in managing a Defence Force capability plan. While the Labor Party was in power, the current Chief of Army said that further funding cuts to defence would risk soldiers' lives. That is what you have bequeathed to us. That is what we are repairing. Dealing, as we have, with tough measures on pay, we are seeking to provide the necessary resources so that our men and women in the field can have the full benefit of a properly resourced Defence Force.

*Senator Conroy interjecting—*

*Senator Back interjecting—*

*The PRESIDENT:* Senator Conroy and Senator Back.

*Senator LUNDY* (Australian Capital Territory) (14:13): Mr President, I ask a supplementary question. Because he says that he is not aware, I would like to advise him that the petitioners were so concerned at the assistant minister's dismissive attitude that they ended the meeting early, saying that the government is 'arrogant, ill-informed and self-centred'. Will the minister contact the petitioners to apologise for Mr Robert's behaviour?

*Senator JOHNSTON* (Western Australia—Minister for Defence) (14:13): I will take that question, and I will speak to the Assistant Minister for Defence to verify the facts. I do not think I can take it any further, Senator.

*Senator LUNDY* (Australian Capital Territory) (14:13): Mr President, I ask a further supplementary question. Thank you, Minister. I again refer the minister to the petitioners who have said, 'We will not go away and we will be heard. The government will ignore us at their peril.' I ask you a general question, Minister: why is the government ignoring community advocacy and outrage at its decision to cut the real pay of our service men and women?

*Senator JOHNSTON* (Western Australia—Minister for Defence) (14:14): I assure the senator that we are not ignoring any community outrage. We have said that we will recant with respect to allowances, which we have done. Let me repeat, for the umpteenth time, the position that this government is in with respect to salaries of directly employed Commonwealth employees, as bequeathed to us by the mismanagement of the last government, is such that we must take tough measures. This is part of the recovery that this particular government sees as necessary in its financial management to get Australia back onto a more—

*Senator Kim Carr:* Arrogant, ill-informed and self-centred; that's the story, isn't it?

*The PRESIDENT:* Senator Carr.

*Senator JOHNSTON:* even financial keel. What you have bequeathed to us in terms of debt and deficit must be addressed.

**Education**

*Senator RHIANNON* (New South Wales) (14:15): Considering when Minister Pyne first—

*The PRESIDENT:* Sorry, Senator Rhiannon. You need to assist me by informing me who the question is directed to.

*Senator RHIANNON:* I direct my question to the Minister representing the Minister for Education, Minister Pyne.
Senator Abetz: Payne.

Honourable senators interjecting—

The PRESIDENT: Order on both sides! Senator Rhiannon, I am just going to clarify. The question is to Senator Payne representing the Minister for Education.

Senator RHIANNON: That is correct.

The PRESIDENT: Thank you. You have the call.

Senator RHIANNON: I direct my question to the Minister representing Minister Pyne, Senator Payne. Considering when Minister Pyne first introduced the Higher Education and Research Reform Amendment Bill 2014 in August the cost savings associated with the bill were $3.9 billion and considering the latest version of the bill, introduced into the House of Representatives today, lists cost savings of $451 million, what other areas will be cut, as this bill was always about the budget bottom line?

Senator PAYNE (New South Wales—Minister for Human Services) (14:16): It has been confusing for many years having both Payne and Pyne in the parliamentary Liberal Party. I always used to say his family couldn't afford the vowel!

The senator's question in relation to the legislation really seems to me to miss the essential point of the government's proposals in relation to higher education. It is a reform bill. Reform is the purpose of the legislation. Many of the stakeholders who have participated in the debate over the recent many months that it has continued have expressed their disappointment today with the result of yesterday's vote.

Senator Kim Carr: Not to me they haven't; they're delighted.

Senator PAYNE: They have expressed their disappointment today in press statements, in media interviews and in a number of other contexts. Perhaps they do not waste their time with someone who is not even prepared to entertain an intelligent argument. I do not know.

Senator Kim Carr: What are the students saying? What is the public saying?

The PRESIDENT: Senator Carr, cease interjecting.

Senator PAYNE: What the stakeholders are saying—which has been continually ignored by those opposite—whether it is the regional universities, the network of innovative Australian universities, ACPET, COPHE or the Group of Eight, all of those key operators of the higher education system in this country have expressed their disappointment with the result of yesterday.

What the government is committed to and continues to be committed to is giving greater opportunities to students—students that those opposite in particular have turned their back on, students who might want to study diplomas and receive Commonwealth support for doing it, students who might want to engage in a far greater range of courses than they are currently able to and receive Commonwealth support for doing it. (Time expired)

Senator RHIANNON (New South Wales) (14:19): Mr President, I ask a supplementary question. Minister, as you said the government is committed to students, why won't the government remove the threat of funding cuts and massive student fee hikes so the Australian parliament can start a conversation with the higher education sector and the Australian public on how to bring about a sustainable reform for the higher education sector, not your two-tier, inequitable system.

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CHAMBER
Senator PAYNE (New South Wales—Minister for Human Services) (14:19): I think the senator is quite right: I think those in this chamber should start a conversation with those in the sector who supported the reform. I think that would be a very good place to start—the people who actually run universities and colleges in this country, the people who run TAFEs and who run institutes which would allow tens of thousands more students to receive a higher education which they are currently not able to do with Commonwealth support. That is the sort of conversation you should be having. You are exactly right.

Senator RHIANNON (New South Wales) (14:20): Mr President, I ask a further supplementary question. Minister, can you put it on the line? Please explain how the latest version of the higher education cuts outline a saving of $451 million over the next four years but then lead to a dramatic saving of an additional $5.4 billion in the six years immediately following. Clearly this is still a budget bill.

Senator PAYNE (New South Wales—Minister for Human Services) (14:20): Let me reiterate what I said earlier: this is a reform bill. This is about changing the Australian higher education system so that it is amongst the most competitive in the world so that our students can be in the most competitive higher education institutions in the world. The choice that we are faced with is the approach that was taken by those opposite—and you know this is the case, Senator Rhiannon—in which the years up to 2016-17 would have seen $6.6 billion worth of cuts out of the higher education sector. You know that is the case. What we are trying to do is maximise the opportunities for students, provide pathways for students from disadvantaged backgrounds, provide scholarship opportunities, enable students who are studying for diplomas and advanced diplomas to actually receive Commonwealth support for doing that for the first time ever. Every single peak body in higher education in this country supports these reforms.

Asylum Seekers

Senator SMITH (Western Australia) (14:21): My question is to the Assistant Minister for Immigration and Border Protection, Senator Cash. Can the minister update the Senate on how the government is utilising Australia’s humanitarian program to assist Syrians and Iraqis fleeing the brutality of ISIL?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:21): I thank Senator Smith for his question and ongoing interest in this matter. Earlier this year, as senators would be aware, the coalition government made a commitment that in 2014-15 we would provide a minimum of 4,400 resettlement places under the Special Humanitarian Program for people affected by the humanitarian crises in Iraq and Syria. This includes a minimum of 2,200 places for Iraqis, including ethnic and religious minorities fleeing the violence in northern Iraq to neighbouring countries. It also includes a minimum of 2,200 places for Syrians, including those living in desperate conditions in Lebanon.

Our commitment to resettling Syrians and Iraqis escaping the conflict zone highlights without a doubt the humanitarian dividends that are made possible as a result of this government’s successful border protection policies. The only dissenting voices to the coalition government’s overwhelmingly successful border protection policies are the people smugglers, whose business model we have smashed, and those opposite, still vocally supported by the Greens, who continue to show that they just do not get it.
This government has made it very clear that priority in the humanitarian program should be for those waiting overseas and entering Australia under an orderly process. The brutality of ISIS has been made abundantly clear to all and in the immigration portfolio we are doing everything that we can within an orderly process to ensure that we can assist those who are in these conflict situations.

Senator SMITH (Western Australia) (14:23): Mr President, I ask a supplementary question. Can the minister inform the Senate of any alternative approaches to how Australia can receive refugees from this conflict zone?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:24): Yes, I can. Just yesterday we witnessed an extraordinary outburst from the Deputy Leader of the Opposition, Ms Plibersek, in which she demonstrated that the Labor Party still just do not understand why it is important for the government of the day to have control over its border policies. She was on Sky News with David Speers. Speersy said on Syria that the government has announced some 4,000 positions for refugees from Syria and Iraq that arguably would not have existed under Labor’s policy, when all of those places went to those who came by boat. Ms Plibersek responded:

This is pretty close to the numbers that were coming from these countries in any case.

What Ms Plibersek clearly failed to understand is that those people were coming illegally by boat and they were not coming from source countries. This again shows that those opposite believe that any arrival in Australia is a good arrival and is acceptable. (Time expired)

Senator SMITH (Western Australia) (14:25): Mr President, I ask a further supplementary question. Can the minister advise the Senate why it is important that Australia has control over its humanitarian refugee resettlement program?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:25): If we do not have control over our Humanitarian Settlement Services program we are effectively doing what those opposite did for the six years they were in government and we are ceding control to the people smugglers. These are the people who market the voyage to Australia with the promise of permanent residency at the end of it. These are the people who are more than willing to put women, men and children on leaky boats, risking their lives again on the false promise of permanent residency in Australia. On this side of the chamber we understand, as do the overwhelming majority of Australians who voted for our policies at the last election, that a government needs to retain control over its resettlement program and, as long as this government is in office, that is exactly what we will do.

Renewable Energy

Senator LAZARUS (Queensland—Leader of the Palmer United Party in the Senate) (14:26): My question is to the Minister representing the Minister for the Environment, Senator Cormann. In relation to the renewable energy target, the government recently announced that it would not be changing the Small-scale Renewable Energy Scheme for households, but the government has been deliberately vague over the overall position on the SRES. As the government knows, the SRES has two components: the household component, which is those installations less than 10 kilowatts, and the small business component, which is
those installations up to 100 kilowatts in size. Is the government trying to cut out the small business component of the SRES just as this important market is starting to thrive?

**Senator CORMANN** (Western Australia—Minister for Finance) (14:27): I thank Senator Lazarus for his question. What the government is trying to do in reforming the renewable energy target is ensure that it operates as it was originally designed to do. Originally the objective was to establish a renewable energy target that would see 20 per cent of our energy come from renewable energy sources. Of course, given the falls in energy demand across the Australian economy, effectively now we are heading for a renewable energy target of 26 per cent. That is hurting the Australian economy, hurting business and hurting families because it is pushing up the cost of electricity beyond what it should be.

We want Australia to be, as the Prime Minister has said in the past, the affordable energy capital of the world. We want to ensure that the renewable energy target effectively goes back to a real 20 per cent target. We do want to quarantine the small-scale renewable energy target. We want to ensure that we provide an exemption from the renewable energy target for emissions-intensive trade-exposed businesses and by doing so get ourselves back into a position where we are pursuing a real 20 per cent renewable energy target. That will help bring down the cost of electricity. That will help bring down the cost of doing business in Australia. That will help make us more competitive internationally. That will help us strengthen the economy. It will help create jobs. Of course, that is what we are all about. We are about reform that will help us build a stronger and more prosperous economy and create jobs where everyone has the opportunity to get ahead. I say to Senator Lazarus that it is a matter of getting the balance right: it is about providing support for the renewable energy target but in a way that is actually sustainable and responsible. *(Time expired)*

**Senator LAZARUS** (Queensland—Leader of the Palmer United Party in the Senate) (14:29): Mr President, I ask a supplementary question. Small businesses can use this scheme to reduce one of their largest costs—their electricity. We know large electricity companies want to reduce the renewable energy target at the cost of the small business community. PUP will not allow the SRES to be shrunk from where it is now. Small businesses need the right to access the scheme. Why won't the government join PUP and other crossbenchers to give the small business sector the certainty it needs?

**Senator CORMANN** (Western Australia—Minister for Finance) (14:29): We want the small business sector to have certainty, we want larger businesses to have certainty, we want the economy as a whole to have certainty, and we want families to have certainty around how the renewable energy target will operate. It is very important that as we reform the policy settings for the renewable energy target that we provide certainty to the market—of course. But we need to do it in a way that actually does not expose the Australian economy to a disadvantage when we are competing for business in the world. Right now cost pressures that are faced by Australian businesses as a result of the way the renewable energy target is currently operating makes Australian businesses that are competing in a global environment less competitive than those businesses that we are competing with overseas. We want Australian businesses to be more competitive, in particular, because we are actually overwhelmingly environmentally more efficient. Our aluminium sector here in Australia is environmentally more efficient—*(Time expired)*
Senator LAZARUS (Queensland—Leader of the Palmer United Party in the Senate) (14:30): Mr President, I ask a further supplementary question. The scheme is already being phased out over 15 years, which is why it is so imperative that the existing scheme must be retained. Will the minister clearly commit to retaining this important small business scheme and to pledge to do so in the parliament this week so small business can have a restful and certain Christmas?

Senator CORMANN (Western Australia—Minister for Finance) (14:31): The coalition clearly supports renewable energy and we clearly support the renewable energy target, but we believe that the renewable energy target needs to be reformed in order to not push up the cost of electricity by more than what is appropriate, not to push up the cost of electricity in a way that makes us less competitive internationally, that will cost jobs. So what I would say to Senator Lazarus and to any senator in this chamber is that our door is open. We are committed to keep talking to the Labor Party, to the Palmer United Party, to the Australian Motor Enthusiast Party, to Senator Lambie, to the Family First Party, to the Liberal Democrats—we are even prepared to talk with the Greens, even though the Greens are not a very environmentally focused party these days. We are prepared to talk to anyone who is actually prepared to work with this on finding common ground. But the guiding principle has to be: to achieve an environmentally beneficial outcome in a way that is economically responsible. (Time expired)

International Day of People with Disability

Disability Services

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (14:32): My question is to the Assistant Minister for Social Services, Senator Fifield. Can the minister advise the Senate how the government is supporting the International Day of People with Disability?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:29): The International Day of People with Disability is marked every year on 3 December, and can I acknowledge the cross-party motion that was passed here yesterday. It is, from the Australian government's point of view, supported by and coordinated through the Department of Social Services. The day is a great opportunity to celebrate the contributions made by people with disabilities in their communities across Australia. I am very happy to see so many colleagues sporting the lapel badge to mark this important day.

I think senators will be very pleased to know that this year a record number of events are being held across Australia—nearly 1,000 events have been registered, which is the highest number of events in the 22-year history of the day. There are an incredibly diverse array of events to mark the occasion. There is an inclusive surfing event in Byron Bay; an Athletics Australia 'Get Involved' event for potential Paralympians in South Australia; an online disability employment forum here in Canberra; and something that will be of interest to Senator Mason, I am sure: a monster disco in Melbourne! There is also a wheelchair basketball in Western Australia and much more.

It is encouraging also to see business getting behind the day, with a number of workshops, conferences and forums taking place. We have also had great success with the first Lights up
for People with Disability initiative, which will see buildings and structures in most states and territories light up in the day's colours of blue and orange.

The government and indeed all senators encourage Australians to join in today's celebrations and to consider what we as a community can do to ensure that people with disability have full access to economic opportunity.

**Senator O'SULLIVAN** (Queensland—Nationals Whip in the Senate) (14:34): Can the minister inform the Senate what the government is doing to better support people with disability to achieve their goals?

**Senator FIFIELD** (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:34): One of the prime mechanisms to better support people with disability to achieve their economic goals, their employment goals and their social goals is the introduction of the National Disability Insurance Scheme. As you would know, Mr President, this seeks to put the power in the hands of the individual. An individual is assessed for the needs that they have, they are given an entitlement commensurate to their needs, and then they can take that to the service provider of their choice. I would note that, obviously, if as a person with a significant disability you are getting the daily supports that you need, you will be in a much better position to contemplate entering the workforce. I think that is one of the great benefits of the National Disability Insurance Scheme. Again, as I often do, I want to acknowledge the staff of the National Disability Insurance Agency and the Department of Social Services for the incredible effort that they are putting into make the NDIS a reality.

**Senator O'SULLIVAN** (Queensland—Nationals Whip in the Senate) (14:36): Mr President, I ask a further supplementary question. Can the minister provide an update to the Senate on funding for the National Disability Insurance Scheme?

**Senator FIFIELD** (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:36): Thank you, Senator O'Sullivan, for the series of questions. The NDIS was fully provided for in the last budget. Over the forward estimates there was a full accounting and provision for the NDIS. I think it is worth, at a time of particularly robust exchanges in this place and what is probably a little bit of a fraught week, to reflect that the parliament does come together and does function on occasion. The NDIS is a manifestation of that, and I think that is something that the parliament can be well pleased with.

It is also important to note that the NDIS cannot do and was never designed to do everything in relation to people with significant disabilities. The National Disability Strategy is also very important. That provides that all levels of government have a responsibility to make sure that people with disability have the access and opportunities they deserve.

**Defence Procurement**

**Senator DAY** (South Australia) (14:37): My question is to the Minister for Defence, Senator Johnston. Informed Defence opinion tells us that Australia needs a minimum of six conventional diesel-electric submarines and six nuclear submarines to replace the current Collins class submarine fleet. The minister has previously said that our future submarine fleet has to be regionally dominant and superior. Given the superior range, speed and capability of nuclear submarines, and that a number of our G20 colleagues have full nuclear submarine
capabilities, will the government commission a feasibility study into including nuclear submarines in our future submarine fleet?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:38): I thank Senator Day for this question and for his op-ed on 16 October—I congratulate him on that piece of commentary. The Future Submarine program is, as I am sure the senator knows, the most significant investment in defence capability that is coming over the horizon for Australia. It is extremely important that we get this right, particularly when we are starting from scratch. The government is committed to delivering the most capable replacement submarines for Collins at the best price and with the least risk to our nation's future security. We owe it to our nation not to expose it to critical capability gaps that we now face because the previous government did nothing for six years on submarines, as I have said on so many occasions. We also of course owe it to taxpayers to provide value for money. A nuclear option is not currently coalition policy due to the significant costs and other strategic and logistical challenges we would face, given that Australia does not have, as we all know, a domestic nuclear energy generation industry.

Australia currently lacks the infrastructure, training facilities, regulatory and safety systems necessary to operate and maintain nuclear powered submarines. These would add considerably to the cost of our Future Submarine program and would take a substantial period of time to develop in order to be part of that program. Australia also currently lacks suitably qualified and experienced personnel within our Royal Australian Navy and across industry to safely operate and sustain nuclear powered submarines. I congratulate you on commencing the debate, if that is what we are doing. It is an important debate but it is a very expensive one.

Senator DAY (South Australia) (14:40): Mr President, given that very interesting answer, I ask a supplementary question. The 2013 Defence and Security Cooperation Treaty with Great Britain promotes high levels of defence cooperation and interoperability. The British Astute class submarine has a nuclear reactor motor that will actually outlast the 30-year life of the vessel. BAE Systems—

Opposition senators interjecting—

The PRESIDENT: Order! Pause the clock! Senator Day will be given an extension because I could not hear him for the noise coming from this end. Secondly, he paused during his asking of the question because of the interjections from the left. Senator Day, would you continue with your question?

Senator DAY (South Australia) (14:41): BAE Systems, the UK's nuclear submarine builder, is already in South Australia. Will the government explore, with the British, the merits of nuclear submarine construction?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:41): Again I want to thank the senator for his interest in this important topic. I have had the benefit of a half-day tour of an Astute class submarine at Barrow-in-Furness in the United Kingdom. This is a phenomenal piece of strategic capability, but it is extremely expensive—several billion euro, several billion pounds. Literally two generations of nuclear experience have gone into its development. We have none of that capacity. The debate should focus on whether we commence attaining that capacity, whether we should look at whether nuclear energy would
provide to us advantages over current energy generation systems in the very long term. With respect to South Australia, we are trying to bring forward a program cost-effectively and we are fighting schedule every day. To introduce this would simply delay the program. (Time expired)

Senator DAY (South Australia) (14:42): Mr President, I ask a further supplementary question. Former Chief of Navy, then Vice Admiral Ray Griggs, told *Monthly* magazine that:

> Our submarines provide us with strategic weight in a way that no other ADF asset … does.

Given that weight, will the government consider, or commence considering, establishing a separate fourth arm of our defence forces—that is, separate from the Navy—called the Royal Australian Submarine Corps?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:43): Again I thank the senator for his question. The consideration of whether we would stovepipe and compartmentalise submarine output and submarine strategic capability has been considered within Defence, to the best of my knowledge, for some time. Given current interoperation between surface and air assets, it is seen that the cohesion between the various dimensions of platforms—subsurface, surface and air—requires that we not go down the path of creating a separate compartment for our submarine capability. What we need is a cohesive operational force element group in the nature of submarines that works with our ships and our planes and cohesively provides management of the battle space as the one cohesive unit. (Time expired)

**Minister for Defence**

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:44): My question is to the Minister for Defence, Senator Johnston. I refer the minister to comments by Mr Russell Stranger, his senior adviser of more than a decade. Mr Stranger said:

> Senator Johnston has been relegated by the Prime Minister's office to a role as an incidental minister.

Is Mr Stranger correct? If not, why not?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:44): I know what I do on that day to day basis in this portfolio. If that is incidental, that might be something someone wants to call it, but I am firstly dealing with repairing the budgetary mess you left. This is a very big task. I know the senator would not want to hear that, as I have said, the former Chief of Army said that funding cuts under Labor would risk soldiers' lives. Former Chief of Army Peter Leahy said:

> The Gillard government has cut so much money out of defence that it risks placing the lives of soldiers, sailors and airmen in danger.

These are the sorts of things I am dealing with today. He went on to say, talking about Minister Smith:

> The minister owes them more than a simple statement of 'do the same but with less'.

**The PRESIDENT:** Pause the clock. Senator Cameron.

**Senator Cameron:** Mr President, I rise on a point of order as to relevance. The question was clear. It was about whether this minister was an incidental minister or whether he was actually doing his job. He is not responding to that.

*Honourable senators interjecting—*
The PRESIDENT: Order on my both sides! In relation to the point of order, Senator Cameron, the minister up front, in response to Senator Conroy's question, indicated that, if that is incidental then so be it. He has answered the question and now is continuing with his answer. Minister, you are directly relevant.

Senator JOHNSTON: Thank you, Mr President. What I am dealing with is a complete failure to resource adequately the Australian Defence Force and the Defence portfolio. Peter Leahy, very good Chief of Army as he was, said:
The Minister owes them more than simply a statement of 'do the same with less'. They will be wondering how they will achieve these tasks when the Minister has, over the last few years, ripped huge sums of money out of the budget. The planners might even wonder why they are even drafting a new White Paper.”

That is what you left me to repair.

Senator Conroy interjecting—

The PRESIDENT: Senator Conroy, you have asked your question.

Senator JOHNSTON: The now Governor-General Sir Peter Cosgrove said:
I do worry that we are developing some gaps in our defence structure that will be very tough to claw back later on.

That is what I am doing—trying to claw back your mess. (Time expired)

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:47): Mr President, I ask a supplementary question. I refer again to Mr Stranger, your senior adviser of more than a decade, who says that the minister's colleagues consider him a loose cannon and a nonperformer. Is this correct and, if not, why not?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:47): I say to the senator I do not believe it is correct and it is not for me to judge.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:48): Mr President, I ask a further supplementary question. Will we be seeing the Minister for Defence on the Senate front bench next year or does he agree with his junior minister who the Australian Finance Review reports today was overheard telling his Liberal colleagues that the—

The PRESIDENT: Pause the clock. Senator Heffernan on a point of order.

Senator Heffernan: Mr President, I rise on a point of order. Stephen Conroy is not a boofhead.

The PRESIDENT: That is no point of order and, Senator Heffernan, that is an abuse of taking a point of order.

Senator CONROY: Or does he agree with his junior minister who the Financial Review reports today was overheard telling his Liberal colleagues that the defence minister was a gonna from cabinet?

The PRESIDENT: Minister, you can answer the portions of that question which fit within your portfolio.

Senator JOHNSTON (Western Australia—Minister for Defence) (14:49): The mess bequeathed to me obviously has its foundation in the sort of attitude that Senator Conroy brings into this chamber. Here we have Australians on the battlefield in Iraq and Afghanistan,
we have huge defence capability acquisition programs and all he can do is seek to ask a question from a couple of lines in a newspapers. I have to tell you that what they bequeathed to us is clearly understandable given the intellectual rigor brought to this question time by the senator.

**Therapeutic Goods Administration**

**Senator SESELJA** (Australian Capital Territory) (14:50): My question is to the Assistant Minister for Health, Senator Nash. Will the minister advise the Senate what the government is doing to give Australian patients access to the latest, most innovative therapeutic treatments in a timely manner?

**Senator NASH** (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:50): I thank Senator Seselja for his question and for his interest in this matter. I am pleased to inform the Senate that the government has announced an expert review of medicines and medical devices. Emeritus Professor Lloyd Sansom AO will chair the expert review panel. Professor Samson has extensive experience in the pharmaceutical sector. He played a major role in the development of Australia's National Medicines Policy and is a former longstanding chair of the Pharmaceutical Benefits Advisory Committee. He will be joined on the panel by Mr Will Delaat AM and Professor John Horvath AO. The review will examine Australia's regulatory framework for therapeutic goods which is administered by the Therapeutic Goods Administration in order to identify opportunities to modernise regulations, to ensure Australians can access the latest treatments in a timely manner and areas of outdated or irrelevant regulation which have built up over time and need to be streamlined.

This review complements the government's industry innovation and competitiveness agenda. It is a key step in efforts to remove ineffective regulation and encourage greater competition and innovation in the medicines and medical devices sectors.

Medical technology is constantly evolving and Australia needs a modern regulatory framework to ensure consumers can access new technologies without unnecessary delays. This review will in no way jeopardise the safety and quality of medicines and medical devices marketed in Australia. Consumer protections are paramount.

The expert panel recently released a discussion paper to inform the public consultation process, and I encourage all stakeholders to contribute their ideas. The panel will provide recommendations for prescription and over-the-counter medicines as well as medical devices by 31 March 2015, and opportunities in the complementary medicines sector will be reported during the second quarter of 2015.

**Senator SESELJA** (Australian Capital Territory) (14:52): Mr President, I ask a supplementary question. Thank you, Minister. I note that this expert review complements the government's innovation, competitiveness and deregulation agendas. How will this expert review help the government reduce red tape and strengthen Australia's competitiveness?
therapeutic goods regulations are overdue for an upgrade. The terms of reference indicate the panel will consider changes to outdated or irrelevant regulations that have built up over time. If accepted by government, these recommendations will contribute to the annual red-tape reduction target.

Consistent with the coalition's industry, innovation and competitiveness agenda, the panel will benchmark the regulatory arrangements for therapeutic goods against trusted international competitors and explore how international evaluations can be better utilised to ensure timely patient access.

Senator SESELJA (Australian Capital Territory) (14:53): Mr President, I ask a further supplementary question. Can the minister update the Senate on the action the government is taking to promote innovation and competitiveness in the therapeutic goods sector?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:54): This government is committed to building a modern regulatory framework that provides timely access to innovative treatments, supports Australian businesses and maintains the high standards of safety and quality that consumers expect. The coalition recently introduced new regulations to allow Australian manufacturers to obtain market approval for most medical devices, using conformity assessment certification from European notified bodies. With these changes, Australian manufacturers can choose to have conformity assessment conducted by either the TGA or a trusted European body. This will cut red tape and provide more flexibility for local manufacturers.

The new arrangements will also bring Australian manufacturers in line with the regulatory requirements for overseas manufacturers. Mr Chris Roberts, the CEO of Cochlear Australia, recently said, 'This change alone means thousands of Australians will have their hearing restored with the latest technology, sometimes up to a year earlier than otherwise may have been the case. The social and economic benefits of this change are immense.' (Time expired)

Defence Procurement

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:55): My question is to the Minister for Defence. I refer to the motion which has just passed the South Australian House of Assembly unanimously. It condemns the Minister for Defence for his remarks, reaffirms the parliament's support for the ASC workers and all other South Australians employed in the defence industry, and demands that government uphold its election commitment. Noting that this motion was supported by the South Australian Liberal leader and every one of the minister's state Liberal colleagues, how can the minister maintain he is up to the job?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:55): My responsibility is to the Commonwealth of Australia and to the taxpayers of the Commonwealth. I know that will come as somewhat of a surprise to somebody who is bound and gagged by the union movement in everything she does. May I say: I can understand the motion but I have other responsibilities.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:56): Mr President, I ask a supplementary question. I refer again to the motion supported by the South Australian Liberal leader, Mr Marshall, which demands that the Abbott government uphold its
election commitment to build 12 submarines in Adelaide. Will the minister reaffirm the pre-
election commitment he made with Mr Marshall?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:56): The good
senator simply does not want to acknowledge the truth of what I said in Adelaide. I said, 'We
will support the government unless it is fantasy.' She knows that, and she knows that
everything her government did was largely fantasy.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:57): Mr
President, I ask a further supplementary question. Now that the minister has been condemned
by the South Australian parliament, censured by the Senate, abandoned by his colleagues,
insulted by his junior minister and publicly repudiated by the Prime Minister, isn't it time for
him to take the only honourable course of action and resign?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:58): Definitely not.

Economy

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (14:58): My
question is to the Minister for Finance and the Minister representing the Treasurer, Senator
Cormann. Can the minister inform the Senate what today's national accounts tell us about the
state of the economy?

Senator CORMANN (Western Australia—Minister for Finance) (14:58): I thank Senator
Bushby for that question. The national accounts released today show the importance of our
economic reform agenda. They show the importance of our policies to build a stronger, more
prosperous economy where everyone can get ahead. Imagine what the national accounts
would have shown today if we had not repealed the carbon tax, if we had not repealed the
mining tax, if we had not made more than $1 trillion worth of project approvals, if we had not
pursued three free trade agreements, and if we had not cut more than $1 billion in excessive
business red tape costs out of the economy.

The national accounts released today showed that, over the past quarter, the economy grew
by 0.3 per cent. That takes economic growth over the last 12 months, the first year of the
Abbott government, to 2.7 per cent, compared to 1.9 per cent over the equivalent period of the
previous government. That is of course stronger growth than what we experienced under
Labor.

But we are not resting on our laurels at all. Over the last 12 months we have set the
foundations for stronger growth into the future. We have put in place the foundations for
stronger economic growth, stronger prosperity and higher living standards into the future.
What we inherited in September last year was a weakening economy, rising unemployment,
low consumer confidence and lower business investment. Over the last 12 months we have
been ensuring that, moving forward on the back of stronger economic growth, we can create
more jobs, improve living standards and set the foundations for budget repair.

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (15:00): Mr
President, I ask a supplementary question. Given the state of our economy, will the minister
advise the Senate why it is important to press ahead with the government's reform agenda and
budget repair strategy?

Senator CORMANN (Western Australia—Minister for Finance) (15:00): If you want to
know where you are headed, it is most important to know what trajectory you are on. Six
years of Labor government put us on a bad trajectory. This government is focused on putting us on a good trajectory. Back in 2007 Labor inherited a strong economy and a strong budget.

Look no further than this; I launched earlier today this 'Menzies essay': Quiet Achievers: The New Zealand Path to Reform. Labor keeps hiding behind the global financial crisis to justify its failure in government, to justify the debt and deficit disaster they left behind. Labor in Australia inherited a strong position in 2007. The National Party in New Zealand inherited a weak position comparatively. Look at what the National Party in New Zealand has done in six years of National Party government in New Zealand post GFC— (Time expired)

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (15:01): Mr President, I ask a final supplementary question. Will the minister advise the Senate why budget repair is so important for business and consumer confidence?

Senator Wong: Yes, what has happened to consumer confidence? It is the lowest since the recession and the GFC. That is what you have done for confidence.

Senator CORMANN (Western Australia—Minister for Finance) (15:01): Senator Wong, the worst finance minister in the history of the Commonwealth, is asking what has happened to consumer confidence. We inherited low consumer confidence. Consumer confidence in Australia today is back at long-term trend measures. This does not suit the worst finance minister in the history of the Commonwealth, because she cannot handle the fact that this is a government that has started to build a stronger, more prosperous economy, started to repair the budget, despite the best efforts of the Labor Party to boycott the necessary and important budget repair. We have set the foundations for a stronger and more prosperous economy into the future.

We will continue with the task at hand. We will continue to focus on the national interest. We will continue to make the difficult but necessary decisions to protect living standards and build better opportunities for all Australians into the future—whatever the Labor Party does.

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS
Defence

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

That the Senate take note of the answers given by the Minister for Defence (Senator Johnston) to questions without notice asked by Opposition senators today.

It really is quite interesting to watch a ministerial career disintegrating before our eyes. We have a minister in Senator Johnston who does not have the confidence of his Prime Minister, who does not have the confidence of the Australian public, who does not have the confidence of his own backbench. This is a minister who is incompetent and cannot deliver in the interests of Australia's defence priorities.

And it is not just the opposition senators that are saying this. As the Leader of the Opposition in the Senate, Senator Wong, drew to our attention, the South Australian parliament has unanimously passed a resolution condemning Senator Johnston. I want to read what the South Australian parliament says. This is Independents, Labor, Liberal—it is all parties in that House. It says that the Premier will move that the South Australian Parliament: '(a) condemns the remarks of the Commonwealth Minister for Defence that he would "not
trust the Australian Submarine Corporation to build a canoe"," (b) reaffirms its support for ASC workers and all other South Australians employed in the defence industry, (c) demands that the Abbott Liberal government upholds its election commitment to build the 12 future submarines in Adelaide, and (d) notes that Australians should have the right to trust the word of their leaders when it comes to decisions that affect the national security of this country.’ Mr Deputy President, I seek leave to table the resolution of the South Australian parliament.

**The DEPUTY PRESIDENT:** Is leave granted?

**Senator Abetz:** No.

**The DEPUTY PRESIDENT:** Leave is not granted.

**Senator Abetz:** Incompetence again.

**Senator CAMERON:** Senator Abetz, from the sidelines, talks about incompetence. If anyone has seen incompetence, it is the ministerial team in this chamber. The most incompetent has been Senator Johnston. Only a whisker behind him is Senator Abetz, who has delivered on absolutely nothing that he promised before the election. That is the nature of this coalition: promise much, deliver nothing, and just lie to the Australian public. It is about lying to the Australian public. That resolution has been passed by all parties in the South Australian parliament. It goes to the issue of lies. It goes to the issue of trust.

And when Senator Johnston made that infamous remark about honest, hardworking, highly skilled Australians not being able to build a canoe, he sat there thinking he had done a great thing—that it was fantastic. He sat smirking, he sat laughing and he was full of arrogance. But the look of horror behind him was good to see because people knew that this was an issue that South Australians held dearly. They want a defence industry in South Australia and this incompetent minister has not delivered despite giving a promise to South Australians that the submarines would be built in South Australia.

This is a government that has come to power based on lies. This is a government that cannot be trusted. This is a government that is incompetent. And this is a government that contains members and senators from South Australia that do not have any backbone, that do not have any capacity to stand up for their own state. They will not stand up for the Australian defence industry, they will not stand up for the families in South Australia, they will not stand up for the skills and they will not stand up for the capacity of the industry in South Australia. They are weak kneed, they are jelly backed and they are incompetent. Where are the people standing up in South Australia for jobs in South Australia? It is not the weak kneed South Australians senators in this place. This minister should go.

**The ACTING DEPUTY PRESIDENT (Senator Marshall):** Is leave granted for Senator Cameron to table a document?

Leave granted.

**Senator EDWARDS (South Australia) (15:08):** What an intemperate pile of drivel. This debate is squarely aimed at trying to vilify a person who is scrambling to fill a void which you left. Senator Cameron comes in here and talks about the activities of this government when he, while sitting around on the fringes of the Labor reign of power, did nothing. Let us look at the record of those opposite. The then leader, Kevin Rudd said we will build these submarines at the ASC in about 2017. Now that is not far from here. So what did those opposite do? Did they sign a contract? Did they go out and look for procurement? No. In the 2010 campaign
they told us, 'We promise to build the submarines at ASC in Adelaide.' What did they do? Did they go out and ask for contracts? No, they did nothing.

Do you know what those opposite did in the lead-up to the 2013 election? Mr Shorten, in the lead-up to the 2013 election, did not promise anything. Those opposite did not even have a defence policy. They got sick of promising it. They did not mention the 'submarine' word. They just ran out of puff. Actually, they ran out of money. Do you know what was going on? At the heart of the issue was the competence of that government.

Those opposite seem quite shrill over there. I see Senator Cameron has left the chamber. He needs to be reminded of why those opposite did not commit to submarine builds—they ran out of other people's money. They ran out of taxpayers' money. That is why they did not build them. There was $19.6 billion pulled out of that budget and those opposite sit there after 12 months of us being in power saying 'if you are going to build them, build them here'. How extraordinary. The people listening to this—

Senator Lines: How extraordinary to want to build something in Australia.

The ACTING DEPUTY PRESIDENT: Order!

Senator EDWARDS: Mr Acting Deputy President Marshall, you had better check with the attendants: I am not sure but I think there might be a seagull in the chamber somewhere. The $16 billion is what happened—the lowest levels of spending on defence since 1938. It was incompetence writ large. In 2012-13, Labor made the largest single cut to the defence budget since the end of the Korean conflict. Labor cut 10.5 per cent more from the budget. On Labor's watch, the Australian defence industry shed more than 10 per cent of its workforce because of budget cuts and deferrals.

How was the record of those opposite on open tenders? Out of 77-odd, I think there were about 70 that never got put out for open tender. As those opposite know over there, I am an advocate for an open tender on this program. Do you know why? Because it is the single biggest defence infrastructure project in this nation's history. And who is doing it? We are. What did those opposite do? Zero, nothing. And how shrill they sound. They ran out of money.

Those opposite do not even know how to manage money because they never have. All they have ever had to do is give their union dues and look after their numbers at their next preselection, and that is the only counting they have ever done. They have never had a bank manager. There are a couple of you over there on the other side, I must give you your due, that have run a business. But the only counting those opposite have ever done is vote to get elected to this place. That is what happens.

We are getting about and doing what we have to do to bring this project back into order to address the essential security of this country. It is so important to our front-line defence. What did those opposite do with it? Nothing. We are doing something about it and we are doing it now.

Senator DASTYARI (New South Wales) (15:14): I acknowledge the contribution of my good friend Senator Edwards from South Australia, who has been working with us quite closely on the reports our committee has been doing on the future of Australian shipbuilding. I note that he is saying a very different thing in this chamber than what he said when he was out there talking to the South Australia media.
It is time for the defence minister to go. Uniformed members of the ADF say it is time for him to go. His former long-serving staff say that it is time for him to go. The party backbench says it is time for him to go. And today we learned that the assistant minister says that David Johnston is already gone. The Financial Review scuttlebutts have duly reported a tip-off today that Assistant Minister for Defence, Stuart Robert, described Johnston as 'a goner' within earshot of everyone in business class on a Virgin flight out of Canberra last week. He did not even feel the need to bother to whisper it.

Also speaking up for everyone to hear is Johnston's former staffer, Russell Stranger. After more than a dozen years of service as a senior adviser, Mr Stranger has unloaded on his former boss, who he now describes as 'toothless' and 'incidental'. Mr Stranger has spent 12 years propping up the senator from WA, but the Australian people have taken less than 12 months to figure out that this minister is a dud. Certainly, the Prime Minister knows his minister needs to go. In Russell Stranger's words:

Senator Johnston has been relegated by the Prime Minister’s office to a role as an incidental minister…

This is from a man who knows Senator Johnston only too well.

Senator Johnston is a sheep in sheep's clothing. By his own admission, he has nothing to add. When asked by the press why he skipped a National Security Committee meeting in October he replied:

I wasn’t going to add too much …

These are the senator's own words. I could not agree with Senator Johnston more!

But the defence minister's word is not always reliable. No, we must never take him at his word. We cannot take this government, that will go down in history for its falsehoods and as led by a Prime Minister who has repeatedly told mistruths to Australia, at its word. Senator Johnston was also less than truthful when he promised to build submarines in Adelaide.

Senator Johnston is not just an accident waiting to happen; he is an accident that will not stop happening. In this place almost exactly one week ago, his slur against the men and women of the ASC left his own party members dazed and confused. He knows the Liberal Party senators from South Australia, be they Senator Birmingham, Senator Edwards, Senator Fawcett or Senator Ruston, have spoken out against the proposals that he has been floating.

Senator Johnston's own pay deal for our defence forces on the eve of Christmas holidays has shown us just how poorly he values the work of our uniformed personnel. Today, he tried to claim again during question time that he has a great relationship with our defence forces. But, Mr Deputy President, can you imagine how embarrassed they must be by his bumbling,umbling and stumbling? Prime Minister Tony Abbott will not even stand beside Senator Johnston. Last week, the Prime Minister was spotted in his courtyard on Monday, rubbing his hands and begging for forgiveness, with his own defence minister nowhere to be seen. We say: enough! Bring this sad mess to a sad end. What on earth is Senator Johnston waiting for? Christmas? The New Year? Another crisis? It is simply time for him to go.

The soldiers, the sailors, the airmen and the civilians who toil to keep us safe every day—these men and women deserve better. I say to the Prime Minister: it is time to take action on Senator Johnston. Listen to your own backbenchers who think it is time for him to go. Listen to the uniformed members of the ADF who think it is time for him to go. Listen to Senator
Johnston's former staff who clearly think it is time for him to go. The assistant minister said it loud enough for everyone in business class to hear last week, that he is a goner. Nobody deserves Senator Johnston, not even Tony Abbott.

**Senator Abetz:** That is 'Mr Abbott' to you!

**Senator Williams** (New South Wales) (15:19): I am sure that the former speaker was referring to the Prime Minister, 'Mr' Abbott when he shut down his so-called words of wisdom.

I find it amazing that those opposite are making a big political issue out of the building of the submarines. The first question you ask is: what did the Labor Party do for the construction of submarines in the six years they were in government? The answer is very simple—

**Senator Abetz:** Nothing!

**Senator Williams:** Senator Abetz, I will take your interjection! Of course, the answer is simple: 'nothing'. Nothing at all. Hang on—we actually got that wrong. They did one thing: they talked about it.

**Senator Abetz:** They announced it!

**Senator Williams:** Like many things, they made announcements. But, of course, actions speak louder than words, and they never did a thing as far as improving our Defence Force to keep our nation safe and secure.

The hysteria of the Labor Party on this issue must end. They must put national security ahead of supporting their union mates. The government's approach to acquire the submarines follows exactly the same process as that in place for all major defence projects since the 2003 Kinnaird reforms to defence procurement. This process has been used by previous governments, and was the same process that was going to be used by Labor if they ever got around to making any decisions.

We will follow due process. There will be a thorough, two-pass cabinet process and we will receive advice from our defence chiefs and procurement experts to ensure we get the very best capability at the best value for taxpayer dollars.

It is amazing that under Labor, $16 billion was cut from defence—$16 billion: a fact. The share of GDP spent on defence had fallen to 1.56 per cent, its lowest level since 1938. That is absolutely disgusting! How could the previous Labor government treat our Defence Force with such disdain; to cut, cut and cut and now leave us in the situation of the lowest percentage of GDP since 1938? This was just prior to World War II, of course! That is what our predecessors did to our Defence Force.

**Senator Edwards:** And we're fixing it!

**Senator Williams:** That is exactly right—I will take your interjection, Senator Edwards. We are out there to fix their mess. That is a thing that we have to do all the time: fix their mess—especially the financial mess they left us in, as they have done for all of my life. Ever since I left school at the end of 1972, whenever there is a Labor government and then they are thrown out of government, how are the books? The books are terrible! How is the bank account? The bank account is empty! How is the overdraft? The overdraft is bigger!

That is the history right throughout of Labor governments' management of money, whether it be at a state level—from Victoria to South Australia to New South Wales to Western
Australia to Tasmania—or a federal level. The Hawke-Keating government left $96 billion of debt at the end of their era in 1996. Who cleaned up the mess? The coalition government of course, under John Howard as Prime Minister and Peter Costello as Treasurer. The challenge we have now is to clean up your financial mess—almost $350 billion of debt as of last Friday—and here we are trying to put our budget back together so that we have money to spend on very important issues like defence, but you will not help us to get our budget in order.

Senator Dastyari: What about paid parental leave?

Senator WILLIAMS: Even $5 billion of savings that you were going to put forward, Senator Dastyari—through you, Mr Deputy President—you now oppose. You oppose your own savings! How ironic is that? How hypocritical is that? You are here to obstruct. I will tell you now: if the budget is not brought into order it will lead to one thing down the road; in five, 10 or 15 years' times it will lead to higher taxes. As the debt goes up and the interest bill goes up, higher taxes will be inevitable.

Senator Kim Carr: Do you think taxes might rise in 15 years?

Senator WILLIAMS: When we hit the brick wall of debt, Senator Carr, because of the actions of people like you—you are content to mortgage our grandchildren's futures away without any concerns about their financial situation—we will look back and we will look on you as the money wreckers who blocked our savings to get the budget in order. That is the most important thing, getting the budget in order so that we can afford to have a proper, secure Defence Force with modern equipment. But, no, you over there are just out to wreck the budget. It is in your DNA. It is as simple as that. A Labor government means budget mess. As I said, it has happened all my life. And here is a case of you crying poor, crying crocodile tears for the Defence Force, when history proves you made an absolute mess of our Australian Defence Force. You should be ashamed of yourselves. (Time expired)

Senator LUNDY (Australian Capital Territory) (15:24): It is hard to know where to start. Let me begin by refuting this rubbish from across the chamber about the budget crisis. Everything they have done, every bad decision they have made has been constructed around this falsehood that there is some kind of budget crisis. There is not. We have debt that we can manage, and we have debt because we created a stimulus package to make sure jobs were not lost during the global financial crisis. What the Liberal Party and the coalition government cannot cope with is that we were enormously successful in achieving our goals and now we find ourselves in here being lectured to by people peddling misinformation about the state of the budget.

On the back of that, they have constructed a budget which cuts the heart out of so many things that Australians value, so many things that Australians understand form part of what it is to live in a society that is both civil and fair. One of the things that is civil and fair about Australian society is that we value the work of our public servants in general terms, and yet what they are getting from this government is a blanket cut to a basic wage increase that covers their cost-of-living expenses—the CPI. What we know from this government, and I would like to refer to a statement put out by my colleagues, is that the Prime Minister stated in parliament last week:

I can assure members opposite that no-one in the public sector will be getting a better deal than our Defence Force personnel …
What that tells me is this government are prepared to do a despicable thing, such as withholding budgeted wage increases for our ADF, so that they can justify holding back, unfairly, Commonwealth public servants' wage increases. There is a pattern of behaviour here, and it is appalling. I know, as its representative, that the ACT probably has the highest ratio of both Defence Force personnel and Commonwealth public servants. And I know that these people were both outraged and shattered, if they were in fact Liberal Party supporters, because they did not expect such appalling treatment from the party that they voted for.

In relation to the Defence Force wage increase, we heard today that Minister Johnston is going to pursue the activities in relation to his junior minister, who was apparently incredibly dismissive and rude to the petitioners who went to him to express their outrage regarding the Defence Force wage cut. I am pleased to hear the minister is going to pursue this—or at least he said he would—and provide some kind of retribution for the petitioners who basically came out of that meeting and said about the government, and I quoted this during question time, that it was 'arrogant, ill-informed and self-centred'. This is not language used very often by petitioners trying to lobby a government or advocate for a certain point of view. It is an extremely harsh criticism, but I think it is a fair criticism, of a government that has lost its way.

Today, we have seen a long list of things that the defence minister and the Abbott government need to address. The Defence Force pay issue is a critical one. I do not believe that concessions delivered in relation to the Christmas allowances go far enough in any way to resolve the complaint of the Defence Force. Everybody needs to have a living wage. As I have said in this place previously, to attack our Defence Force personnel in the way that they have with this unfair wage cut, despite a previously budgeted full wage increase, is one of the most disappointing and disturbing features of this government's decision-making to date.

Finally, I would like to draw people's attention to the fact that there is an obvious link, which has now been put into the public domain by the government, with the Commonwealth Public Service wage claims. I know the CPSU is locked into processes and disputes to pursue its members' interests, and I wish it all the best with that. We have suffered long and hard under a coalition government here in the ACT. I have strong memories—(Time expired)

Question agreed to.

PERSONAL EXPLANATIONS

Senator LAMBIE (Tasmania) (15:29): I seek leave to make a short personal explanation.

The DEPUTY PRESIDENT: Leave is granted for five minutes.

Senator LAMBIE: I would like to express regret about the confusion that arose in the chamber this morning when I sought leave to bring on debate on my Defence Amendment (Fair Pay for Members of the ADF) Bill 2014. I had received the call from the President, but when it became clear to me that senators wished to rise in their places to show their respect to Mr Phillip Hughes I immediately resumed my seat. I sincerely apologise if any misunderstanding over Senate procedure caused distress to Mr Hughes's family. I understand this is a very difficult time for them and a sad day. I want them to know that the speeches given in the Senate for Phillip were magnificent and inspirational, in particular Senator John Faulkner, who spoke of Phillip's life and cricket career with such eloquence, passion and compassion. It was a privilege to hear Phillip's life and achievements discussed in such a
beautiful and heartfelt way. My sincere sympathy and condolences go to the Hughes’s family and friends.

NOTICES

Presentation

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (15:31): I give notice that, on the next day of sitting, I shall move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the ACT Government Loan Bill 2014, allowing it to be considered during this period of sittings.

I also table a statement of reasons justifying the need for this bill to be considered during these sittings and seek leave to have the statement incorporated in Hansard.

Leave granted.

The statement read as follows—

ACT GOVERNMENT LOAN BILL 2014

The ACT Government Loan Bill underpins the Government’s decision to provide a concessional loan to the ACT Government of up to $1 billion to undertake a loose-fill asbestos remediation programme.

The ACT Government faces significant challenges in dealing with the remediation of loose-fill asbestos across the Territory.

The one-off size and cost of dealing with this issue represents about a fifth of the Australian Capital Territory’s annual budget.

Without the Commonwealth’s assistance, the ACT’s capacity to deal with this issue would have been significantly curtailed and put at threat its own credit rating.

The loan will ensure that the ACT Government is in a position to deliver a well-structured remediation programme in the coming years.

The Bill provides authority for the Commonwealth to enter into a loan agreement with the ACT for an amount that must not exceed $1 billion.

The terms and conditions of the loan will be set out in the loan agreement. The Minister administering the Australian Capital Territory (Self-Government) Act 1988 may enter into the loan agreement on behalf of the Commonwealth. The Minister for Infrastructure and Regional Development has responsibility for that Act.

The Bill also appropriates $750 million from the Consolidated Revenue Fund in 2014-15 for the purposes of making payments under the loan agreement. The appropriation will be brought into existence on the day after it receives Royal Assent. The remaining $250 million will be appropriated through the 2015-16 Budget.

The ACT Government has also introduced legislation this week seeking to appropriate funding for the remediation programme reflecting this split across years.

A Portfolio Supplementary Estimates Statement will be tabled in the Parliament.

BUSINESS

Leave of Absence

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:31): by leave—I move:
That leave of absence be granted to Senator Brown, for today, for personal reasons.
Question agreed to.

NOTICES

Presentation

Senator Fifield to move:
That—
(a) on Thursday, 4 December 2014:
(i) the hours of meeting shall be 9.30 am to adjournment,
(ii) the routine of business from not later than 8 pm shall be consideration of the government business orders of the day listed in paragraph (b),
(iii) divisions may take place after 4.30 pm, and
(iv) if the Senate is sitting at 11 pm, the sitting of the Senate shall be suspended till 9 am on Friday, 5 December 2014;
(b) on each calendar day after Thursday, 4 December 2014 until the Senate has finally considered the bills listed below, including any messages from the House of Representatives:
   National Water Commission (Abolition) Bill 2014
   Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014
   Migration Amendment (Protection and Other Measures) Bill 2014
   Tax Laws Amendment (Research and Development) Bill 2013
   Parliamentary Service Amendment Bill 2014
   Social Services and Other Legislation Amendment (Student Measures) Bill 2014,
   the hours of meeting shall be 9 am to 6.30 pm and 7.30 pm to 11 pm and if the Senate is still sitting at 11 pm, the sitting of the Senate be suspended till 9 am the following day; and
(c) the Senate shall adjourn after it has finally considered the bills listed in paragraph (b), or a motion for the adjournment is moved by a minister, whichever is the earlier.

Senator Smith to move:
That the Joint Committee of Public Accounts and Audit be authorised to hold private meetings otherwise than in accordance with standing order 33(1), during the sittings of the Senate, as follows:
(a) Thursday, 12 February 2015, from 10.30 am;
(b) Thursday, 5 March 2015, from 10.30 am, followed by a public meeting;
(c) Thursday, 19 March 2015, from 10.30 am, followed by a public meeting; and
(d) Thursday, 26 March 2015, from 10.30 am, followed by a public meeting.

Senator O’Sullivan to move:
That the Senate acknowledges and encourages the efforts of Indigenous groups across the nation working in partnership with resource companies to provide employment, training and educational opportunities to local Aboriginal populations, where mining activity is occurring on their traditional land.

Senator McKenzie to move:
That the Senate—
(a) notes statements of support for the Boycott, Divestment and Sanctions (BDS) campaign against Israel, including the Victoria Trades Hall Council’s recent reiteration of its support for the BDS strategy; and
(b) denounces such support as anti-Semitic, ill-informed, simplistic, inflammatory and having no place in our society.

**Senator Gallacher** to move:

That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 26 November 2015:

The delivery and effectiveness of Australia’s bilateral aid program in Papua New Guinea (PNG), with particular reference to:

(a) the political, economic and social objectives of Australia’s aid;
(b) the role of multilateral and regional organisations, non-government organisations, Australian civil society and other donors;
(c) scope for increasing private sector involvement in sustainable economic growth and reducing poverty;
(d) scope for expanding private sector partnerships in leveraging private sector investment and domestic finance;
(e) improving PNG’s progress towards internationally-recognised development goals;
(f) supporting inclusive development by investing in good governance, health and education, law and justice and women’s empowerment;
(g) establishing realistic performance benchmarks to assess aid outcomes against set targets and to improve accountability; and
(h) the extent to which development outcomes in PNG can be improved by learning from successful aid programs in other countries.

**Senator Milne** to move:

That the Senate—

(a) notes:

(i) the Abbott Government’s failure to propose and deliver revenue measures that target the big end of town, instead of the sick, the young and the poor, and

(ii) the billions in foregone revenue from corporate tax avoidance in Australia that could be recouped simply by enforcing current laws; and

(b) calls on the Treasurer (Mr Hockey) to do more to crack down on corporate tax avoidance in Australia instead of persisting with cruel budget measures that have been rejected by the Australian people.

**Senator Milne** to move:

That the Senate—

(a) notes that:

(i) on 13 October 2014, the British House of Commons passed a motion to recommend the United Kingdom recognise the state of Palestine, and

(ii) the state of Palestine is currently recognised by 135 states; and

(b) supports the passage of the same motion as that supported by the British House of Commons, namely, the Government should recognise the state of Palestine alongside the state of Israel, as a contribution to securing a negotiated two state solution.
Senator Moore to move:
That the Senate condemns the Abbott Government for its litany of broken promises which are hurting low- and middle-income earners, harming the economy, damaging business and consumer confidence, costing jobs, undermining fairness, and changing Australia for the worse.

Senator Whish-Wilson to move:
That there be laid on the table by the Minister representing the Minister for Trade and Investment, no later than 7 pm on 4 December 2014, a copy of:
(a) the draft investment chapter of the Trans-Pacific Partnership Agreement that refers to state-owned enterprises (SOEs); and
(b) the list of Australian SOEs that the Australian Government has requested be exempted from investment clauses in the Trans-Pacific Partnership Agreement.

Senator Whish-Wilson to move:
That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 3 December 2015:
That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 3 December 2015:
The future role and contribution of regional capitals to Australia, including:
(a) current demographic trends and the role of regional capitals in this change;
(b) the current Government funding provided to regional capitals;
(c) an analysis of the appropriate level of funding regional capitals should be receiving based on their population, demand for services and strategic importance;
(d) investment challenges and opportunities to maintain or grow regional capitals, including in areas such as telecommunication technology, transportation links, human services, energy and other infrastructure;
(e) incentives and policy measures required to sustainably grow regional capitals;
(f) the impact the changing environment and demand for water will have on regional capitals; and
(g) any other related matters.

Senator Rhiannon to move:
That the following bill be introduced: A Bill for an Act to amend the Commonwealth Electoral Act 1918 to prohibit political donations from certain industries, and for related purposes. Commonwealth Electoral Amendment (Donations Reform) Bill 2014.

Senator Milne to move:
That the following bill be introduced: A Bill for an Act to establish the Australian Centre for Social Cohesion, and for related purposes. Australian Centre for Social Cohesion Bill 2014.

Senator Xenophon to move:
That the following matters be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 26 April 2015:
(a) recent media reports on apparent breaches in airport and aviation security at Australian airports;
(b) consideration of the responses to those reports from the Government, regulators, airports and other key stakeholders, and the adequacy of those responses;
(c) whether there are further measures that ought to be taken to enhance airport security and the safety of the travelling public;
(d) the findings of, and responses to, reports undertaken into airport security issues since 2000; and
(e) any related matters.
Senator Wong to move:

That the Senate—

(a) notes the motion passed in the South Australian House of Assembly on Wednesday, 3 December 2014, with the support of Labor, Liberal and crossbench members, that:

(i) condemned the remarks of the Commonwealth Minister for Defence that he would not trust the Australian Submarine Corporation (ASC) to ‘build a canoe’,

(ii) reaffirmed its support for ASC workers and all other South Australians employed in the Defence industry,

(iii) demanded that the Abbott Liberal Government upholds its election commitment to build the 12 future submarines in Adelaide, and

(iv) noted that Australians should have the right to trust the word of its leaders when it comes to decisions that affect the national security of this country; and

(b) concurs with the sentiments expressed by the South Australian House of Assembly.

Senator McLucas to move:

That—

(a) there be laid on the table by the Minister representing the Minister for Health, no later than 3.30 pm on Thursday, 4 December 2014, copies of the following National Mental Health Commission documents in relation to its Mental Health review, as referred to during the estimates hearing of the Community Affairs Legislation Committee on Wednesday, 22 October 2014:

(i) the preliminary report completed during February 2014, and

(ii) the interim report completed in June 2014; and

(b) the Senate not accept a public interest immunity claim by the Minister that tabling these documents would impact the Government’s ability to properly respond to the Mental Health Review because:

(i) the production of these documents is necessary to allow people living with mental illness, their representative organisations and service providers to have an open and honest conversation about the future of the mental health system in Australia,

(ii) the Mental Health Review must be transparent for the community to have faith in the review outcomes,

(iii) there has been significant demand from the mental health sector, including consumers, for the reports to be made available, and

(iv) the more than 1 800 organisations and individuals that made submissions to the review have the right to see these reports.

Senator Cameron to move:

That the following matter be referred to the Economics References Committee for inquiry and report by 11 November 2015:

The scale and incidence of insolvency in the Australian construction industry, including:

(a) the amount of money lost by secured and unsecured creditors in the construction industry and related insolvencies, including but not limited to:

(i) employees,

(ii) contractors and sub-contractors,

(iii) suppliers,

(iv) developers,

(v) governments, and
(vi) any other industry participants or parties associated with the Australian construction industry;
(b) the effects, including the economic and social effects, of construction industry insolvencies, having particular regard to the classes of creditors in paragraph (a);
(c) the causes of construction industry insolvencies;
(d) the incidence of ‘phoenix companies’ in the construction industry, their operation, their effects and the adequacy of the current law and regulatory framework to curb the practice of ‘phoenixing’;
(e) the impact of insolvency in the construction industry on productivity in the industry;
(f) the incidence and nature of criminal and civil misconduct related to construction industry insolvencies, having particular regard to breaches of the Corporations Law both prior to and after companies enter external administration and/or liquidation;
(g) the current extent and future potential for the amount of unpaid debt in the industry to attract non-construction industry participants to the industry for the purposes of debt collecting and related activities and the extent of anti-social and unlawful conduct related to debt collecting and related activities;
(h) the adequacy of the current law and regulatory framework to reduce the level of insolvency in the construction industry; and
(i) any other relevant matter.

Postponement

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Di Natale for today, proposing a reference to the Community Affairs References Committee, postponed till 9 February 2015.

General business notice of motion no. 93 standing in the name of Senator Ludlam for 4 December 2014, proposing the introduction of the Telecommunications (Interception and Access) Amendment (Get a Warrant) Bill 2014, postponed till 3 December 2015.

General business notice of motion no. 572 standing in the name of Senator Faulkner for today, proposing the introduction of the Parliamentary Joint Committee on Intelligence and Security Amendment Bill 2014, postponed till 4 December 2014.

COMMITTEES

Legal and Constitutional Affairs Legislation Committee

Legal and Constitutional Affairs References Committee

Reporting Date

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

Legal and Constitutional Affairs Legislation Committee—

Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2013—extended from 4 December 2014 to 12 February 2015.

Criminal Code Amendment (Harming Australians) Bill 2013—extended from 4 December 2014 to 12 February 2015.

Legal and Constitutional Affairs References Committee—

Manus Island Detention Centre—extended from 3 December to 5 December 2014.

The PRESIDENT (15:33): I remind senators that the question may be put on any proposal at the request of any senator. There being none, we will move on.
NOTICES
Withdrawal
Senator MARSHALL (Victoria—Deputy President of the Senate and Chair of Committees) (15:33): I withdraw general business notice of motion No. 434 standing in my name.

COMMITTEES
Community Affairs References Committee
Reference
Senator REYNOLDS (Western Australia) (15:34): I move:
That the following matter be referred to the Community Affairs References Committee for inquiry and report by 30 June 2015:
The adequacy of existing residential care arrangements available for young people with severe physical, mental or intellectual disabilities in Australia, with reference to:
(a) the estimated number and distribution of young people in care in the aged care system in Australia, and the number of young people who require care but are not currently receiving care;
(b) short and long term trends in relation to the number of young people being cared for within the aged care system;
(c) the health and support pathways available to young people with complex needs;
(d) the appropriateness of the aged care system for care of young people with serious and/or permanent mental or physical disabilities;
(e) alternative systems of care available in federal, state and territory jurisdictions for young people with serious and/or permanent mental, physical or intellectual disabilities;
(f) the options, consequences and considerations of the deinstitutionalisation of young people with serious and/or permanent mental, physical or intellectual disabilities;
(g) what Australian jurisdictions are currently doing for young people with serious and/or permanent mental, physical or intellectual disabilities, and what they intend to do differently in the future;
(h) the impact of the introduction of the National Disability Insurance Scheme on the ability of young people in aged care facilities to find more appropriate accommodation;
(i) state and territory activity in regard to the effectiveness of the Council of Australian Governments’ Younger People in Residential Aged Care initiatives in improving outcomes for young people with serious and/or permanent mental, physical or intellectual disabilities, since the Commonwealth’s contribution to this program has been rolled into the National Disability Agreement and subsequent developments in each jurisdiction; and
(j) any related matters.
Question agreed to.

Reference
Senator XENOPHON (South Australia) (15:35): I move:
That the following matter be referred to the Community Affairs References Committee for inquiry and report by 26 March 2015:
The availability of new, innovative and specialist cancer drugs in Australia, with particular reference to:
(a) the timing and affordability of access for patients;
(b) the operation of the Pharmaceutical Benefits Advisory Committee and the Pharmaceutical Benefits Scheme in relation to such drugs, including the impact of delays in the approvals process for Australian patients;
(c) the impact on the quality of care available to cancer patients; and
(d) any related matters.

Question agreed to.

BILLS

Defence Legislation Amendment (Military Justice Enhancements—Inspector-General ADF) Bill 2014

First Reading

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (15:37): I move:

That the following bill be introduced: A Bill for an Act to amend legislation relating to defence, and for related purposes.

Question agreed to.

Senator FIFIELD: I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (15:37): I table the explanatory memorandum relating to the bill and move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

The Defence Legislation Amendment (Military Justice Enhancements—Inspector-General ADF) Bill 2014 (the Bill) amends the Defence Act 1903 to provide transparency, predictability and accountability in decision making affecting Australian Defence Force members. It will do this by enhancing the independence of the Inspector-General of the Australian Defence Force and enabling regulatory reform of the Australian Defence Force's redress of grievance, investigation and inquiry practices.

Following detailed review of Defence's system of inquiry, investigation, review and audit, the Australian Defence Force concluded its current arrangements for these processes are unnecessarily complex, inefficient and legalistic. I am conscious of the need to support commanders to make good decisions, not to impede or discourage them from doing so. The complexity and inflexibility of current arrangements do not provide that support. I am also conscious of the need for robust, professional, credible and independent oversight of the military justice system.

Finally, I am conscious of the need to ensure that complex and sensitive matters concerning the Defence Force, such as those events that come to my and the Chief of Defence Force's attention, including the death of ADF members related to, or arising from their Service, can be subject to efficient and specialised internal inquiry and review.
Such inquiries currently enjoy provisions overriding the privilege against self-incrimination so that underlying causes can be ascertained—such as in the Sea King Board of Inquiry—and addressed to prevent recurrences. However, the abrogation of this privilege should not be capable of being abused to obtain evidence for the imposition of criminal sanctions against persons. Therefore the Bill will prevent witness evidence obtained by the abrogation of the privilege against self-incrimination being used against that witness in service tribunals or civilian courts.

The Bill:
- makes it clear that the Inspector-General Australian Defence Force mechanism for internal audit and review of the military justice system is independent of the ordinary chain of command
- provides that the Minister or the Chief of the Defence Force may utilise the Inspector-General Australian Defence Force as a mechanism to inquire into or investigate any other matters concerning the Australian Defence Force;
- places beyond doubt that the privilege against self-incrimination for witnesses is abrogated in relation to inquiries conducted by the Inspector-General Australian Defence Force and inquiry officers or assistants appointed by IGADF;
- places beyond doubt that the witness evidence use immunity in subsection 124(2C) applies in relation to Inspector-General Australian Defence Force inquiries and Inspector-General Australian Defence Force inquiry officer inquiries. Witness evidence use immunity prevents a witness's evidence given to an inquiry from being used against them in a service tribunal or civilian court;
- requires the Inspector-General Australian Defence Force to prepare an annual report relating to the Inspector-General's functions for tabling in Parliament; and
- further strengthens the independence of the Inspector-General Australian Defence Force by making it clear that, where the Inspector-General Australian Defence Force is directed to conduct an inquiry or investigation by the Chief of the Defence Force, or where an Inspector General Australian Defence Force is acting on their own motion or at the request of another party, the Inspector-General Australian Defence Force may cease the inquiry or investigation if the Inspector-General Australian Defence Force forms a belief that the continuation of the inquiry or investigation is not otherwise warranted, having regard to all the circumstances.

These amendments to the Defence Act 1903 will facilitate regulatory reforms to:
- Replace the existing multi-layered, sometimes opaque, often complex, Australian Defence Force redress of grievance process with a single layer of formal internal review incorporating involvement from the member's chain of command, overseen by the Inspector General Australian Defence Force. A member dissatisfied with the outcome of this internal review would retain their existing rights to seek external review, such as from the Defence Force Ombudsman.
- Improve the efficiency of investigating Service-related deaths. Under current arrangements, Service-related deaths must be investigated through a Chief of the Defence Force Commission of Inquiry, unless I direct otherwise. While on one hand this approach provides government and the public with the appearance of an independent inquiry into deaths, it is inefficient and is costly. It is my intention that, following the passage of the Bill, the Defence (Inquiry) Regulations 1985 will be amended so that there is no automatic requirement for a statutory inquiry for all service-related deaths. Instead, service-related deaths will be referred to the Inspector-General of the Australian Defence Force for review/inquiry. The Inspector-General of the Australian Defence Force will determine in each case the process for review, or inquiry, into each death and may decide to conduct a public hearing, an inquiry in private, or a desk-top review only. Utilising the Inspector-General of the Australian Defence Force in this role will provide assurance that the Australian Defence Force is responding appropriately to service-related deaths and should significantly reduce the costs associated with such inquiries, while retaining credible and independent oversight of these sensitive matters.
The outcome of these reforms will be:

- a simple and efficient administrative inquiry process that will be more responsive to command requirements for timely administrative decision making;
- a fair and prompt Australian Defence Force Redress of Grievance system that appropriately balances a member’s right to complain with the Australian Defence Force interests of timeliness and certainty in command decision making;
- a more timely and cost effective mechanism to address inquiries concerning Australian Defence Force deaths; and,
- improved oversight and prioritisation of matters with strategic implications for Defence.

I commend the Bill.

Ordered that further consideration of the second reading of this bill be adjourned until 9 February 2015, in accordance with standing order 111.

**Independent National Security Legislation Monitor (Improved Oversight and Resourcing) Bill 2014**

**First Reading**

Senator WRIGHT (South Australia) (15:38): I move:


Question agreed to.

Senator WRIGHT: I present the bill and move:

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

Question agreed to.

Bill read a first time.

**Second Reading**

Senator WRIGHT (South Australia) (15:39): I move:

That this bill be now read a second time.

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

Leave granted.

Senator WRIGHT: I table the explanatory memorandum and I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

*The speech read as follows—*

I am pleased to rise and speak to this important bill, which I have introduced with the aim of preserving and enhancing the crucial role of the Independent National Security Legislation Monitor (INSLM).

In a world characterised by unrest and fragile peace, the Australian Greens understand the need to have a robust conversation about our national security laws. We also have the highest regard for human rights and freedoms.
When it comes to national security, we often hear arguments that traverse the 'if you only knew what I know' territory. That is, those with unfettered access to national security information justify sweeping changes to legislation on the basis of information not publicly available. Of course, it is necessary that sensitive information be kept confidential. But the position of the Independent National Security Legislation Monitor, which I will refer to as 'the Monitor', is unique because it is held by a person who has a full understanding of the threat faced and of the measures to be taken to address this threat.

As the United Kingdom's Independent Reviewer of Terrorism Legislation has said, the concept of an independent reviewer of national security legislation is, in many ways, groundbreaking: "A person is selected on the basis of independence from Government; given unrestricted access to classified documents and national security personnel; and his conclusions—favourable or otherwise—promptly published not just to Ministers but to Parliament and the general public." The Reviewer goes on to state: "By accepting review of this kind, Ministers make it harder for themselves to use the age-old brush-off: 'If you had seen what I have seen …' The Independent Reviewer has seen what they have seen and, un constrained by the disciplines or loyalties of office, has every reason—unless he has gone rogue or gone native—to tell it as it is."

The role of Independent National Security Legislation Monitor is one of vital importance which should be strengthened and properly resourced. Perhaps most critically—the position of Monitor must be filled—not left to languish on the statute books while the government makes wide ranging and deeply significant changes to Australia's counter-terrorism and national security laws.

In relation to the specifics of this bill, schedule 1 comprises amendments to the Independent National Security Legislation Monitor Act 2010 (the Act) to ensure that the Monitor can review proposed as well as existing national security legislation and to do the following:

- to make it clear in the objects clause of the act that the Monitor is required to consider whether Australia's national security legislation is a proportionate response to the national security threat faced;
- enable the Senate Committees on Legal and Constitutional Affairs to refer matters to the Monitor for inquiry;
- enable the Human Rights Commissioner to refer matters to the Monitor for inquiry;
- ensure that the position of Monitor is a full time position, cannot be left vacant and is supported by appropriate staff; and
- ensure that all reports of the Monitor are tabled in parliament and that the government is required to respond to the recommendations of the Monitor within six months of tabling.

These reforms would bring the legal framework establishing the Monitor closer to that applying to other statutory oversight bodies such as the Inspector General of Intelligence and Security.

Schedule 2 of the bill amends the Australian Human Rights Commission Act 1986 to ensure that it is a function of the Australian Human Rights Commission to refer matters to the Monitor for inquiry.

This bill is particularly critical at this time of prolific expansion of Australia's national security legislation, and in light of the adoption of time frames that severely limit parliamentary and other forms of independent scrutiny of proposed reforms. In this year alone, the government has introduced three significant pieces of legislation which have implications for national security:

- The National Security Legislation Amendment Bill (No. 1) 2014
- The Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill 2014
- All The Counter-Terrorism Legislation Amendment Bill (No. 1) 2014

The office of the Monitor was established in 2010 to help ensure that Australia's national security legislation is, in fact, effective in deterring and preventing terrorism and terrorism-related activity which
threatens Australia's security, as well as being consistent with Australia's international obligations under international law and contains appropriate safeguards for protecting the rights of individuals. Mr Bret Walker SC held the position of Monitor from 21 April 2011 to 20 April 2014. Since then, no Monitor has been appointed.

It is deeply regrettable that this office should remain vacant at a time of the most significant legislative reform in this area for almost a decade. It is also deeply regrettable that despite the preparation and tabling of four detailed and comprehensive reports by the former Monitor, Mr Bret Walker SC, there has been no official government response (from either the Labor Party or the Coalition) other than the legislation described above, which selectively, and often erroneously, claims to implement some of the Monitor's recommendations.

Earlier this year, the government tried to repeal the Independent National Security Legislation Monitor Act 2010, claiming the role of Monitor was unnecessary, and must be removed as part of its 'reduction of red tape' budgetary measures. This lack of respect for the role of Monitor, which is blatantly apparent from the current lack of appointment to the position, comes at a time when the community needs an active, well resourced, well respected independent Monitor more than ever.

Despite the government's clear ambivalence about the position, the importance of the role of the Monitor was reflected in the recommendations of the Parliamentary Joint Committee on Intelligence and Security in its report on the Counter-Terrorism Legislation (Foreign Fighters) Amendment Bill 2014. Indeed, following on the back of those recommendations, the role of the Monitor has recently been significantly expanded by that legislation, the 'Foreign Fighters Bill'. The bill amended the act by introducing a new subsection 6(1A) that requires the Monitor to review the sun-setting counter-terrorism provisions in the ASIO Act, the Criminal Code and the Crimes Act (such as the control order and preventative detention order regimes, ASIO's questioning and detention powers and the new 'designated area' offences) by 7 September 2017.

This Private Senator's Bill, which I am introducing in my role as legal affairs spokesperson for the Australian Greens, recognises the critical role the Monitor has played, and must continue to play, in reviewing Australia's national security legislation and providing the public and the parliament with independent advice as to whether these laws are necessary, effective, and proportionate – and to consider their impact on individual rights.

This bill seeks to amend the act so that the current situation, where the role of Monitor is left vacant and recommendations can be ignored, cannot be allowed to continue in the future.

Critically, this bill will ensure that the Monitor is empowered to provide independent, expert advice about the effectiveness and proportionately of proposed changes to Australia's counter-terrorism and national security laws, as well as existing legislation.

This bill also enhances the independent character of the Monitor by ensuring that he or she can receive references from the Senate Committees on Legal and Constitutional Affairs and from the Australian Human Rights Commission. By preserving and enhancing the role of the Monitor, the bill aims to give the Australian community confidence that Australia's counter-terrorism and national security laws are operating effectively and accountably, and in a manner consistent with Australia's international obligations, including human rights obligations.

The function of the Monitor is to review the operation, effectiveness and implications of the counter-terrorism and national security legislation and report his or her comments, findings and recommendations to the Prime Minster, and in turn parliament, on an annual basis. The Monitor must also consider whether Australia's counter-terrorism and national security legislation contains appropriate safeguards for protecting individuals' rights, remains proportionate to any threat of terrorism or threat to national security, or both, and remains necessary.

Recent moves by this government to rush through drastic and draconian changes to national security laws which weaken the rights and freedoms that sustain our democracy are further evidence that this bill
is necessary and that the role of the Monitor must be strengthened as we cannot rely on either current or future governments to give the position of INSLM the respect it deserves. A stronger Monitor is fundamental to provide transparency and accountability for national security laws.

The Australian Greens understand the need to give our law enforcement and security agencies the tools they need to protect Australians. However, we also believe that security laws must be proportionate and balance the need for security with the imperative for human rights and freedoms. This Private Senator's Bill responds to the critical need—already keenly felt within the parliament and the community—for careful, independent scrutiny of Australia's counter-terrorism and national security laws. When making serious and highly complex changes to our national security laws, it is so important we seek expert, independent advice to assist us in making good decisions that are in the best interest of all Australians.

The changes proposed by this bill also align with world's best practice in countering terrorism in a manner consistent with human rights. As the former UN Special Rapporteur for the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, has explained, best practice demands regular and independent review of counter-terrorism laws and their impact on human rights, and that review mechanisms be based on statutory terms of appointment, linked to the work of relevant parliamentary committees and accompanied by adequate resourcing. Review mechanisms should enable public consultation and should be accompanied by publicly available reports.

The past reports of the Monitor on existing counter-terrorism laws demonstrate the capacity of the person in this role to identify what aspects of the laws are having a disproportionate effect on human rights, and to identify practical alternative mechanisms to deter, prevent and disrupt terrorist activity in Australia. For example, in his Second Annual Report, the Monitor examined the existing control order regime, noting that because control orders "do not require the established safeguards of a criminal trial according to law and because they may be very restrictive in their effect on a person’s way of life – personally, socially and occupationally – it is critical that these provisions be scrutinized." The Monitor concluded that: "control orders in their present form are not effective, not appropriate and not necessary."

The Monitor considered the effectiveness of the control orders regime at preventing terrorist activity in Australia as well as the impact of the regime on human rights. The Monitor concluded that the existing regime required substantive reform, suggesting that "they may be effective, would be appropriate and might be regarded as necessary in the case of persons already convicted of terrorist offences whose dangerousness at the expiry of their sentences of imprisonment can be shown." These recommendations have been ignored by the Government, which has since introduced legislation that would significantly expand the scope of the control order regime and dilute existing procedural safeguards. This legislation was rushed through Parliament without the opportunity for expert, independent advice to be sought or considered.

One significant restriction on the power of the Independent National Security Legislation Monitor to perform its functions is the source of its referrals. Currently, only the Prime Minister and the Parliamentary Joint Committee on Intelligence and Security can refer matters to the Monitor for review and report. This effectively excludes any extra-parliamentary body at all, or any parliamentary body that is not subject to government vetting, from referring matters to the Monitor. This severely limits the independent character of the Monitor, and can leave the Parliament without access to independent, expert advice on proposed and existing counter-terrorism and national security laws.

The amendments encompassed by this bill will ensure that the two committees on legal and constitutional affairs—who are regularly involved in scrutinising proposed and existing counter-terrorism laws—are empowered to refer relevant matters to the Monitor for review and reform—as well
as empowering Australia's pre-eminent human rights body—the Australian Human Rights Commission to make such a referral.

The Legal and Constitutional Affairs Committees (Legislation and References) are made up of a more representative cross section of the Parliament which will enable crossbenchers to engage more fully on issues of national security, given they are currently excluded from the Parliamentary Joint Committee on Intelligence and Security.

The Australian Human Rights Commission is uniquely placed to identify whether and to what extent national security laws are engaging with or infringing upon human rights, and therefore would serve as an efficient and independent source of referrals to the Monitor. For example, through its work with Arab and Muslim Australians, the Australian Human Rights Commission is familiar with concerns that counter-terrorism legislation can have a disproportionate impact on the rights of members of particular communities. This information could form the basis of a referral to the Monitor, who in turn, possesses unique information gathering powers that allow him or her to speak with the agencies responsible for implementing these laws and to comprehensively review the practical impact of counter-terrorism laws on individual rights. By providing the commission with the power to refer matters to the Monitor, this bill will ensure that the parliament and the public have the best available information on which to assess Australia's proposed and existing counter-terrorism laws.

The Australian Greens have analysed and critiqued this government's national security agenda— which has been catalysed by the violence of Islamic State militants and the threat of returning 'foreign fighters', as they have been called. We have consistently condemned the brutality of Islamic State. By no means do we seek to minimise the terror this regime is inflicting and inciting. But neither do we want to pass rushed and poorly crafted national security legislation which has serious implications for some of the most basic rights and freedoms of Australians: whether and where people travel, the circumstances in which people can be detained and questioned by ASIO, customs officials or the police and what kind of personal information is captured and stored.

This government's approach to national security legislation has been rushed, to say the least. Inquiries conducted through the Parliamentary Joint Committee on Intelligence and Security have featured unworkable deadlines for those wishing to make submissions. In the case of the Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill 2014, while this legislation was also referred to the Legal and Constitutional Affairs Legislation Committee for inquiry, the government senators on this committee made the decision not to hold hearings or accept submissions on this bill. This meant that crossbenchers were not able to participate in any inquiry into this bill.

The Australian Greens are firmly of the view that there must be a greater level of scrutiny and oversight of proposed national security legislation. Strengthening the position of the Independent National Security Legislation Monitor is a crucial step in this direction. As currently drafted, the main purpose of the Independent National Security Legislation Monitor Act is to ensure that Australia's counter-terrorism and national security laws operate in an effective and accountable manner, are consistent with Australia's international obligations, including human rights, counter-terrorism and international security obligations, and to help to maintain public confidence in those laws.

Recent uncertainty around the position of the INSLM has risked undermining this legislative aim. This bill aims to ensure the legislative aim of the Independent National Security Legislation Monitor Act is realised—giving the Australian community confidence that Australia's counter-terrorism and national security laws are operating effectively and accountably, and in a manner consistent with Australia's international obligations, including human rights obligations.

As outlined in the bill's statement of compatibility with human rights, the bill is consistent with the protection and promotion of many rights and freedoms subject to scrutiny under the Human Rights
The bill also aligns with world's best practice for ensuring consistency between counter-terrorism laws and human rights.

Counter-terrorism and national security laws seek to promote and protect human rights by empowering law enforcement and intelligence agencies to deter, prevent, and disrupt activities that would endanger the safety or lives of the Australian community. Measures to combat terrorism may also impact human rights and the rule of law. The negative impact of counter-terrorism laws on human rights in Australia can be observed in the report prepared by the Parliamentary Joint Committee on Human Rights in respect of the Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill 2014. The human rights impact of this legislation was extensive and deep, prompting some experts to make submissions recommending the bill should not have passed without significant changes.

The rights to freedom of expression, of association, of equality and non-discrimination – and many other human rights – were engaged or limited by what was colloquially known as the 'Foreign Fighters' bill. And it is well known that counter-terrorism laws, like other laws, can permissibly limit rights, provided the limitation is in accordance with human rights law. As the Parliamentary Joint Committee on Human Rights has explained: "International human rights law allows for reasonable limits to be placed on most rights and freedoms, although some absolute rights cannot be limited. All other rights may be limited as long as the limitation is reasonable, necessary and proportionate to the achievement of a legitimate objective. This is the analytical framework the committee applies when exercising its statutory function of examining bills for compatibility with human rights."

Having an independent, well-resourced INSLM will contribute significantly to this framework, ensuring that Australia's counter-terrorism laws can be independently scrutinised by someone with the expertise and access to information necessary to identify any adverse impacts on human rights and suggest alternative mechanisms for achieving any legitimate legislative ends. I implore Senators to consider the sensible amendments proposed by this bill and the real outcomes that could be achieved by the passage of this bill. The position of Independent National Security Legislation Monitor is a significant one and must be strengthened to ensure the best legislative outcomes possible.

I commend this bill to the Senate.

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

Leave granted; debate adjourned.
That this bill be now read a second time.

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

Leave granted.

*The speech read as follows—*

The Tribunals Amalgamation Bill will amalgamate key Commonwealth merits review tribunals—the Administrative Appeals Tribunal (AAT), the Migration Review Tribunal–Refugee Review Tribunal (MRT–RRT), and the Social Security Appeals Tribunal (SSAT).

Merging these tribunals into a single tribunal, which will be called the AAT, will support effective, efficient, and independent merits review into the future.

*The decision to merge merits review tribunals*

At the heart of a strong merits review system is an independent generalist tribunal boasting a range of specialist expertise. This is the direction initiated with the establishment of the AAT in 1976. The intention at that time was to have a single independent tribunal dealing with merits review of administrative decisions across a wide spectrum of Commonwealth activity.

The 1995 the Administrative Review Council (ARC) Better Decisions report recommended that various specialist tribunals should be united as a single review tribunal comprising a number of specialists divisions.

The ARC considered that a single merits review tribunal would combine the best features of existing tribunals. It would lead to better decisions, remove unwarranted duplication and be simpler for the public.

These same aims are reflected in the Tribunals Amalgamation Bill being introduced today.

The 2012 Skehill strategic review of small and medium agencies in the Attorney-General’s portfolio also considered that there was merit in the idea of amalgamating Commonwealth tribunals.

Most recently, amalgamation was recommended by the 2014 National Commission of Audit report, *Towards responsible government*.

The 2014–15 budget measure Smaller government—additional reductions in the number of Australian Government bodies outlined the intention to amalgamate tribunals into a single tribunal. The government also announced that merits review of freedom of information decisions would be incorporated into the work of the amalgamated tribunal.

Although each of the existing tribunals does excellent work, the fragmentation of the merits review system is undesirable.

Most states and territories have merged merits review tribunals, as have many overseas jurisdictions, with considerable success.

The decision to amalgamate the tribunals represents a return to the more coherent merits review framework that was envisaged when the AAT was established.

It is time to return to the original intention of our merits review system, with a commitment to a preeminent Australian merits review tribunal.

*Draws on the best aspects of each tribunal*

This amalgamation draws on the best aspects of each of the current tribunals and incorporates them in the AAT. The bill also preserves the distinctive aspects of each of the tribunals that are important in their specific jurisdictions.

The amalgamation simplifies the Commonwealth merits review system. The amalgamated tribunal will be a single point of contact for persons seeking review of administrative decisions. Tribunal users
will benefit from an accessible ‘one stop shop’ for external merits review, better services and a more consistent user experience.

The amalgamation will also create opportunities to simplify and streamline tribunal procedures to better serve users.

The amalgamation will primarily affect the tribunals’ internal administrative and corporate operations with no material change to the substantive rights of tribunal users.

**Back office efficiency**

Currently, the tribunals each maintain their own infrastructure, including separate facilities and separate corporate administrative structures. This results in unnecessary duplication. More effective and efficient services will be delivered from the sharing of property, back office functions and other corporate overheads.

The savings from the amalgamation, totalling $7.2 million over the forward estimates, come from reduction in property costs once the tribunals are co-located and the consolidation of corporate services into a single agency.

Better services and better value for the taxpayer will result from the economies of scale that come from a larger amalgamated tribunal.

The size of the tribunal will provide members and staff with opportunities for a broader range of work and enhanced career pathways.

Members and staff will have new opportunities to share their knowledge and expertise with a larger group of colleagues. They will learn from each other and draw on the best aspects of each of the current tribunals for the benefit of all.

**Key features of the Bill**

Schedule 1 to the Bill will amend the AAT Act to support amalgamation.

The objective of the AAT is updated. The Tribunal will be required to provide a mechanism of merits review that is:

- accessible
- proportionate to the importance and complexity of the matter
- promotes public trust and confidence in the decision making of the Tribunal, and
- fair, just, economical, informal and quick.

The governance structure of the Tribunal consists of a President, Division heads and deputy Division heads to manage the merits review work of the Tribunal, and a Registrar to manage public service and financial arrangements.

The President of the amalgamated tribunal will be a Judge of the Federal Court of Australia. The current President of the AAT, the Honourable Justice Duncan Kerr, will continue in his role and therefore become the first President of the amalgamated tribunal.

Tribunal independence is also maintained by fixed term statutory appointments of Tribunal members and the Registrar. The membership structure will be expanded to 7 levels of membership reflecting the broader diversity of skills and experiences required in the amalgamated Tribunal.

The Tribunal will have a divisional structure reflecting the main review jurisdictions of the existing tribunals to enable specialisation. The new divisional structure will include the Migration and Refugee Division and the Social Services and Child Support Division to reflect the existing jurisdictions of the MRT–RRT and the SSAT.

Amendments to the AAT Act will also modernise and simplify a range of existing provisions to improve the clarity and flexibility of the Act.
Schedule 2 to the bill will amend the Migration Act 1958 to abolish the MRT–RRT and move its jurisdiction to the new Migration and Refugee Division of the AAT.

In practice, review of migration and refugee matters in the amalgamated tribunal will be virtually identical to review in the MRT–RRT.

The current scope and effect of provisions relating to the judicial review of migration decisions is also retained.

Contingent amendments in Schedule 2 provide for how this Bill interacts with migration matters currently before the Parliament.

Schedules 3 to 7 will amend social services legislation to abolish the SSAT and move its jurisdiction to the new AAT. Specific procedures that apply in the SSAT will be maintained for first reviews of social services and child support matters.

The right to a second external merits review of social services and child support decisions where this is currently available is maintained. Procedures will be similar to those currently used in the AAT for second reviews of SSAT decisions.

Schedule 8 provides consequential amendments to a number of Acts conferring jurisdiction on the AAT.

Schedule 9 provides transitional and savings arrangements to ensure certainty for existing members of the tribunals. There is also a time limited regulation making power to respond to further areas where clarity in transitional arrangements is required.

Given the significance of the amalgamation, the Government has introduced this Bill as soon as possible to provide transparency for members, staff and stakeholders. Transitional provisions relating to matters before the tribunals at the commencement of the amalgamated tribunal have yet to be finalised and will be introduced by Government amendments early in the Autumn 2015 sittings of the Parliament. The overarching intention of those amendments will be to:

• retain applicants’ substantive rights with respect to applications on foot at the time of amalgamation, and
• provide certainty with respect to application of Tribunal procedures for current and prospective applicants.

Conclusion

The Tribunals Amalgamation Bill represents a sensible return to a more coherent merits review framework, while retaining the most successful aspects of each of the individual tribunals.

Ordered that further consideration of the second reading of this bill/these bills be adjourned to 9 February 2015, in accordance with standing order 111.

COMMITTEES

Law Enforcement Committee

Meeting

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:41): At the request of Senator Singh I move:

That the Parliamentary Joint Committee on Law Enforcement be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, as follows:

(a) Wednesday, 11 February 2015;
(b) Wednesday, 4 March 2015; and
(c) Wednesday, 18 March 2015.
Question agreed to.

**Australian Commission for Law Enforcement Integrity Committee**

**Meeting**

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:40): At the request of Senator Bilyk I move:

That the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, as follows:

(a) Thursday, 12 February 2015;
(b) Thursday, 5 March 2015; and
(c) Thursday, 19 March 2015.

Question agreed to.

**MOTIONS**

**YWCA Australia**

Senator MILNE (Tasmania—Leader of the Australian Greens) (15:42): On behalf of Senators Waters, Moore and Singh, I move:

That the Senate—

(a) notes the launch of the YWCA Australia 'She Speaks' survey, which brings to our attention the voices of 1,600 girls and young women, ages 15 to 30, from across Australia;
(b) recognises that of the survey respondents:
   (i) 71 per cent want to be leaders in their community in the future,
   (ii) 58 per cent currently consider themselves to be a leader in their family, school, community and/or workplace,
   (iii) 90 per cent think that women experience discrimination,
   (iv) 80 per cent do not believe that equality has been achieved, and
   (v) 79 per cent feel that gender-based stereotypes damage their working lives, their sense of self, their safety in relationships, and their leadership capacity;
(c) recognises that the survey respondents called on:
   (i) the Prime Minister to lead change on gender stereotypes, and
   (ii) the Government to fund programs across their school and university education that will support their leadership development and access to mentors; and
(d) congratulates the YWCA Australia for its 'She Speaks' survey and work on girls' and young women's leadership.

Question agreed to.

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (15:42): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator CASH: I commend the YWCA for the work they do to empower young women and girls to aspire to leadership positions. I also commend the 1,600 girls and young women
who participated in the She Speaks survey and brought to life a number of important issues on leadership discrimination and safety. The government is proud to support a range of programs for the benefit of women and girls across government, including providing $450,000 to support the Every Girl program which aims to empower girls aged nine to 14 from disadvantaged areas to become confident engaged leaders who are active in their communities. The policies of the government show a clear commitment to improving outcomes for all women and girls in Australia and globally. I also note that this government's new approach to overseas development assistance requires 80 per cent of investments, regardless of their objectives, to effectively address gender issues in their implementation.

Question agreed to.

Coal Industry

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (15:43): I move:

That the Senate—

(a) notes the support that the Queensland Government is giving to the coal industry in that State;
(b) acknowledges that this support has created thousands of employment opportunities, which in turn has greatly nourished the economies of the towns and communities associated with that industry; and
(c) further notes the balance that the Queensland Government is achieving between these investments and significantly important environmental protections.

Question agreed to.

Trade with China

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (15:43): I move:

That the Senate notes the statements by the new Australian Live Exporters Chair, Mr Simon Crean, That the newly announced free trade agreement with China will make our nation more competitive against the likes of other live dairy cattle export nations, such as New Zealand, and will help stimulate further growth in the dairy trade.

Question agreed to.

Trade with India

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (15:44): I move:

That the Senate recognises the developing business and trade relationship between Australia and India, and its central role in raising the living standards of the Indian people.

Question agreed to.

Coal Industry

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (15:44):

That the Senate notes:

(a) that the black coal industry is Australia's second-highest export commodity, and indeed, Australia is the world's leading coal exporter, and is the world's fifth largest producer of coal; and
(b) that, in 2009-10, Australia exported 293.4 million tonnes of black coal to 33 destinations and directly employed 54,900 Australians.

Question agreed to.
Mining

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (15:44): I move:
That the Senate recognises that a profitable and strong mining sector is essential to government being able to further fund and develop Australia's agricultural interests, especially in relation to infrastructure.
Question agreed to.

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:45): by leave—Mr President, may I please have recorded the Greens' objection to motions 508, 519, 543 and 553.

DOCUMENTS

Productivity Commission Report
Order for the Production of Documents

Senator HANSON-YOUNG (South Australia) (15:45): I move:
That there be laid on the table by the Assistant Treasurer, no later than 3 pm on 4 December 2014, a copy of the final report of the Productivity Commission's inquiry into child care and early childhood learning.
Question agreed to.

Students with Disability Report
Ernst and Young Report
Order for the Production of Documents

Senator WRIGHT (South Australia) (15:46): I move:
That there be laid on the table by the Minister representing the Minister for Education, no later than 3.30 pm on Monday, 8 February 2015, the following:
(a) the reports on the results of the Nationally Consistent Collection of Data on students with disability in 2013 and 2014; and
(b) the report by Ernst and Young on a national quality assurance framework for the Nationally Consistent Collection of Data on students with disability.
Question agreed to.

MOTIONS

Live Animal Exports

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (15:46): I move:
That the Senate acknowledges the huge surge in demand for our live export cattle market, which has more than doubled to about 1.39 million head between September 2013 and October 2014, delivering much needed earnings for Australian rural enterprises gripped by drought conditions.
Question agreed to.

Climate Change

Senator MILNE (Tasmania—Leader of the Australian Greens) (15:47): I move:
That the Senate—
(a) notes that according to the Australian Bureau of Meteorology, south and southeast Australia experienced a severe drop in average rainfall with the highest October temperatures ever recorded, leading to high vulnerability to fire danger;
(b) recognises that these conditions are consistent with climate change projections by the Intergovernmental Panel on Climate Change and have not been attributed to El Niño, but that these conditions will continue with a 70 per cent likelihood they will be worsened by El Niño in coming months; and
(c) calls on the Government to reduce Australia's vulnerability to extreme weather by taking urgent action to reduce Australia's greenhouse gas emissions at the source and contribute fairly to the global effort to limit warming to 2 degrees.


The PRESIDENT: Leave is granted for one minute.

Senator FIFIELD: The government knows that the Greens are unwilling to accept that Australia is taking action to address climate change. We have delivered on our election commitment to scrap Labor's carbon tax, delivering the largest reduction in household electricity prices on record. We are also delivering on our election commitment to establish the Emissions Reduction Fund with $2.55 billion available in the 2014 budget. The Emissions Reduction Fund will support practical projects to reduce emissions without pushing up prices. This includes more than 170 existing projects across farming, waste and revegetation. These are the sorts of projects that the Greens should be supporting.

We are also playing our part in an effective international response to climate change through direct action, international engagement and our aid program.

Question agreed to.

United Nations Environment Programme

Senator MILNE (Tasmania—Leader of the Australian Greens) (15:49): On behalf of Senator Waters, I move:

That the Senate—
(a) notes that:
(i) the Minister for the Environment (Mr Hunt) announced $6 million to combat illegal logging at the Asia-Pacific Rainforest Summit,
(ii) the Minister did not mention that the Government would simultaneously cut Australia's commitment to the United Nations Environment Programme (UNEP) by 80 per cent, or $4 million, and
(iii) Australia benefits from leveraging over $500 million in contributions from other countries to the UNEP in a range of areas, including air pollution, ozone depletion and biodiversity loss;
(b) condemns the Government's sleight of hand which has further embarrassed Australia on the global stage; and
(c) calls on the Government to restore Australia's financial commitment to the UNEP.


The PRESIDENT: Leave is granted for one minute.
**Senator FIFIELD:** The government continues to support UNEP and is making a contribution; however, as we fix Labor's budget mess we are reprioritising our spending and instead are investing in practical action for coral reef protection within our region and combating illegal logging of the great rainforests of the Asia-Pacific. That totals $12 million. Australia is playing its part in an effective international response to climate change through direct action, including our $2.5 billion Emissions Reduction Fund, international engagement and our aid program. The Australian government is contributing $93 million to the Global Environment Facility. The Global Environment Facility will contribute to sustainable economic growth, which is critical to raising living standards in poor communities dependent on the natural environment.

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

The Senate divided. [15:54]

(The President—Senator Parry)

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AYEs ...................... 11
Noes ...................... 36
Majority ............... 25

**AYES**

Hanson-Young, SC
Ludlam, S
Rhiannon, L
Siewert, R (teller)
Whish-Wilson, PS

**NOES**

Bilyk, CL
Bushby, DC
Canavan, M.J.
Cash, MC
Day, R.J.
Fawcett, DJ
Gallacher, AM
Lines, S
Lundy, KA
McEwen, A (teller)
McKenzie, B
Moore, CM
O'Sullivan, B
Peris, N
Ruston, A
Seselja, Z
Sinodinos, A
Urquhart, AE

Question negatived.
Environment

Senator MILNE (Tasmania—Leader of the Australian Greens) (15:57): I move:

That the Senate—

(a) notes that Australia must declare, to the United Nations Framework Convention on Climate Change, our Intended Nationally Determined Contributions by March 2015;
(b) acknowledges the comprehensive targets and progress review of the Climate Change Authority which recommends Australia commit to a 30 to 40 per cent reduction below 2000 level emissions by 2025 and a 40 to 60 per cent reduction by 2030; and
(c) urges the Australian Government to not obstruct constructive progress in the Lima Conference of the Parties and set national targets consistent with the Climate Change Authority's recommended range.


The PRESIDENT: Leave is granted for one minute.

Senator FIFIELD: Mr Coalition—Mr Coalition? Mr President, you are independent as President.

Opposition senators interjecting—

The PRESIDENT: Order! Thank you, senators.

Senator FIFIELD: The government is committed to reducing Australia's emissions by five per cent below 2000 levels by 2020. This target represents a substantial effort and equates to the US target. Australia is playing its part in an effective international response to climate change through Direct Action, including our $2.5 billion Emissions Reduction Fund, international engagement and our aid program. Unlike many other countries, when we announce a target we meet it. As the government has previously said often, we will be announcing our post-2020 target next year once we have considered what other countries are doing.

I reinforce again your scrupulous independence, Mr President. 'Coalition' was being used in the broader sense of embracing everyone in the chamber.

The PRESIDENT: Thank you, Minister. The question is that the motion moved by Senator Milne be agreed to.

The Senate divided. [16:00]

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

AYES

Di Natale, R
Lazarus, GP
Milne, C
Rice, J
Waters, LJ
Wright, PL

Hanson-Young, SC
Ludlam, S
Rhiannon, L
Siewert, R (teller)
Whish-Wilson, PS

CHAMBER
The PRESIDENT: The question is that Senator Ludlam's motion be agreed to.
The Senate divided. [16:07]  
(The President—Senator Parry)  

Ayes ...................... 38  
Noes ...................... 30  
Majority ................ 8  

AYES  

Bilyk, CL  
Cameron, DN  
Collins, JMA  
Dastyari, S  
Hanson-Young, SC  
Lambie, J  
Leyonhjelm, DE  
Ludlam, S  
Lundy, KA  
Marshall, GM  
McLucas, J  
Moore, CM  
O'Neil, DM  
Polley, H  
Rice, J  
Singh, LM  
Urquhart, AE  
Waters, LJ  
Wright, PL  

Bullock, J.W.  
Carr, KJ  
Conroy, SM  
Gallacher, AM  
Ketter, CR  
Lazarus, GP  
Lines, S  
Ludwig, JW  
Madigan, JJ  
McEwen, A (teller)  
Milne, C  
Muir, R  
Peris, N  
Rhiannon, L  
Siewert, R  
Sterle, G  
Wang, Z  
Whish-Wilson, PS  
Xenophon, N  

NOES  

Back, CJ  
Birmingham, SJ  
Bushby, DC (teller)  
Cash, MC  
Day, R.J.  
Fawcett, DJ  
Fifield, MP  
Johnston, D  
Mason, B  
McKenzie, B  
O'Sullivan, B  
Payne, MA  
Ruston, A  
Seselja, Z  
Smith, D  

Bernardi, C  
Brandis, GH  
Canavan, M.J.  
Colbeck, R  
Edwards, S  
Fierravanti-Wells, C  
Heffernan, W  
Macdonald, ID  
McGrath, J  
Nash, F  
Parry, S  
Reynolds, L  
Ryan, SM  
Sinodinos, A  
Williams, JR  

PAIRS  

Brown, CL  
Di Natale, R  
Faulkner, J  
Wong, P  

Ronaldson, M  
Cornann, M  
Scullion, NG  
Abetz, E  

Question agreed to.
MATTERS OF PUBLIC IMPORTANCE
Abbott Government

The PRESIDENT (16:10): I have received the following letter from Senator Moore:

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

The Abbott Government's Budget of barnacles and broken promises.

Is the proposal supported?

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

The PRESIDENT: I understand that informal arrangements have been made to allocate specific times to each of the speakers in today’s debate. With the concurrence of the Senate, I shall ask the clerks to set the clock accordingly.

Senator LINES (Western Australia) (16:10): I rise today to speak about the MPI, to talk about the Abbott government's barnacles and their budget of broken promises. It is an inconvenient truth: a promise broken is a broken promise, and, despite the Abbott government's pathetic attempts to outright deny and lie, they have broken promises. Despite their convoluted language—calling cuts and broken promises something else—voting Australians know that the Abbott government has broken promise after promise and that it has made cuts to a range of government services. Voters know fact from fiction.

On the eve of the federal election Mr Abbott told SBS there would be no cuts to education, no cuts to health, no changes to pensions, no change to the GST and no cuts to the ABC or SBS if the coalition were elected to government. There were of course other pledges during the election campaign. Who could forget that wonderful outburst of 'We are on a unity ticket on Gonski!' But now Australian kids will pay the price of that ripped-up unity ticket, as postcodes will continue to determine educational outcomes—not a fairer funding system.

Earlier this week the Prime Minister held his mea culpa media conference and promised us that he would take the barnacles off before Christmas. Despite the Labor opposition asking many questions here in the Senate, one of the barnacles—Senator Johnston, the Minister for Defence—is still here. There are just a couple more sitting days before Christmas if the barnacles are to come off, assuming they require legislation to do so.

The government is not winning. Despite the Prime Minister's mea culpa, the government is not winning. Its harsh, cruel budget has been well and truly exposed along with its string of broken promises. I think that, when the Prime Minister had a closer look at the barnacles, he realised that it is the whole ship that is sinking. Even if he now removes the barnacles—whether that be the Minister for Defence, backing down on the GP tax, backing down on the cuts to the ABC or backing down on the cuts to education—nothing will save the Abbott government ship, because it has become a ship of fools.

Yesterday in this place, Labor, along with the Greens and some of the crossbenchers, let the Abbott government know well and truly that the higher education changes in their bill were harsh and unfair. In fact they were just plain wrong. We voted that bill down. But, completely undeterred—the message seemingly is not getting through to the Abbott government—they have fronted up this morning with a new bill. We are not quite sure where
it is up to and when we will see it, but we understand that in that bill the massive cuts to universities remain.

Despite Labor saying right from day one it would not support the cuts to that higher education bill and despite us having a Senate inquiry and hearing overwhelmingly from universities that the cuts would hurt, seemingly the Abbott government did not hear that. So the cuts remain, the new fee imposts for students remain and nothing of substance has changed, and Labor's position remains unchanged. We will not support the government's second, replica, unfair higher education bill.

What we learned from this new bill is the fact that the government needs to put forward the regional transition fund in and of itself says that what they are proposing is not going to work. We have heard in this place senator after senator and the ministers telling us that competition is good, that making a market out of universities is good. Yet what have they now done? They have suddenly realised that, if they want to go down this track, they have to stump up regional universities because regional universities—in fact all universities except the Group of Eight—told us they would not be able to survive without some sort of transitional fund. The government did not call it a transitional fund. Many of the universities told us they would need that additional funding from the federal government forever.

It was really quite a shock to me and was revealed as an absolute blight on the system when the University of Newcastle told us that, with the cuts being imposed by the federal government, they simply could not recoup those cuts through an increase in fees. That is the Abbott government signing the death warrant of that fine university in Newcastle, a regional university. Yet the Abbott government does not seem to care. Somehow it likes to kid itself that turning universities into a market and making them compete is going to save them, when the evidence we heard at the Senate inquiry was quite contrary to that, with regional universities being very clear about their future, an uncertain future, a future they could not predict. So this nonsense of competition in their higher education market has been exposed.

Surely, if we have to stump up taxpayer dollars to take account of these harsh cuts, that says the government's plan for marketisation will not work. It is a failure right from the word go. Just now Universities Australia have put out a media release. Universities Australia strike me as a fairly savvy organisation. They are often here lobbying. They certainly meet with Labor senators and Labor shadows and talk to us about their vision for universities in the future. Guess what they are saying? That this bill does not quite get it right. Bills are not playthings. The government cannot keep putting up bill after bill until they get it right. Voters of Australia demand the government get it right in the first instance. Up until yesterday, Minister Pyne was singing the praises of Universities Australia, telling us how onside they were. Yet today in black and white from Universities Australia we have a media release which says: 'Oops, you haven't quite got it right, Minister Pyne. The 20 per cent cuts are going to hurt us.'

Finally, whatever Kool-Aid Universities Australia drank when the first bill was proposed has worn off, because they are now starting to criticise the government's higher education bill by saying today that this does not get it right, that this does not cut it. And money being put into a transition fund for three years will not cut it either because regional universities have said very clearly that the cuts are going to hurt them. Again this is another broken promise
from the Abbott government—‘No cuts to education’. We all know there has been a 20 per cent cut to our universities.

One of the other things the Abbott government is quite good at doing—I often wonder which universe they are in. They are obviously in some kind of parallel universe. They do not live in the real world I live in because they like to invent new language for their cuts. Who remembers the increased tax on higher earners, which nobody had an issue with? But it is not an increase in tax; it is a levy. We just use different language because we know that the Abbott government promised no increased taxes. So they kind of think, ‘If we call it something else, people will just believe us.’ Of course they do not. We can all tell fact from fiction and there is another fiction. It is time the Abbott government realised they are deeply unpopular because their budget is too harsh and cruel on everyday Australians.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Foreign Affairs) (16:20): Acting Deputy President Williams, Merry Christmas.

The ACTING DEPUTY PRESIDENT (Senator Williams): Thank you.

Senator MASON: About seven years ago, when the Labor Party took office, having won the election in November 2007, they inherited the best books, the best set of national accounts ever inherited by any incoming government in our national history. In 113 years of our national history, they received the best accounts ever with billions and billions of dollars in the bank. When we took over government in September last year, we received the worst national accounts in the history of our nation. They received the best; we received the worst and now we are trying to fix them. The horror is not that Labor spent too much on overpriced school halls, the cash splash and the disastrous pink batts; it is that so many of them do not believe there is a problem at all.

It gets worse. They are even, at the moment, sabotaging the government's attempts to repay the debt. We want to do that, and it is being sabotaged. We do know that they have no plan to solve the problem. No plan has been put forward by 'barnacle' Bill Shorten—Mr Shorten—at all. The problem now is not the amount of the debt but the trajectory of the debt. In just over nine years it will reach $667 billion with $3 billion a month in interest. What could we do with that? That is the point.

It gets much worse than that, and this has not been raised in this place. In the history of developing countries, since World War II, no-one has ever repaid a debt of that magnitude. What will happen is that we will become like western Europe and the United States and we will never repay it. We either repay it now or we are a country that is stuck with systemic debt, just like western Europe and the United States. And we will be paying billions of dollars in interest for the privilege. It will become a permanent fixture in our public life. The government will become the centre of the economy—just as Kevin Rudd wished all those years ago.

The Labor Party profess to be the party of social justice. They have this sort of sense about them that they are the party of social justice—with a touch of moral vanity, I might add. They have argued since May that the budget is not fair for pensioners, students and working families. That is what they say: ‘it is not fair’. But I will tell you who it is not fair for. It is not fair for the people who will have to pay the debt. The government believe that this generation should live within their means. We believe that the health, the education and the welfare of
our community should be paid for by the community—not by our children and not by our grandchildren. That is the disgrace of a party that talks about social justice and equality: they do not give a damn about our children and our grandchildren. It is not only fiscally reckless but also morally contemptible. But there is a reason for it. The Labor Party know that our children and those yet to be born, of course, cannot vote. They know that. We are standing up for people who cannot yet vote. This lot will never, ever do that. They will put more and more money on the credit card, because they know there are very, very few repercussions of that. Every democratic incentive is not to pay back the debt, because when you pay back debt it causes electoral pain. I accept that; we all accept that. We are paying it back because it is fiscally responsible and morally it is the only way to go.

We believe, ultimately, that if pensioners, working families and students think the government is that poor, they will throw us out. That is fine. That is democracy. But what the Labor Party believe and know is this: those who will pay Labor's debt cannot yet vote. They cannot throw the Labor Party out because they cannot yet vote. It is a gutless approach to politics—one that has been adopted by nearly every country in western Europe, including Greece, Portugal, France and Spain, because the politicians of those nations did not have the guts to pay back the debt and they wanted future generations to pay for today's living standards. And that is the solution of the Australian Labor Party. I can put up with the fact that the Labor Party cannot manage a budget. That is a fact.

_Senator Polley_: Mr Acting Deputy President, on a point of order: I just wonder if we could turn the volume down a little bit on his microphone. You cannot hear yourself think.

_The ACTING DEPUTY PRESIDENT (Senator Williams):_ There is no point of order. Continue, Senator Mason.

_Senator MASON_: We all know that Labor cannot manage budgets. They never have, since Federation. They have never managed budgets. But it is morally contemptible to ask our children to pay for them. When I was at university I used to see these signs everywhere from the Left that said, 'eat the rich'. There are no longer enough rich left. Today the Labor Party Left say, 'eat the young'.

_Senator CAMERON_ (New South Wales) (16:27): I rise on this matter of public importance to expose some of the nonsense and the rhetoric that we have just heard from Senator Mason. The Prime Minister has said that he is about removing barnacles. I have to say: it is not the barnacles that are the problem. It is the actual ship. This government reminds me of the political equivalent of the old 'ships of shame' that used to come to this country—rust buckets with people in the bilges, trying to pump the bilges out on a continuous basis. It is not the barnacles; it is the ship.

Senator Mason said, 'merry Christmas'. I have to say that it will not be a merry Christmas for the pensioners who are getting indexation reduced by this government. It will not be a merry Christmas for those who need and rely on the health system, with $50 billion cut out of the health system. It will not be a merry Christmas for kids in needy schools, with $50 billion cut out of schools over 10 years. It will not be a merry Christmas for those students who would have been facing $100,000 a year to get an education if we had not stopped that crazy proposition from this coalition government. It will not be a merry Christmas for those workers at the ABC and SBS who are losing their jobs because the government cannot lie straight in bed. It will not be a merry Christmas for the poor in this country, or the unemployed, or the
vulnerable because they are, according to this government, the 'leaners'. They are leaning on people. This is a government with no compassion, no common sense and no economic credibility, and I will not be lectured by the coalition about economic credibility.

This is a coalition that under Peter Costello and John Howard just threw the rule book out the door. It was tax cut after tax cut after tax cut, with no building for the future. There was no investment in schools, no investment in infrastructure and no investment in health. That was not the way for this country to get ahead and look after future generations. It was short-termism of the worst nature, a lack of political vision and certainly no political values.

This budget takes from the have-nots and gives to those that have got it. The so-called 'contribution' of a politician or a high-income earner—on three times the average wage—to this government's budget repair is $29 a week. People earning $200,000 or $300,000-plus are paying $29 a week. That is one per cent of their disposable income. But if you are a single-income couple with two school-age children on average earnings—guess what?—you pay $90 a week. That is the contribution of single-income families with a couple of kids at school under this government. That is six per cent of their disposable income. Where is the fairness in that? How can anyone trust a government who does this?

This is a government who did not tell the Australian public about any of the policies they would introduce after the election. This is a government who systematically lied to the Australian public. They told the Australian public that there would be no cuts to health, no cuts to education and not cuts to the ABC, no cuts to SBS and no cuts to pensions. Yet what do they do? When they get into government, they rip and tear at our education system, our health system and the poorest people in this country. They are really the political equivalent of the ships of shame.

It is a government that is forever on reset, forever on reboot, forever on remessage. Now they are on barnacle removal duty. What a rabble this mob is! What an absolute rabble! They are untrustworthy. They have lied their way into power. If the public had known what this government was going to do, they would not be sitting on the government benches now.

The Treasurer only opens his mouth to change feet. His foot is always in his mouth. The government just does not get the message. They have not got the message from the Victorian election. The Australian public are just not buying the budget or the poor sales job. It is not about the sales job; it is about the policies. The policies are bad. The budget is a shocker. The budget is unfair. The government cannot be trusted. This is the problem with this government.

Then what do they do? They rely on the rhetoric from Senator Mason about bad economic management. They just failed to tell anyone that there was a global financial crisis. They just failed to tell people that governments all over the world had to invest in keeping people in jobs. No, that was not mentioned. In fact, they argued here it was only a North American crisis; they said there was not a crisis in Australia at all. Yet business could not get any investment; funds were drying up; the market was grinding to a halt. It was only the Labor Party in government that fixed that.

They are not getting the message. The message is: the Senate is not going to pass your GP tax. The Senate does not like your cuts to health. The Senate does not like your cuts to schools. We do not like you beating up on the poor and the vulnerable. These are the issues that are important to the Australian public. No matter what they are told, this government is
completely deaf to the real issues for ordinary Australians. They are completely out of touch. It is a government in utter chaos.

They talk about a year of achievement. It has been a year of achievement for the government! You have chased the auto industry out of the country. You have trashed billions of dollars of investment in renewable energy projects. You have reopened tax loopholes for multinational tax avoiders. You have doubled the budget deficit even before your disastrous budget was handed down in May. You broke every promise you ever made. And there is not a South Australian senator in here that stands up for jobs in South Australia, because they are too weak-kneed and jelly-backed to actually stand up to a bad budget and bad decisions by this government.

They have trashed the trust of the voters. That is their achievement. They are significant achievements. They have proved that you cannot govern without ideas, you cannot govern on three-word slogans and you cannot govern if you tell lies. That is what this government is: completely out of touch. They are so out of touch.

The Liberals are out of touch, but the National Party is all at sea. They have gone from being the wombats—you know, the tough guys: the Sinclairs, the Anthonys and the Nixons—to being the doormats. That is what they are. Senator O'Sullivan, you are no Sinclair. Senator Canavan, you are no Doug Anthony. And, Senator McKenzie, you will never be as good as Nixon was at looking after country people. You are the doormats.

Nowhere is that clearer than when you hear Senator Canavan get excited—being from Rockhampton you would think the senator would be interested in things like making sure the agriculture minister's botched handling of the farm household assistance and drought funding was fixed. But, no, Senator Canavan comes in here and makes speeches about Hayekian philosophy. He talks about currency competition. He talks about Friedman. This is awful. I am sure listeners to the Senate broadcast in Central Queensland in Biggenden are glued to the radio, listening to Senator Canavan. Senator Canavan is not representing Biggenden; he is representing the big end of town. (Time expired)

Senator McKenzie (Victoria) (16:37): It grieves me, but I am glad to actually participate in this ridiculous debate where, once again, the Labor Party trots out its tired lines—although I am quite excited about some of the adjectives those opposite have chosen to throw into today's motion. But I think it is actually merely disguising the fact that the Labor Party, straight after the federal election, completely reset the clock on how this nation is to be configured. Those opposite actually forgot about the previous six years, chose to say they did not count. Any responsibility borne for the mess we are now in, they will not be held accountable for. It is an absolute shell, a fig leaf, if you like, that is actually about hiding the facts behind what we are having to deal with as a government.

The fact is that we are delivering on our promises and those opposite do not like to hear it. We were elected to fulfil a most crucial of promises and that was to repair the sea of debris, the oceans of debt and the tsunami of deficits that were faced by this nation thanks to their absolute incompetence. It was incompetence on a scale never before seen in this nation. We had school halls built at triple the cost of anywhere else. Money was thrown out hand over fist. And now they choose to use the fig leaf of the 'financial crisis'. That was not the case. It was actually press release politics on the most ridiculous scale. I cannot believe it.
Let's go to the facts. The facts were that we did not have $50 billion in the bank. We had $200 billion of net debt when we took government 12 months ago and $667 billion of gross debt. The last six years that landed our government in the most precarious of positions. We have been battling against and are achieving against that position for the betterment—as Senator Mason mentioned in his contribution—of future generations.

We are not going to be bound by the political cycle. We are going to be bound by principles, which will underpin the future competitiveness of young Australians who cannot vote. Many of them are unemployed right now. Right through regional Australia there is high unemployment. We are seeking to build a positive future for them and to give them options in education, in training, in trades and, indeed, in higher education to ensure that they can access those opportunities so that they can contribute to increased productivity and enjoy all the positive outcomes that work will provide. The debt of the former government was the fastest accrual of debt in dollar terms as a share of GDP in modern Australia. It was not that it was the highest—but, man, was it quick. Like a catamaran versus a mirror, it was just absolutely phenomenal.

What this government is interested in doing is delivering on the very real promises we made at the last election to the Australian people that they voted for and that those opposite have continually frustrated in this place. Those opposite continually frustrate in their pious attempts to forget the past. Like deluded adolescents, they forget the past. It was the responsibility of those opposite and therefore those opposite have a responsibility in this place to lend a shoulder to the wheel to help us to repair the debt and deficit that those opposite left us so that we can as a society, as a parliament, build a positive future for young Australians. They were shallow slogans from Senator Cameron, but do we expect anything else?

We have also sorted out the growing regulatory burden, and it is not just on business. Higher education complained of the regulatory burden. The old friends of those opposite, the school sector, the AEU even—I think Angelo got on board—started complaining and bringing to the fore the regulatory burden that the former government placed not only business but on the environment, on higher education, on schools. Right throughout our society, the former government's stranglehold reduced our competitiveness, reduced our productivity and our ability to make productivity gains. Indeed, it stifled this nation to the point of static. Like a yacht with no wind, those opposite were no help.

We have delivered on the carbon tax promise. Help us. Why are you not thanking us? All those workers at SPC Ardmona and all the workers in the dairy industry were so thankful for getting rid of that carbon tax. The people who pay their wages are not having to pay tens of thousands of dollars in additional costs for a carbon tax that was never going to deliver the environmental outcomes that those opposite sought to achieve.

It is not just us. Chris Richardson from Deloitte Access Economics said that our budget is the only road map to structural fiscal repair Australia has. Those opposite do not like to hear it. Those opposite do not have a credible alternative. Those opposite are very happy to carp on the sideline when someone else tries to fix up their mess. It is absolutely disgusting. It is immature and there is no leadership throughout the Australian Labor Party as those opposite sit here and carp on the sideline while we fix up their mess.

Senator POLLEY (Tasmania) (16:43): I rise to make a contribution to the matter of public importance debate this afternoon about the Abbott government's budget of barnacles.
and broken promises. I would like to follow on from Senator Mason, who wished everyone a Merry Christmas. While it is a very noble expression of goodwill, it is a shame this government has not demonstrated any since being in power.

I would like to reflect on those people who have lost their jobs in my home state of Tasmania under this government. There have been countless Tasmanians who have lost their jobs. Thousands and thousands of pensioners around this country were lied to before the election. They were told that there would be no changes to the pension, just as people were told that there would be no new taxes—'not under my government', according to Mr Abbott. The list goes on. Those people who are unemployed will face a very bleak Christmas. But with the changes this government tried to introduce, it would have been much darker. This is a government that is heartless and it is harsh.

We know that those people who work with the ABC and SBS and their families—those tens of hundreds of Australians who work for those two institutions—are going to have a very bleak Christmas. This was the government and this was the Senate that tried to pass a budget and has failed to do that since May—and they still have not. Why has the budget not passed? Why have those bills not been passed? It is because the Australian people know that they were lied to. They were lied to by Tony Abbott.

I just want to reflect on Mr Abbott's performance on the Today show this week. It was really quite interesting. It is not a show that I watch that often. But to have the Prime Minister, in a very sincere way and even with a straight face, complain about the Senate being obstructionist towards them! He said that the Labor opposition was in a 'feral mood'. That is the biggest—the biggest!—case of the pot calling the kettle black that I have ever heard!. It is not often that I actually agree with Karl Stefanovic, but I think he hit the nail on the head this week when his response to the Prime Minister was:

With respect you were fairly feral in opposition ...

That is the truth. That is precisely what those people who are now sitting on that side of the chamber were when they were in opposition. They were negative, negative, negative.

If the Today show are scoring important points off Mr Abbott, the situation must be getting pretty desperate. Perhaps it is time that Mr Abbott gave up? Recently, we have also heard that the Prime Minister says he needs to take care of a few 'barnacles' on the ship before Christmas. I think that Senator Cameron was quite right: it is not the barnacles on the ship, it is the ship that is on its way down to the bottom of the ocean, along with its captain and a few of the lieutenants—or should I say 'chief petty officers' on that side? They are going to find themselves in the drink.

Before the election, the government promised and said, 'We're on a unity ticket with the Labor Party. There will be no cuts to education.' But we have seen the first attempt in this government's plan to wreck higher education in this country. Yesterday we also learnt that there was a deal being discussed that would see federal money going towards a revamp of the University of Tasmania, in my home state. Well, that is all very well, but if it were not for the government abolishing the Education Investment Fund in the first place such drastic action would not be needed.

But I have to say that we have not seen any real detail, and I have no confidence at all in the 'three amigos'—the members for Bass, Braddon and Lyons—to be able to negotiate
anything with this government to ensure that there is adequate funding going to the University of Tasmania. This government has ripped $30 million out of the university's budget in Tasmania. My colleagues, senators Brown, Singh, Urquhart and Bilyk, and I have no confidence at all in the three amigos. And I know that the Tasmanian community does not have any confidence at all in those three amigos.

But we should not be fooled, because we know that the higher education changes will make a university education inaccessible for many people. As I have said earlier this week, going to university should be based on your talent and hard work, not how big a cheque book your parents have or how big a credit card you have. It should be your talent that decides whether or not you should be able to continue and have the opportunity of a tertiary education. Scraping off one or two of the barnacles will not be enough. As I said, it is not the barnacles that are the problem: it is the ship and the captain. I have to say that this ship is sinking fast, and there is no harbour in sight. I can assure you, Mr Acting Deputy President, that no-one is taking charge.

We have to remember—it has to be 6½ months ago now—that the Australian people listened to the Treasurer bringing down his budget. But they do not buy it: they did not buy it in May, they did not buy it in June and they did not buy it in July, August, September, October or November. And they certainly are not buying it now. We know that this budget was made up of nothing but broken promises—promises that were made, I would have thought, in good faith, to the Australian community. But what we have seen is that there was deception and deceit by the Prime Minister and his Treasurer. Quite frankly, I think it is pretty obvious that they are both out of their depth.

Let us look once again at the proposed GP tax—another tax. But those people on the other side said during the election campaign that there would be no new tax, and that there would be no cuts to health and no cuts to education. The leadership team still do not know: is there going to be a GP tax or is there not going to be a GP tax? One thing I do know is that if they do bring such legislation into this chamber that we will fight tooth and nail to prevent it. That tax will hurt the most vulnerable people in our community. But, no, those on the other side—what did they say?—they said they were going to be the 'adults' in government. They were going to be the adults! I have to say that they are not even behaving as well as children in pre-kinder would, because they have no idea. They have no vision.

We know how heartless they are, because there is not a sector in our community that has not been hit. And there is the uncertainty—because these people do not care. I have heard it firsthand from people working in pharmacies and the pharmacists themselves, saying, 'Older Australians are concerned about whether or not they are going to be able to afford their medication.' They are going to their pharmacists—

Senator Smith interjecting—

Senator POLLEY: This is serious! You may laugh on the other side, but this is quite serious! They are asking in the pharmacies whether or not they need to take all of their tablets. That is serious!

As I said, those people on the other side have misled the Australian people. They have misled them and, in fact, this is not only about misleading them: they have lied. Those opposite can never again criticise Labor for being dysfunctional and uncertain. They can
never again launch attacks on internal tensions on the other side. They can never again claim that they are the party of stability. Most of all, they can never again claim that they are a party of no surprises and no excuses, because they have fallen; and how mighty those on the other side are when they fall—they fall very hard.

What is also incredible is that at least some of those on the frontbench, including the Treasurer, are committed to persisting with the GP tax. He wants it to go ahead. As I have said in this place on a number of occasions, this is going to hurt people in my home state. This is a short-sighted tax because it is going to hurt those who can least afford to be hurt. It is going to hit pensioners, it is going to hit low-income families and it is going to hit people with chronic illnesses in particular. No parent should have to decide whether or not they can take their child to see a doctor simply because they do not have a large enough credit card.

It does not stop there. My area of responsibility is aged care, and we on this side know they have lied to this sector. They took away the dementia supplement that was paid to the providers; they said a new scheme would come in, but we have seen nothing of that. The fact that they have changed the way pensions will be indexed will affect the aged-care sector as well. We are still waiting for those in government to come into this chamber—(Time expired)

Senator McGrath (Queensland) (16:53): A merry Christmas to you, Mr Acting Deputy President. I should say that in case this is the last time I speak here. A merry Christmas to everyone.

The biggest barnacle to getting the budget back under control is the Labor Party. It is the Labor Party that is causing all the budget issues that we are facing here at the moment—the Labor Party and its friends in the Greens. This is the axis of ‘just say no’; they are saying no to everything.

Senator Polley: Just like you did when you were in opposition.

Senator McGrath: You said no to $5.8 billion worth of cuts that you proposed yourselves. You have done an amazing somersault. The Labor Party should go in the Olympics, the Commonwealth Games or even the Tasmanian games: you would get a gold medal. But in the spirit of Christmas, I really would like to thank Senator Moore for allowing us to have this debate. It was supposed to be listed yesterday, but sadly, for whatever reasons, we could—

Senator Polley interjecting—

Senator Smith: They needed an extra 24 hours for their argument.

Senator McGrath: Thank you, Senator Smith. They need an extra 24 hours for their argument, so they had to get—

Senator Polley interjecting—

The Acting Deputy President: Order! Resume your seat, Senator McGrath. Senator Polley, I did my best to prevent people from interjecting when you were speaking and I ask you to show the same respect.

Senator McGrath: Labor senators have been very naughty boys and girls and, I will tell you what, Santa Claus will not be visiting Labor Party households this year. He is going to be checking his list twice to see whether they have been naughty or nice, and those opposite have been very, very naughty—very naughty. If they are lucky, they will get a nice
lump of Queensland coal in their stockings. As for the Greens, you will get some nice gender neutral coal in your stockings to play with. This is what we are talking about. The Greens, who were not happy with just destroying the economic future of Australian children, have decided to try to destroy Christmas for them. They want to take Christmas away from children with their nonsense about having gender neutral toys for children. What do children want for Christmas? Children want a cuddle and they want some toys to play with. They do not want dogma from the Greens; they do not want leftist tripe from puritanical Grinches. Imagine waking up in a Green household at Christmas. You would have some sort of androgynous dalek, you would have malevolent Barbies and you would have a neutered Peppa Pig. I could not think of anything worse than waking up in a Greens household and then getting the presents afterwards.

Senator O'Sullivan: You would be confused.

Senator McGrath: You would be very, very confused. But let us get back to talking about this economy. Let us get back to what Labor has done to this economy. Let us get back to that big, big barnacle known as the Labor Party—the Labor Party that has destroyed this country economically, destroyed it through its poor economic management. It started with Kevin Rudd. He said he was an economic conservative.

Senator O'Sullivan: Which time?

Senator McGrath: We have had many different Kevin Rudds. I think this was the first Kevin Rudd. I am going to quote lines from a speech on 14 November 2007 at the Labor campaign launch in Brisbane. It is a crime scene where he gave this speech, a pure crime scene. He said:

Today I am saying loud and clear that this sort of reckless spending must stop. I am determined that any commitments I make are first and foremost economically responsible.

He made this big show and dance, like a Las Vegas showgirl, about how he was some type of economic conservative. He was anything but.

It is in the DNA of the Labor Party: they get into office and they cannot control themselves. I feel sorry for them; I think they need counselling or some type of help. They get into office and they spend, spend and spend. If you look at the history of this country, it is the Labor Party, now with their good friends the Greens, who constantly destroy the economy. Look at 1931: when we got back in after Joseph Scullin we had to clean up the mess. Look at 1949: we stopped the Labor Party from trying to nationalise the banks—imagine the damage that would have done to the economy. Look at 1975: the damage of Gough Whitlam—Saint Gough. Look at what he did with that three-year Labor administration—compared to the administration in this country between 2007 and 2013, it was probably quite a good Labor administration—the second worst Labor government on record. We had the Hawke-Keating government, which left this country in 1996 with $96 billion worth of debt. We got to 2013 and, once again, the cavalry came along. We had the Liberals and Nationals, the coalition, elected to clean up Labor's mess. And it is Labor's mess. They not only failed to understand how to run a business, how to look at profit and loss sheets, but they also are—

Senator O'Sullivan interjecting—

Senator McGrath: union barons—thank you, Senator O'Sullivan—who are very good at spending other people's money. When I say 'other people's money' I mean spending their
union members' money. So when they get into power it is like they have won Gold Lotto every Saturday night. When Labor are in power they think, 'We've got all this money to spend and we can spend it on all our crazy schemes'. Let us talk about the carbon tax and how that did not work; let us talk about how it destroyed the Australian economy. Let us talk about the mining tax, the world's craziest tax since the Georgians had the window tax. This tax raised very, very little money. The carbon tax was a tax on families who wanted to have things like electricity so that they could operate televisions, fans and turn the oven on—

Senator Smith: Refrigerators.

Senator McGrath: and refrigerators—thank you, Senator Smith. It was a tax on the cost of living; it was a tax on families. That is why this budget is in trouble. It is not because of anything on this side of the chamber. It is because of the barnacles that are the Labor Party and the Greens party and the damage they have done to this country. And on that, I wish everybody a very merry Christmas and I look forward to seeing you all in 2015.

Senator Smith (Western Australia) (16:59): Can I also share festive greetings with Senator McGrath and others in the chamber.

We have been having a debate this afternoon about so-called barnacles and so-called broken promises. But let us be clear: what we have heard are carping and cliches from the other side. What we have not heard is an alternative. What we have not heard is a different plan. What we have not heard is one new idea from those opposite about how we can put this country on the best fiscal path possible—that has been missing from the contributions of Labor senators today. They would like you to believe that we should erase from our memory the last six years of Labor rule across this country—six years dominated by poor policy, poor implementation and a string of budget deficits. They would like you to ignore that from the current fiscal challenge that faces our nation. They refuse to admit that the country has a debt and deficit disaster. They refuse to admit that it is a disaster of their own making. Importantly, they reject what four Labor leaders have said. And I will come to that in a moment. But let me start with the commentary from a distinguished Australian businessman. Let us hear from Maurice Newman about what he thinks about the challenge.

Senator Cameron interjecting—

Senator Smith: Thank you, Senator Cameron. I cannot wait for the interjection when I get to the commentary of four former Labor leaders about the budget problems and what they are saying about your failure to meet the challenges of the budget problems that we have. Let us hear from Maurice Newman, a distinguished business leader. He said:

The Shorten opposition still fails to acknowledge the magnitude of the problem. It plays semantic games questioning whether our deteriorating fiscal situation is a genuine budget emergency. It ignores the copious evidence that a political tipping point is reached long before an economic crisis becomes a reality…

He further said:

By playing to welfare dependence, class envy and the notion that there is nothing serious to worry about, the illusion has been created that there is a painless growth option—

a painless option in terms of getting the budget back to surplus. Of course, we know the truth: there is no pain free way, unfortunately, to correct the economic vandalism and recklessness of the former government.
More critically than what Maurice Newman has had to say is Labor's repudiation of what Bob Hawke has had to say, Labor's repudiation of what Paul Keating has had to say, Labor's repudiation of what even Mark Latham has had to say. It is not good enough that they reject the distinguished commentary of Australia's business leaders; they are rejecting the commentary of their own former Labor leaders. Let us turn to that.

What did Bob Hawke and Paul Keating say in *The Australian* on 1 January this year? *The Australian* states:

Bob Hawke and Paul Keating—

*Senator Bilyk interjecting—*

*Senator Cameron interjecting—*

**Senator SMITH:** That is your Bob Hawke and Paul Keating, Senator Bilyk and Senator Cameron—

Bob Hawke and Paul Keating have urged the Abbott government to slash spending and speedily repair the budget bottom line—

things that you are stopping the government from doing—

arguing they faced up to a similar challenge in 1986-87 when the terms of trade collapsed and the dollar plummeted.

... ... ...

You've got to have a prime minister and treasurer, and a competent ministry which understands the issue and is prepared to make hard decisions.

*Senator Bilyk interjecting—*

**Senator SMITH:** You are repudiating one of your most distinguished parliamentary leaders. I do not mind saying that the economic stewardship of Bob Hawke and Paul Keating was not bad. I do not mind saying that. I am not too proud to say that and you too, Senator Bilyk, can embrace what Bob Hawke and Paul Keating are saying, and be part of the change that is necessary to get the country back on track.

*Senator Cameron interjecting—*

**Senator SMITH:** What did Bill Hayden have to say, another distinguished Labor leader that Senator Cameron and Senator Bilyk would like to ignore and erase from history? Again, from *The Australian*, this time just last month, 8 November:

Former Labor leader Bill Hayden has urged the party to build 'economic credibility'—

he urged Labor senators in this place to build economic credibility—

with the voters and stressed the need to reduce the influence of factions to reform its internal structures and overhaul its policies to regain government.

It is to be expected that Labor might reject the commentary of distinguished business leaders, but when they start to reject the commentary of their own former Labor leaders about the importance of establishing economic credibility, that is the bottom of the barrel. Unfortunately, Labor senators in this place have reached the bottom of the barrel.

**Senator BACK** (Western Australia) (17:05): I just cannot thank Senator Moore enough for the opportunity to draw attention and put the spotlight on the absolutely impoverished government that was the Labor government of the last six years. The interesting thing to
reflect upon is that there were three prime ministers in that time—Mr Rudd followed by Ms Gillard followed by Mr Rudd. Two of the prime ministers were actually gotten rid of by Labor's own caucus. They did not even give the Australian people the opportunity to get rid of them; they just waited until 2013 to do that—so hypocrisy writ large.

When you think of Kevin Rudd, what comes to mind? You think of pink batts and the terrible loss of four lives, and you think of billions of dollars. You think, of course, of the $900 and the $1,200 cheques that were thrown around like confetti. When you think of Ms Gillard, you think immediately of failed memorial halls, many of which are falling down now—another $13 billion of taxpayers' money. Then you have the quinella—the Wayne Swan and Senator Penny Wong quinella, the worst Treasurer and finance minister combination in Australia's history who took a surplus of $22 billion and turned it into a massive debt who took an economy that had no net debt and created $200 billion of accumulated deficits who managed to put us in a position where we are borrowing a billion dollars a month. That is two new primary schools a day, seven days a week. What a wonderful opportunity Senator Moore has given us!

Let me go on. We now think of Mr Shorten. As Minister for Workplace Relations he destroyed Australian jobs and watched unemployment go up as a result of his bad industrial laws. We think of Senator Ludwig, who, with no compassion and no thought, trashed not just Australia's international reputation but the live cattle industry—from which we are yet to recover.

Senator Conroy interjecting—

Senator BACK: And then—right on cue, thank you very much—comes Senator Conroy with his failed NBN scheme that of course did not need to go to tender! Certainly in many instances he did not bother going to tender. Then there was Australia's overseas media operation, which is a fair dinkum disgrace, incidentally—Bananas in Pyjamas! Senator Conroy, having set up a tender, interfered in the process. He reversed the tender result and gave it to the ABC—and we know what the end result was.

Why would Senator Moore give us this opportunity? Here we have a past Labor government that operated with the best terms of trade in Australia's history yet managed to run successive deficits. Spend, spend, spend—the whole time. Let me come to this question about the promises of this—

The ACTING DEPUTY PRESIDENT: Order! Senator Back, resume your seat. Senators, I remind you that interjections are disorderly.

Senator Bilyk interjecting—

The ACTING DEPUTY PRESIDENT: Senator Bilyk! I remind you that interjections are disorderly. If you are going to make them, they might be a little more interesting at least.

Senator BACK: The clock needs to be extended, Mr Acting Deputy President. I will explain to Senator Bilyk afterwards what the significance of my 'Bananas in Pyjamas' comment was—I watched them on television in Singapore recently.

Let us have a look at what we came into government to do. We said we would get rid of the shocking mining tax—a tax that was earning no income. We did it. We said we would get rid of the carbon tax and return money to Australian consumers and return confidence to the Australian electricity system. We have done it. We said that we would turn the boats around
and take control of our borders again. We have done it. We said we would repair the budget—and who is standing on the hose of that process?

The question becomes one of how this government is performing. Let me spell it out. We have reduced that shocking projected debt, moving to $600 billion, by $300 billion. With infrastructure, we have committed $50 billion which will leverage up to $125 billion. We are already seeing it around Australia—something Labor was never capable of doing. On the state reforms and asset recycling, which were the first two territories or states to put their hands up for this asset recycling? The Labor led ACT and the Labor led South Australian governments. Isn't that amazing! We have privatised Medibank Private to put those funds back into working for the Australian community. We have got rid of 57,000 pages of red tape, with a saving of $2 billion a year. With Mr Andrew Robb, who is back on a plane now, incidentally, we have managed to put together three free trade agreements with three of our most important trading partners. A trillion dollars of environmental approvals, some 300 major projects, are all now underway. Last time around, Labor could not do it. We have reintroduced an employee share scheme to operate from 1 July—once again giving employees in businesses in this country the opportunity to share even further in the benefits. We have removed 100 Labor tax measures that went back to 2002.

So where are we are now in terms of business confidence? Business confidence and consumer confidence are back at their long-term averages. Retail trade is going upwards. Housing approvals are the best in 10 years. Where are the barnacles? If there are barnacles, who contaminated the waters? Who roughened the hull of this ship called ‘Australia”? This mob on the other side did it. We are in a situation now where our terms of trade have deteriorated relative to the terms of trade experienced by the former government. Can you imagine for a minute if this crowd were let back in charge of the purse strings? It would be a catastrophe.

The ACTING DEPUTY PRESIDENT: Order! The time for the discussion has expired.

DOCUMENTS

Productivity Commission

Senator WRIGHT (South Australia) (17:12): I move:

That the Senate take note of the document.

The Australian Greens welcome this report of the Productivity Commission inquiry into access to justice arrangements, but I would not be surprised if the Attorney-General finds it hard to do so, because it lays out for all to see the flaws in this government's approach to legal assistance. It is a substantial report—almost 1,000 pages—with a total of 83 recommendations. So there is much to consider. The Australian Greens will be looking at it very closely. However, it is already clear to me that the Productivity Commission's report runs counter to the Commonwealth government's current agenda of funding cuts and advocacy restrictions. I will come to both of these in a minute.

The Australian Greens firmly believe that access to justice is a cornerstone of a modern democratic society. We know that a fair and just society with equality before the law does not just happen. Every year, half a million Australians miss out on essential legal services and hundreds of thousands of others never pursue justice because the legal system is just too complex and too expensive. These problems have been recognised by the Productivity
Commission in this report. The Productivity Commission recognises that access to justice is no longer just an issue for traditionally disadvantaged people, such as people who are poor, new arrivals or those who have disabilities or mental illness. It talks about the 'missing middle'—middle-income Australians who do not qualify for legal aid but also do not have the cash for large and unexpected legal costs.

The Productivity Commission report raises a number of ways we can address this issue and the broader challenges with access to justice. I would like to speak briefly to two of these. The first is increased funding for legal assistance services and the second is the efficiency of advocacy and law reform work by those services.

The report has recommended additional funding from Commonwealth, state and territory governments of around $200 million a year for legal assistance services to be used for better alignment of the means test used by legal aid commissions with other measures of disadvantage, to maintain existing front-line services that have a demonstrated benefit to the community and to allow legal assistance providers to offer a greater number of services in areas of law that have not previously attracted funding.

It is particularly important to note that the commission has noted that belt-tightening and tough financial circumstances are not an excuse to scrimp on legal assistance. The report says: Not providing legal assistance in these instances can be a false economy as the costs of unresolved problems are often shifted to other areas of government spending such as health care, housing and child protection. Numerous Australian and overseas studies show that there are net public benefits from legal assistance expenditure.

Secondly, I would like to note that the Australian Greens are very pleased that this report has recognised, from an economic perspective, that advocacy and law reform work are an efficient use of government funding. I have had arguments with Senator Brandis, the Attorney-General, many, many times about this issue. But I hope the fact that Australia’s Productivity Commission has set out the case for advocacy will enable this government to now see sense and reverse its nonsensical and purely ideological restrictions on the use of Commonwealth funds for this purpose.

Quoting from the report again: Frontline service delivery should be prioritised, along with advocacy work where it efficiently and effectively solves systemic issues which would otherwise necessitate more extensive individualised service provision … The Australian, State and Territory Governments should provide funding for strategic advocacy and law reform activities that seek to identify and remedy systemic issues and so reduce demand for frontline services.

As the Australian Greens’ spokesperson for legal affairs, I have spoken consistently about the need to reform and improve access to justice since coming to this place. I care deeply about supporting and strengthening community legal services so that every Australian can seek justice to ensure that legal issues can be resolved on the merits of their claim and not the size of their wallet. It is fundamental to our democracy that our legal system is open to everyone who has been wronged and is seeking a fair outcome, not just those who happen to have big incomes.

I hope I will be speaking to this place again soon about these issues, but next time I hope that I will be speaking in support of Commonwealth reforms based on this Productivity
Commission report to help take us down the path to improved access to justice. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Department of the Environment

Senator WHISH-WILSON (Tasmania) (17:19): I move:

That the Senate take note of the documents.

I rise to speak on the Department of the Environment's report of the expert panel on a declared commercial fishing activity: final (small pelagic fishery) declaration 2012. One of the first things I did as a new senator was seek a meeting with the Australian Fisheries Management Authority after I had been approached by a number of fishermen and environment groups about the arrival of a very famous large floating industrial factory fishing vessel—at that stage called the Margiris—a supertrawler that had been dogged by controversy for years all around the world, especially off West Africa. It was flagged in shady places and very little was known about its management or ownership. I asked AFMA this question: 'Did the proponents of the supertrawler seek to have the quota for the small pelagic fishery doubled in this country?' Coincidentally, around the arrival of the supertrawler, the government had doubled the quota from 10,000 tonnes to 20,000 tonnes. I was told at that meeting that that had nothing to do with it. It was laughed off. Senator Colbeck was also at this meeting. Then about a month later we found out through a freedom-of-information request that, indeed, a letter had been written by Seafish directly to AFMA asking them to double the quota so they could bring a supertrawler to this country. That may have been a coincidence, but it was enough to raise red flags with me and get me very concerned and make me want to look into a lot more detail about this.

I was hoping the report we have in front of us today would be the end of this journey that I have been on on the supertrawler campaign with Senator Siewert, the Greens and literally millions of Australians. This report shows very clearly that the scientific work assessing the risks that the unprecedented arrival of a large floating factory vessel like the Margiris, later flagged as the Abel Tasman, showed that it was too risky. Considerable uncertainty existed in this fishery. We said this.

Contrary to what you said in your speech in here the other day, Acting Deputy President Edwards, the fishery they were targeting, the small pelagic fishery off Tasmania, had been totally underutilised for a decade. It had been in collapse prior to that. There are disputes as to whether that was due to ocean current temperatures or overfishing. Nevertheless, it had been in collapse. There had not been fish for 10 years and it had not been studied. One desktop report was published around the arrival of the supertrawler saying it was safe for it to go fishing. Blind Freddy could see that there had been no data collection and there had been no fishing evidence to even provide adaptive fisheries management around the arrival of an unprecedented supertrawler into this country's waters. So a big campaign started to get this supertrawler stopped, to get it banned, so that we could do some scientific work around the potential risks and the potential uncertainties.

It is very clear from this report that:

... the panel considered that historical data on direct interactions with protected species or the absence of data that showed any adverse impacts on these species from localised depletion by historical fishing,
did not necessarily inform the likely nature and extent of potential direct or indirect impacts … on protected species or the Commonwealth marine environment.

The report then goes on to summarise:

The panel considered that localised depletion caused by the DCFA has the potential to have adverse impacts on CPF species and that under the current monitoring regime it is unlikely that such impacts would be detected.

The conclusion of the report said that, even if mitigation measures were put in place:

… the panel considers that direct interactions with protected species and localised depletion—

of fish stocks, the whole reason the recreational fishermen ran their campaign—

as defined by the panel, will occur under the DCFA. The panel’s assessment has confirmed that there are considerable uncertainties relating to the extent of those impacts and the level of impact that would create adverse environmental outcomes.

As in other fisheries facing similar uncertainties, a precautionary and adaptive, risk-based approach … is required.

The Greens—along with other stakeholders in this country, including millions of recreational fishing groups as well as people who care about the ocean—have a very strong view that these boats should be banned, that we should not have them in this country and that the onus of proof should be on future proponents to overturn that ban, because no work has been done and evidence only exists at this point for uncertainties. Given how precious our ocean and ecosystems are—not just for human consumption but also in terms of broader impacts on ecosystems, especially around protected species and seals and dolphins—it is important that we listen to what the Australian public are saying, that we listen to what the scientists are saying in this report, that we acknowledge the uncertainties, that we acknowledge the campaign and the role of the Greens in this country, and that we have these supertrawlers banned. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

DOCUMENTS

Consideration

The following order of the day relating to government documents was considered:


COMMITTEES

Scrutiny of Bills Committee

Report

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (17:25): On behalf of Senator Polley, the Chair of the Standing Committee for the Scrutiny of Bills, I present the 17th report and Alert Digest No. 17 of 2014 of the Standing Committee for the Scrutiny of Bills.

Ordered that the report be printed.
Regulations and Ordinances Committee
Delegated Legislation Monitor

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (17:26): On behalf of Senator Williams, the Chair of the Standing Committee on Regulations and Ordinances, I present the Delegated Legislation Monitor No. 17 of 2014 of the Standing Committee on Regulations and Ordinances.

Community Affairs References Committee
Report

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:26): I present the report of the Community Affairs References Committee: Bridging our growing divide: inequality in Australia report together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator SIEWERT: I move:

That the Senate take note of the report.

I thank all the witnesses and people who provided submissions to the inquiry. I also thank the secretariat of the committee for the hard work that they put into this inquiry and into helping us pull the report together. Unfortunately, I have presented a report that is not a consensus report. I have presented a majority report from the Australian Greens and the Australian Labor Party. As part of that report, the coalition have a dissenting report, which I am sure Senator Seselja will speak to. As chair, I have also made some additional comments on behalf of the Australian Greens, which I will come to shortly.

First off, I would like to outline the report and the key findings of the report. We had 64 submissions, which presented very valuable evidence to this committee. We also held hearings and took evidence from around Australia, which, again, presented us with a lot of evidence. We also made sure that we went to some of those areas with high rates of unemployment that have been identified as priority areas for some of the employment programs that the government is introducing.

The evidence before the committee showed that income inequality in this country has increased since the mid-1980s. The evidence also showed that the likely impact of the budget measures will exacerbate income inequality and poverty in Australia and that the Henderson poverty line and the 50 per cent of median income poverty line indicate that there are far too many vulnerable Australians—individuals and families in receipt of income support—who are currently living in poverty. The evidence provided to the committee also shows that the level of Newstart payment is too low. The income of a single adult Newstart recipient is now more than $100 below both the Henderson poverty line and the 50 per cent of median income poverty line.

We made findings on the importance of the minimum wage and that it remains an important mechanism for low-income people to avoid poverty and participate in society. The evidence shows that the minimum wage makes a significant difference to income inequality and rates of poverty, and it is important that the minimum wage is set at a level that reflects the rising cost of living in Australia.
There is a socioeconomic gradient associated with a large range of health outcomes. Poor health outcomes are recorded for those with low incomes, and a focus on preventive health and improved access to primary health care, especially for lower-income people, will assist in lifting a number of these measures. We also looked at people who are in particular groups of disadvantage, such as Aboriginal and Torres Strait Islander peoples, people with disability, people living with mental illness, single parents and newly arrived migrants and who are more vulnerable to poverty and disadvantage. We also found that lower transfer payments or a low income often compounds the extent of disadvantage felt by people in those particular groups.

We looked too at the impact of not being able to gain employment—and that obviously has very significant impacts—but we also received evidence that insecure, casual, temporary, short-term contracts impacts on people on low incomes so that they become subject to income inequality. We considered what could work for people in helping them to access employment. A lot of evidence talked about the need to access stable employment and the impact employment has on people's income status and inequality. We also looked at issues such as the impact that affordable housing and stable housing can have on people's prospects and life outcomes and inequality. Further, we considered the mobility of labour.

The committee made 13 recommendations around issues such as an analysis of the budget and its impact on income inequality. We also recommended that income support measures in the current budget do not proceed. Those budget measures include moving young people off income support for six months, indexation of parenting payments single and changes to the indexation of pension payments. We also looked at the impact of inequality on older Australians. We made recommended that the changes to the GP co-payment and to higher education do not proceed. The majority report also recommended that the Australian government review the level of working age payments to examine the rate of payment to the poverty line. While I agree with that recommendation, the Australian Greens submitted additional comments that Newstart and youth allowances need to be increased. The evidence on that point was absolutely overwhelming because of the impact that the low rate of Newstart and youth allowance has on people's poverty and opportunities to gain employment.

I know that my colleagues on the committee will bring out other points in the report. I will run out of time to do justice to all the issues that we considered, but one of the key points that I would like to highlight is that not only is it clear that income inequality has increased, but that people assume that if this country does better, then—and we heard this expression a lot—with the rising tide all the boats rise. In fact, the evidence we received does not support that. It is very clear from a report which was released during our inquiry by the Bankwest Curtin Economics Centre that income inequality in my home state of Western Australia has risen and it has risen more than anywhere else in the country. Their report relates that directly to the mining boom. In fact they have done two reports that were relevant to this inquiry—one on the impact of the boom in Western Australia and one on income inequality. They used the median line of poverty as 30 per cent. The point that they make really clearly is that the benefits of the boom have not been shared across all the quintiles and that those in the lowest quintiles have not received the benefits of the boom. In fact, income inequality has increased in Western Australia and that fact is connected directly with the mining boom.

Those are the sorts of issues that need to be addressed. Our recommendations consider this and also the way to address housing and education, as well as improving support for
unemployed people. Another recommendation is for case management for unemployed people, and there was overwhelming evidence that the individualised approach is by far the best. We also considered the impact the taxation system on inequality and, when the government issues its white paper on taxation reforms, it needs to consider that impact. From the evidence it is clear that government policies on taxation can have a direct impact on income inequality. The bottom line is that income inequality has significant negative effects and that it actually helps our economy if we reduce income inequality. I commend the report to the Senate and urge senators and the broader community to read the report.

Senator SESELJA (Australian Capital Territory) (17:36): The coalition senators did provide a dissenting report. There are a number of reasons for that, and I want to go through some of those. I preface my remarks by saying that there is no doubt that, when we look at overseas experience, particularly in developing nations, and see one part of society that is dirt poor and another part that is fabulously wealthy, no-one sees that as a good thing. So let's make that clear. Let me also make clear that there are many Australians who do it tough. We want to see that those who are doing it toughest are given the opportunity to better their circumstances, to have the best possible opportunities to put a roof over their heads, to feed their families, to educate their families, to have good health care and to have a good standard of living. We in the coalition are constantly working towards this goal.

Where we differ significantly from our opponents on the left of politics is on the issue of how we define these things, in particular when we look at opportunity. Opportunity does not necessarily lead to equal outcomes. Equal opportunity does not mean that everyone does exactly the same, because there are all sorts of factors that go into the relative prosperity of different people in our community. Senator Siewert touched on that when she highlighted the issues in WA. This is where we differ significantly from many of those who made submissions, many of those who gave evidence and many of the findings from the Greens and the Labor Party. Senator Siewert seems to think that the WA experience is a terrible one, that it is a bad one. I take a different view. If you look at the WA figures—they are cited in the report—you will see that, yes, in WA the gross household income of the top eight deciles increased by an average of 46.5 per cent between 2003-04 and 2011-12. In comparison, the bottom two deciles increased—"only increased"—their income by an average of 28 per cent. Yes, the top moved forward more quickly than the bottom, but let us do another comparison. Let us do a comparison with Tasmania, which, based on the Gini coefficient, which is used heavily by those opposite, is in fact the most equal. It is also the poorest.

Senator Conroy: Could you explain the Gini coefficient to me!

Senator SESELJA: I will briefly do it for Senator Conroy's benefit. According to the Gini coefficient, Tasmania is the most equal but it is also the poorest. That is one of the fundamental issues. You can have a Gini coefficient, you can have all these measures that say, 'Tasmania is more equal than WA. Isn't that a wonderful thing?' I would prefer to see an economy growing as quickly as WA's, lifting incomes across the board, than to see Tasmania's economy, which has not been growing but where everyone is more equal. We bring everyone together. We bring everyone down. That is the Left's way of doing things. That is how you make everyone equal. If there is no economic growth we will all be more equal.
I will give some more figures. I completely disagree with Senator Siewert's comment, which is actually talking Australia down. If you look at the economic growth that actually occurred under a former Labor government, the Hawke-Keating government—it was different with the last Labor government—and under the Howard government we did see incomes rising across the board. Isn't that a wonderful thing? Isn't that something we should be celebrating, as those at the bottom see their income going up in real terms? They see their opportunities going up. In some cases, those at the top end are going up a bit faster. Is that really the fundamental issue? Would we rather see the Tasmanian experience, where everyone grows slowly together and grows closer together, or the WA experience, where we see faster growth, a stronger economy and, low and behold, those at the bottom in WA—

*Opposition senators interjecting—*

**The ACTING DEPUTY PRESIDENT (Senator Edwards):** Senator Seselja! Okay, we have silence back in the chamber. Please resume your contribution.

**Senator SESELJA:** I am going to go through some of the statistics. We have a very useful table of incomes that splits up income growth over a period of couple of decades right across the OECD. It is a really useful look at how people are doing. This is real growth in income, so it is above inflation. It is people's actual improvement. It is an OECD comparison. The total population of Australia on average saw incomes go up annually in real terms by 3.6 per cent in that time. That compares very well to the rest of the world. We see that the bottom decile went up by three per cent—the average was 3.6 per cent—and the top decile went up by 4.5 per cent. In that case, yes we have seen the top going up more quickly than the bottom. Let us look at some of the examples given to us as the benchmark by witnesses. The benchmark was the Scandinavian countries. We were told that they were the ones we should be seeking to emulate.

**Senator Conroy:** What's their Gini coefficient?

**Senator SESELJA:** In fact, it is getting worse, Senator Conroy. They are getting less equal. The income of the total population in Finland, for instance, went up by 1.7 per cent and the top decile went up twice as quickly as the bottom. We were told that places like Sweden are wonderful, but there the top went up six times as quickly. So that argument did not really hold water. The ones that really struck me—this goes back to the Tasmanian example—the countries that saw the bottom going up more quickly than the top, so therefore the country was becoming less unequal, were Ireland, Portugal and Spain.

We see countries whose economies are not doing well becoming more equal. That is at the heart of the debate we are having with our Labor and Greens colleagues. It is not about bringing everyone down. It is not about slowing economic growth so that everyone becomes a little closer together. We should acknowledge, if you look at the last couple of decades of Australia, that we have done well not just in overall economic growth but across the income levels. Across income levels, people have gotten better off. That is something we should be celebrating. We should not be taking the model that is suggested to us in the majority report, that we take the Tasmanian example as somehow being better than the WA example. I completely reject that. That is socialism masquerading as fairness. It is really simply about the redistribution of wealth. We want to see everyone lifted. We want to see everyone given the opportunity to thrive. If you do that, if you create those economic conditions, inevitably some people will do a bit better than others. We should be doing all we can to make sure that there
are not blockages to those opportunities so that people can have the opportunity to get a good education, whatever their background, and people can have the opportunity—if they want to—to start a business without the government getting in their way constantly and holding them back. We want to empower Australians.

Two people who are given exactly the same opportunities will not always have exactly the same outcomes. That is the way life is. We do not actually resile from that. Some people will choose to put more hours into their business or into their work and they may well get more prosperity. Some people have more luck. In the end, as long as we are having the fundamental conditions that allow people to thrive, we believe that is the way to go and not the model that is suggested to us by those opposite, which is that we bring everyone down and bring everyone closer together. We want to lift everyone up, give everyone the opportunity to thrive and see the whole economy—whether it is the top, the middle or the bottom—all doing well and all having the opportunity to thrive. I think that is a fundamental difference between us and the other side. That is why we did not agree with the majority report. That is why I would commend the dissenting report to the Senate.

Senator PERIS (Northern Territory) (17:46): I too rise to speak on the report Bridging our growing divide: inequality in Australia. I also want to take this opportunity to thank the chair of our committee, Senator Siewert, for her incredible amount of work and extend my thanks to the witnesses who came forward and presented during the committee work. It is really quite interesting listening to both sides of the chamber. Senate Seselja was talking about bringing people together and not leaving people behind. The thing is that in order to do that you need investment. This is what this report is all about.

When I decided to get into politics, I did so because I wanted to fight for change. I wanted to address the massive inequalities that exist within Australia. If we cannot acknowledge that these inequalities exist, we are in complete denial of what is real and what is not real in this country. Above all, this report is fundamentally about people—human beings—and it is about providing information that allows us to better understand the compounding impacts of inequality and how it affects people that reside in our society.

This inquiry was also concerned with the extent, as we have heard from Senator Siewert, of income inequality in this nation. Primarily, it relates to the gap between those with the highest incomes in this country, those with the lowest incomes in this country and, in some cases, those with no incomes living in this country, as well as the distribution of incomes in the wage-earning population. It was of particular concern to me that these particular groups—which are divided in this society purely because of their income—have a limited ability to gain access to housing, education and employment, which are the fundamental things that play a major role in everyday life for every Australian.

One of the most particular things which, for obvious reasons, were of grave concern to me was the income of the many disadvantaged groups in this country. Some of those disadvantaged groups, which I have spoken out about and advocated for many times, are Aboriginal and Torres Strait Islander peoples; our older citizens who are also jobseekers; people living with a disability; those with mental illness; our refugees; single parents; and disadvantaged women. Many members of these groups are vulnerable to poverty and inequality for many reasons that they simply cannot control. That is why people need a
helping hand. We could be arguing until we are blue in the face, but that is a reality of human beings. There are a lot of people out there who will always require a helping hand.

Typically among the lowest income earners in society, who are disproportionately represented in this report, are those who are recipients of social security and who are also public-housing tenants. The extent of income inequality, its effects and possible remedies relates to a number of policy areas, which involve all three levels of government. One of the things that the report identified was that the minimum wage should remain, as it is an important mechanism for low-income earners to avoid the poverty line and participate in society. Evidence shows that the minimum wage makes a huge difference to income inequality and the rates of poverty.

It is important that the minimum wage is set at a level that reflects the rising cost of living in Australia. In particular, in the Northern Territory—my home place—we have a vastly higher cost of living than anywhere else in this country and other Australians. Territorians are paying substantially more for our food, health care, fuel and rent. In fact, the Australian average weekly expenditure on food is $221.50; in Darwin it is $232.80. Another thing that is quite remarkable is that, just outside the region of Darwin, the weekly expenditure of Darwin rural area people on food is $256.90. That is a cost that continues to rise, while the minimum wage remains pretty much static.

The Northern Territory's Council for Social Services' most recent report on the cost of living states that households who depend on remote stores for their shopping are spending more than one-third of their income on food and are paying nearly 50 per cent more on food than urban households. These members of the Territory community are some of the lowest income earners in the country. For example, a family in a remote area that spends $256.90 a week on food may not be able to afford a power card, which is imperative to having power in a remote community, and therefore they do not have electricity for their fridge. In this country, we have fellow Australians who simply cannot afford electricity, which is simply astounding.

Income inequality is just one of the many inequalities that has driven poverty faced by Aboriginal and Torres Strait Islander people. The current focus of Australian governments is to reduce the level of Aboriginal and Torres Strait Islander people's disadvantage across a number of key indicators. This year's 2014 Closing the gap report found that progress towards reaching targets on these indicators had been mixed. Income inequality is not the only issue that many people from regional and remote communities are faced with. Unemployment was a big factor in this report, and exclusion from the labour force is also a significant factor, especially in the Northern Territory. The 2011 census found that only 46.2 per cent of Aboriginal and Torres Strait Islander people were employed, compared with 72.2 per cent of non-Aboriginal Australians. The Aboriginal and Torres Strait Islander people's unemployment rate was more than double the rate for non-Aboriginal and Torres Strait Islander people. Overcoming income inequality is a process that will require long-term economic and social investment. I encourage the state and territory governments to recognise and act on creating long-term sustainable employment opportunities for all Australians.

We all know that dignity is enhanced by work. It is important to me that we make every effort to ensure that all Australians have fair access to health care, food security, employment and housing. Without a thorough understanding of the corrosive effects of income inequality,
this cannot be achieved. It is incumbent on government to use all of the recommendations of evidence provided in this report to define a better and fairer policy response to inequality, which remains the major social issue facing our country.

**Senator BILYK** (Tasmania—Deputy Opposition Whip in the Senate) (17:55): I also would like to take a few moments today to talk about the Community Affairs References Committee's inquiry into income inequality. Along with Senator Siewert and Senator Peris, I also would like to thank the witnesses and the secretariat and all those who submitted to the inquiry for the hard work they did. It is quite clear from the statistics, the evidence given at the inquiry and the anecdotal evidence that we as senators hear from the community that there is a growing gap between the least well-off and the most well-off in Australian society. Inequality is growing in assets, incomes, health and education outcomes, and quality of life.

As a member of the committee and as a Senator from Tasmania, it was of particular importance to me to hear evidence from Tasmanian witnesses at the Hobart hearing, but I also heard evidence throughout Australia from other people. The reason it was so important to me was that I understand that Tasmania is highly affected by income inequality—no matter what Senator Seselja might like to portray. Unfortunately, 32 per cent of Tasmanians are in the lowest 20 per cent of income nationally, and 14,000 Tasmanian children are estimated to live in poverty. It is unfortunate that this government used its first budget to pursue an ideological agenda to start the process of removing the social safety nets that have been a fabric of our society since the time of Prime Minister Whitlam. The cruel cuts and broken promises in Mr Abbott's budget will only result in more suffering from Tasmanians—in particular, young job seekers, students and pensioners. Evidence given by Meg Webb from the Tasmanian Council of Social Services highlights just how bad this government's policies are for Tasmania. Ms Webb said:

The impact of the 2014-15 federal budget measures are likely to be felt across Tasmania for many years. The reduction in levels of federal funding for health, education and housing through the cessation of a number of national partnership agreements, and the removal of some special purpose payments, will have a significant impact on the Tasmanian budget. In fact, the Tasmanian Treasury estimates that the financial impact of the Australian government's savings initiatives on Tasmania will be $2.1 billion over the next 10 years. Proposed changes to income support will have a significant impact on Tasmanians and Tasmania.

I do not know how the Tasmanian government members in the other place—Mr Nikolic, Mr Hutchinson and Mr Whiteley—can say that they have been standing up for Tasmania, when their federal Liberal government wants to rip $2.1 billion out of our state.

Witnesses at the Hobart hearing included Baptcare, the previously quoted TasCOSS, the Youth Network of Tasmania, and experts of housing business, economics and sociology from the University of Tasmania. These witnesses gave many examples of how Mr Abbott's government is failing Tasmania's most vulnerable. Baptcare were particularly concerned about the effects that the government's policies would have on young Tasmanians, telling the Hobart hearing:

... Baptcare is concerned about measures in the recent federal budget which will increase income inequality, long-term and severe disadvantage, and financial and housing stress amongst our client groups. ... We are very concerned that the plans to severely limit eligibility for Newstart and to move to 22- and 23-year-olds to the even lower youth allowance will lead to the loss of rental housing and
increase levels of homelessness in the under 30s. And we are concerned that this may aggravate Tasmania's already high youth suicide rate.

We on this side of the chamber know just how important education is to lift people out of poverty. That is why Labor in government invested in the Gonski school education reforms and increased funding to higher education. That is why we oppose this government's plans for $100,000 degrees. Dr Blacklow reinforced this view to the committee in the Hobart hearing, saying:

… education generally is probably one of the key ways to address inequality.

Earlier this week, we debated the government's attempts to hike student fees while slashing Commonwealth funding to universities; however, we in this place have to ask ourselves how our policies will affect an individual's access to higher education. Unfortunately, the policies of the Abbott-Liberal government will take away the opportunities for children from low-income families to attend university. This will hit young Tasmanians particularly hard. The representative from the youth network of Tasmania warned the committee of the effect that the government's policies would have on young people from disadvantaged backgrounds accessing higher education. She said:

We are definitely of the view that young people, particularly young people of disadvantaged backgrounds, will be less likely to engage in higher education. It will be a goal that is just that more out of reach for many young people, particularly when you think about the difficulty in getting employment, the difficulty in getting affordable housing and things like that.

But here, where we have one university, it is going to be very challenging if, under the proposed rules, that university is able to set their own rates and it is then out of reach for many young people. I think that would cause a big problem.

At the Hobart hearing the committee also heard evidence about the dramatic effect the coalition's policies would have on the University of Tasmania and Tasmania's reputation as a quality higher education provider. Professor Jacobs, Deputy Associate Dean of the School of Social Sciences at UTAS, told the committee:

The areas which could attract people here are actually not getting the necessary funding to maintain their reputation abroad. The University of Tasmania is a major employer in this state. But the reforms going through the Senate will seriously jeopardise the budget of the University of Tasmania and it will become less attractive internationally for students to come here.

This government's policies on health care will also lead to a greater increase in health inequality in Tasmania. Again I would like to draw from evidence, given by Meg Webb from TasCOSS, who said:

Visits to the GP—primary health care—is the best way to avoid the much more expensive end of acute hospital care. Tasmania more than anywhere else needs to encourage better usage of primary health care. We need nothing to discourage people from attending their GP appointments regularly. A co-payment does that outright. Particularly for people in Tasmania who are on low incomes, who are on allowances and pensions, any level of co-payment required will be a deterrent and that will inevitably lead to worse health outcomes and a much more expensive health system for our state in the long run.

We already know that Tasmanian Senator Abetz does not have any empathy for the young people who are seeking work in Tasmania. He callously told young job seekers they should go fruit picking or move to get a job, but evidence given at the Hobart inquiry would argue
against the view that it is easy to get a job. Mr Brendan Churchill, lecturer in social sciences at UTAS, told the committee:

For young Tasmanians, if they move and they want to move to a nearest population centre, there is no guarantee that they are actually going to find work. There is no immediate solution. I know Victoria and South Australia are also experiencing similar levels of youth unemployment, so even if they do make the jump to the mainland there is no guarantee that this issue is resolved. It is just one person less that the Tasmanian community has to worry about, which is a shame.

I call upon members of this place to read this important report. In particular I encourage crossbenchers who are trying to determine if they support a particular policy to read the report and the submissions to this inquiry, because a mountain of evidence was gathered in opposition to the government's policies.

This inquiry got to the root of income inequality in Australia. It demonstrates that inequality is growing across Australia, in particular in rural and regional areas like my home state of Tasmania. The committee heard evidence time and time again about how this government's dysfunctional budget would increase inequality across Australia. I call upon the government to stop its ideological attacks on students, on pensioners, on young job seekers and on those who are not as well off as them and to start delivering policies to support all Australians, not just their mates in big business. I call upon the government to return to the ideal of Australia as an egalitarian society where we help those who are in trouble and where everyone receives a fair go because that is the Australian way.

Senator MOORE (Queensland) (18:03): I will only talk briefly on this report. I think it is important we do so, because in terms of this particular report this is an ongoing discussion on issues that were raised over many years in the past. I think the reason it has formulated discussion in our Senate is some focus that has been put on the issue by a meeting that was held earlier this year by a group called Australia 21, which called upon the Australian community to look at the issues of income distribution in our nation. Part of the whole reason we had this inquiry was to ask: are these issues important? We know there is a wide range of view and philosophical opinion on this, and I have to admit that through the process of this inquiry I have been confronted by more economic discussion and graphs than I care to enjoy.

It is a duelling system of economic position on the area, but the one thing I think came out of it more than anything else was the fact that people care. People care about this issue. It has been given a good push along, and now Christine Lagarde has made comment on the issue and put it into the agenda to say that economies where there are clear distribution issues and income inequality are not as strong or effective as others. That has thrown a challenge to the economies of the world. What we have now is clear analysis of the status of income inequality across the OECD nations. This has led to an outpouring of graphs which show ratings as to where the Australian economy fits across other nations. Depending on which graph you look at, there are different processes of where we fit. Indeed, the core argument that came out and which I think will continue to be discussed in this place was that which Senator Seselja pointed out.

It is called the boats analogy. If the tide rises, it means that all the boats go up. The issue is that we are all better off than we were in the past. There is no argument about that. No matter which graph you look at, you see that people across Australian society have more wealth than they had in the past. But there are arguments against that, and I have to admit one that attracts
me, though I am always fascinated by Senator Seselja's obsession with the left and right in this argument—I do not identify; it is not as clear as that—is that, yes, all the boats go up, but there are some boats that go up to a much higher level and leave other boats behind.

The issue that has attracted me in this discussion is the issue of mobility. If people are entrenched in an element of poverty, what are their opportunities and options for the future? We have heard other speakers talk very strongly about issues around education, health and disadvantage. The argument that we heard consistently through our inquiry was that, if you are entrenched in the lower percentiles—which comes into the argument all the time—you will have less opportunity. Your health, your education and your career and work opportunities will all be impacted.

In fact, we have seen that in a range of literature over the past years. I remember the Catholic social justice organisation put out documentation, which they are now updating, that looked at the postcode raffle in Australia. There are certain communities in Australia, because of the elements of disadvantage, who are concentrated in the lower level whose health and wellbeing are consistently going backwards. So all the boats might be rising but people in the lower groups, who are at the far end of the income scale, are seriously disadvantaged.

Several chapters of this report put forward the argument that, even though we have a stronger economy, one of the most well targeted welfare systems in the world—and every argument points to that reality—and an effective tax system that redistributes wealth and all the actions that economies are taking to make their wealth more equitable, the people entrenched in poverty, those people who are reliant on social welfare, are still severely disadvantaged. That is a direct result of aspects of income inequality in our community.

I will not talk any longer today. I can feel some tension in the air that people want to move on. We will have more opportunities to speak on this issue—I will be moving to continue my remarks later.

What we can do as a nation was part of the challenge of this committee. It was a challenge to us to keep the discussion going, to listen to the community. I think this is a step. We have a number of recommendations. Part of our recommendations is that we continue to analyse what is happening in our community, identify the issues, listen to the arguments and maintain a watch on this space. We think our government has the responsibility to keep a watch on the issue of income inequality in our community. We think that should be part of the standard operation of government. When we are putting forward budgets—and a lot of this committee looked at the impact of the last budget—we need to ensure that income inequality is one of the lenses that are put over what changes we are proposing to make. That should be part of the information that is shared freely. We think that should happen on a regular basis. I seek leave to continue my remarks later.

Leave granted; debate adjourned.
DOCS
Homelessness
Ipswich Motorway
Income Management Proposals
Order for the Production of Documents

Senator BIRMINGHAM (South Australia—Parliamentary Secretary to the Minister for the Environment) (18:10): I table documents relating to the orders for the production of documents concerning housing and homelessness initiatives, the Ipswich Motorway project and income management in the Northern Territory.

MINISTERIAL STATEMENTS
Aviation Safety Regulation Review

Senator BIRMINGHAM (South Australia—Parliamentary Secretary to the Minister for the Environment) (18:10): On behalf of the Deputy Prime Minister, I table a ministerial statement and document on the Australian government's response to the aviation safety regulation review report.

Afghanistan
Iraq

Senator JOHNSTON (Western Australia—Minister for Defence) (18:10): by leave—I speak today to update the parliament and the Australian people about Australia's missions in Afghanistan and Iraq. Since my last statement in December 2013 there have been significant developments in Australia's mission in Afghanistan and this year has seen the commencement of the ADF mission in Iraq. There have been significant developments in Australia's mission in Afghanistan, including the completion of our mission in Uruzgan province and the historic transition of power to the national unity government of President Ghani and Chief Executive Officer Abdullah.

I most recently visited Afghanistan in September of this year. My visit gave me the opportunity to see the progress being made. I also saw firsthand the work being carried out by our military and civilian personnel to support Afghanistan to ensure that its security, freedom and economy continue to develop. I met with senior Australian, ISAF and Afghan commanders and had an opportunity to address Australian troops serving in national and coalition appointments in Kabul.

After 13 years the largest military coalition in recent history, the ISAF mission, will conclude at the end of 2014 as planned. Our Afghan partner, the Afghan National Security Force, has grown in confidence and capability and is now in the lead for combat operations throughout Afghanistan. Challenges remain, but the ANSF continues to demonstrate its ability to plan and conduct independent and combined operations to protect the Afghan people.

Sadly, Australia lost another soldier this year, Lance Corporal Todd Chidgey, in a non-combat related incident in Afghanistan. Our mission in Afghanistan has come at a heavy cost, with the loss of 41 Australian Defence Force personnel and another 261 wounded. Our thoughts are with Lance Corporal Chidgey's family. They are not alone in their sorrow.
As the ISAF chapter closes, I think the ADF can look back with honour and pride in what it has achieved in Afghanistan. I am confident that we will continue with the same professionalism and dedication post-2014. It remains the Australian government's strong view that it is in Australia's interest to remain engaged in Afghanistan as part of this overall effort. Australia is committed to supporting security and stability in Afghanistan beyond 2014 through cooperation in security, diplomatic and development channels, and continuing to build the capacity of Afghanistan's national institutions.

In addition, our aid program will continue to build on and protect the gains of the last decade, supporting economic growth and governance, the empowerment of Afghan women and girls in particular, and at-risk populations. This has been quite remarkable. Australia has pledged to contribute to the post-2014 NATO-led train, advise and assist mission and our current contributions provide a good foundation for Australia's post-2014 commitment to Afghanistan.

The end of 2014 will also mark the conclusion of Operation Slipper, Australia's military contribution to the ISAF mission in Afghanistan and the International Coalition Against Terrorism mission across Afghanistan and the Middle East which commenced in October 2001. Since Australia commenced operations in the region, more than 33,000 Australian Defence Force personnel, Australian government civilians and Australian Federal Police have deployed to the Middle East area of operations.

On 1 March 2014, Prime Minister Abbott announced that Australia will have an Anzac Day style national commemoration for the war in Afghanistan to ensure that the bitter experience of returning Vietnam veterans is not repeated for those who have served in Australia's longest war. It is important for the Australian people to have the opportunity during a nationwide commemoration activity to say thank you to the men and women who have served in the Middle East region. This activity will be held in each state and territory capital city and Townsville on Saturday, 21 March 2015.

The national commemoration for the completion of Operation Slipper will recognise the commitment and sacrifice of all Australian personnel who have deployed as part of Australia’s commitment to combat terrorism across Afghanistan and the Middle East. Operation Slipper has involved civilian and military members from the Department of Defence, Department of Foreign Affairs and Trade and other government agencies.

I also wish to update the parliament on the commencement of the ADF mission in Iraq, to assist the Iraqi government and the people of Iraq to combat the major threat posed by the brutal actions of ISIL, also known as Daesh. This is not a decision the government has taken lightly. Ultimately it is Iraq that must defeat ISIL, but it cannot be left to confront this horrendous movement alone.

Australia is reluctant to reach out to conflicts thousands of miles away, but this conflict has reached out to us. At least 70 Australians are fighting with ISIL and other terrorist groups in Iraq and Syria, and another 100 or so supporting these extremists from inside Australia. This situation is as much a matter of domestic security as it is of international security. This trade is contribution is part of a broader coalition of over 60 nations that are operating in close collaboration with Iraq. This action has the support of regional nations across the Middle East and the wider international community.
The government's decision has the support of the Prime Minister of Iraq, Dr Haider Al-Abadi, and responds to a formal request from the US Government to contribute specific ADF capabilities to the international coalition. Australia's contribution to the broad international coalition in Iraq includes: up to eight FA18 Super Hornet combat aircraft; one E7A Wedgetail airborne early warning and control aircraft; one KC130A tanker and transport air-to-air refuelling aircraft; up to 400 personnel required to operate and sustain these capabilities; and a Special Operations Task Group of approximately 200 personnel to act as military advisers to the Iraqi Security Forces.

During my September visit to the Middle East, I was lucky enough to meet many talented and dedicated members of the deployed Australian Air Task Group and Special Operations Task Group and was impressed by the extreme skill and professionalism of these Australian Defence Force personnel. I was pleased to learn that 51 women have been deployed as part of our Air Task Group in a range of operational and support areas, including as watch keepers, air operations coordinators, intelligence analysts and legal and public affairs officers.

As of 24 November 2014, our FA18 Super Hornets had flown 64 missions in Iraq, each with two aircraft. The KC30A aircraft had flown 51 missions in Iraq, providing air-to-air refuelling support for Australian planes and other coalition aircraft. The E7A Wedgetail aircraft had flown 35 missions in Iraq, providing command and control and intelligence, surveillance and reconnaissance support to coalition forces. On several occasions, Royal Australian Air Force personnel have taken the lead in planning and coordinating multinational air operations against ISIL targets in Iraq and achieved considerable success.

In recent weeks an Australian FA18 Super Hornet identified a large, well-establish and hidden network of caves and bunkers occupied by ISIL in northern Iraq. Within days a subsequent multinational airstrike involving 20 aircraft attacked 44 targets, complimented by a large-scale ground operation led by the Kurdish Security Forces, and as such helped to clear this area of ISIL militants, with some reports indicating that over 100 Daesh fighters were killed.

Coalition air operations are providing vital support to the Iraqi Security Forces' military campaign on the ground. This support has helped the Iraqi forces reclaim territory and key elements of national infrastructure previously held by ISIL, including the Bayji oil refinery in the country's north and the Fallujah dam, which provides critical water supplies across almost the whole of central Iraq. Crucially, our operations are providing time and space for Prime Minister Abadi to build an inclusive government and to regenerate the Iraqi Security Forces.

The ADF mission in Iraq began with a clear humanitarian focus, and the plight of innocent civilians in Iraq remains central to all of our operations there. The ADF has conducted six humanitarian airdrop missions in northern Iraq to date to ease the terrible humanitarian situation imposed by ISIL forces on Iraqi civilians in the regions of Mount Sinjar and Amirli. The ADF has also conducted five military store supply missions to date, including arms and ammunition, as part of multinational efforts to equip the Kurdistan regional government to roll back ISIL. These stores are being used by Kurdish Peshmerga forces, which are operating in close conjunction with the Iraqi government security forces. Australia's objective in providing this support is to work with the Iraqi government to ensure it is able to keep its people safe, maintain reasonable control over its territory, and combat ISIL, or Daesh.
Australia stands firm as a responsible international partner who responds swiftly and effective to global security challenges. Our commitment to the mission in Afghanistan and our steadfast support for the international efforts against ISIL in Iraq signify Australia's firm intentions to deny terrorists safe havens to plan and train for attacks against civilians. We are not in this alone. In both Afghanistan and Iraq, Australia is a leading member of multinational coalitions who are working in close partnership with the host nations to defeat our mutual enemies.

It is important to remember that both these missions involve risk to our ADF personnel. As they conduct these essential missions, our thoughts are with them, particularly at this time of the year. They are doing a simply wonderful job.

I table the statement and seek leave to incorporate the statement in Hansard.

Leave granted.

The statement read as follows—

Introduction

I speak today to update the Parliament and the Australian people about Australia's missions in Afghanistan and Iraq. It is appropriate that the Government provides regular reports and updates on Australia's major military operations.

Since my last statement on 11 December 2013, there have been significant developments in Australia's mission in Afghanistan, including the completion of our mission in Uruzgan and the historic transition of power to the National Unity Government of President Ghani and Chief Executive Officer Abdullah.

Sadly, Australia also lost another soldier, Lance Corporal Todd Chidgey, in a non-combat related incident in Afghanistan. Our mission in Afghanistan has come at a heavy cost with the loss of 41 Australian Defence Force (ADF) personnel and another 261 wounded. Our thoughts are with Lance Corporal Chidgey's family. They are not alone in their sorrow.

Today I will provide an update on the forthcoming completion of the International Security Assistance Force (ISAF) mission in Afghanistan and transition of full security responsibility to the Afghan National Security Forces (ANSF).

I will also confirm Australia's continued commitment to Afghanistan beyond 2014 through our participation in the North Atlantic Treaty Organisation (NATO) 'train, advise and assist' mission, Resolute Support Mission, and our financial support to the sustainment of the ANSF.

In relation to Iraq, in June this year the then Government of Iraq sought international assistance to combat the threat of ISIL.

Australia's response was swift and decisive.

We contributed immediately to provide humanitarian relief supplies to the people of northern Iraq, and helped transport urgently needed arms and equipment to the Kurdish Peshmerga fighting ISIL. At the request of the United States Government, and with the support of the Government of Iraq, we have since become a participant in coalition combat air operations and have deployed a Special Operations Task Group to advise and assist the Iraqi Security Forces.

I will update the Parliament on Australia's deployments to Iraq, and the results that we are seeing from the efforts of the broader US-led coalition mission to degrade, and ultimately destroy ISIL.

Afghanistan

I most recently visited Afghanistan in September this year. My visit gave me the opportunity to see the progress being made, and I also saw first hand the work being carried out by our military and
civilian personnel to support Afghanistan to ensure that its security, freedom and economy continue to develop.

I met with senior Australian, ISAF and Afghan commanders, and had an opportunity to address Australian troops serving in national and coalition appointments in Kabul. I received an update on the situation in the southern provinces of Afghanistan, and met with, and addressed, members of the ADF contingent serving in Kandahar.

**Australia’s 2014 Contribution**

The Australian military and civilian contribution in Afghanistan is focused on the development of the ANSF through a regionally and nationally oriented training and advisory support mission as well as critical support areas such as force protection, advising, medical, and intelligence. In total, around 400 ADF personnel continue in these important roles.

These important roles include Australian advisers, support staff and force protection personnel assigned to the UK-led Afghan National Army (ANA) Officer Academy in Kabul.

Mentoring teams at the Academy, including Australian personnel and our British and New Zealand partners are providing training to help develop professional ANA officers; the future leaders of the ANA. The first group of officers graduated from the ANA Officer Academy in September this year. Significantly, Afghan women are also playing an increasing role in the ANSF with the first intake of women at the ANA Officer Academy occurring in February 2014.

The team also assists the development of Afghan instructors who deliver training to ANA officer cadets. Female staff are also receiving instructor training with their male colleagues, and are mentored by a coalition female mentoring team.

Australia also continues to lead the ANA 205 Corps Coalition Advisory Team in Kandahar. The advising team provides advice to the ANA 205 Corps senior leadership to support its independent operations across the south of Afghanistan, including Helmand and Uruzgan. The team operates from its headquarters at Camp Baker at Kandahar Airfield and provides advice and assistance to the ANA 205 Hero Corps’ headquarters staff and senior officers.

Australia also has a small number of Special Forces personnel working with the ISAF Special Operations Advisory Group to train, advise and assist ANSF personnel in the Headquarters General Command of Police Special Units in Kabul.

Throughout 2014 Australia also maintained its cadre of embedded military and civilian personnel at ISAF Headquarters, ISAF Joint Command and Train Advise Assist Command – South, previously known as Regional Command – South, a commitment that is valuable to, and praised by, the United States and other coalition partners.

Through these embed roles, our Australian embedded personnel have provided critical specialist advice and leadership in support of ISAF operations.

In 2014, Australia also concluded its contribution of valued health specialists to the Role 3 Multinational Medical Unit in Kandahar which included general and orthopaedic surgeons, and critical intensive and emergency care staff such as nurses and anaesthetists.

The Logistics Training and Advisory Team in Kabul provided invaluable logistics training and support with its mission concluding on 19 July 2014.

In addition, the Royal Australian Air Force Heron Remotely Piloted Aircraft deployment was extended until 31 December 2014 to provide intelligence, surveillance and reconnaissance support to enhance security in southern Afghanistan and support the Afghan Presidential election rounds.

Heron aircraft have completed more than 27,000 flying hours providing high resolution intelligence, surveillance and reconnaissance support to Australian forces and our International Security Assistance Force (ISAF) partners in southern Afghanistan since August 2009.
Today, I announce that Operation SLIPPER's 15th and final Heron Remotely Piloted Aircraft (RPA) rotation flew its last mission in Afghanistan from Kandahar Air Field on 30 November 2014.

Approximately 490 Air Force, Navy and Army personnel deployed with the Heron detachment during its 15 rotations.

Following the conclusion of Australia's mission in Uruzgan in December 2013, the Heron mission was extended to support ISAF members in Regional Command – South, including support to the 2014 Afghan presidential election.

All Heron detachment personnel will return to Australia by the end of December 2014.

Australia also continued its strong financial support through our contribution to the ANA Trust Fund, to assist develop the capacity and capability of the ANSF.

Australia's contribution to the ANA Trust Fund for 2010-2014 involved a total of US$200 million to help deliver an enabled, independent and self-sufficient ANA capable of providing security for the Afghan people.

To date Australia's contribution has supported projects including command and control capabilities, information technology infrastructure, building 4th Brigade barracks in Uruzgan, and operations and maintenance projects.

Australia also provides two ADF officers in military liaison roles as part of the United Nations Mission in Afghanistan (UNAMA). They are located in UN Regional Offices in Kabul and Kandahar, as part of the UNAMA Military Advisor Unit, and maintain contact and liaison with all military forces throughout Afghanistan on behalf of UNAMA.

Our men and women across these complex and diverse roles continue to risk their lives to participate in this vital mission to build the capacity and capability of the ANSF to take full security responsibility for their country.

In February 2014, I had the pleasure of hosting Afghanistan's Minister of Defense, His Excellency Bismullah Khan Mohammadi.

This was an opportunity to discuss Australia's commitment to Afghanistan, regional Defence engagement, and the importance of cooperation between defence forces on shared challenges, such as disaster response and international terrorism.

Minister Mohammadi paid tribute to Australia's support and to our sacrifice in helping Afghanistan take responsibility for its own security.

During his visit, Minister Mohammadi also had the opportunity to see first hand some of the training that Special Forces undergo at Holsworthy Barracks in Sydney, as well as officer training at Australia's Royal Military College Duntroon.

Minister Mohammadi attended the Victoria Cross Investiture Ceremony for Corporal Cameron Baird at Government House, paying tribute to Australia's sacrifice and ongoing support to his nation.

Conclusion of the ISAF Mission

After 13 years, the largest military coalition in recent history, the ISAF mission, will conclude at the end of 2014 as planned.

Our Afghan partner, the ANSF, has grown in confidence and capability and is now in the lead for combat operations throughout the country.

Challenges remain but the ANSF continues to demonstrate its ability to plan and conduct independent and combined operations to protect the Afghan people.

The ANSF secured two rounds of national Presidential elections and prevented insurgents from disrupting voters' participation in this historic democratic transfer of power.
Once again I would like to congratulate the Government of the Islamic Republic of Afghanistan, the people of Afghanistan and the Afghan National Security Forces on the first ever democratic transfer of power following a momentous election and the formation of President Ghani's National Unity Government.

The Afghan people showed immense courage in defiance of those seeking to disrupt Afghanistan's future through violence.

When ISAF operations end, the Afghan authorities will assume full responsibility for security but the international community will remain in support of Afghanistan.

As the ISAF chapter closes, I think the ADF can look back with honour and pride in what it has achieved in Afghanistan and I am confident that we will continue with the same professionalism and dedication post-2014.

**Australia's Commitment post-2014**

At the NATO Wales Summit in September this year, the international community reconfirmed its support for Afghanistan beyond 2014 and its determination to ensure that we are never again threatened by terrorists from within Afghanistan.

It remains the Australian Government's strong view that it is in Australia's interest to remain engaged in Afghanistan as part of this effort.

Australia is committed to supporting security and stability in Afghanistan beyond 2014 through cooperation in security, diplomatic and development channels, and continuing to build the capacity of Afghanistan's national institutions.

In addition, our aid program will continue to build on and protect the gains of the last decade, supporting economic growth and governance, the empowerment of Afghan women and girls, and at-risk populations.

We have consistently and publicly pledged to contribute to the post-2014 NATO-led 'train, advise, assist' mission pending appropriate legal arrangements.

Australia, along with the United States and our NATO partners, welcomed the swift signature by the Ghani Administration of the Bilateral Security Agreement with the United States and the NATO Status of Forces Agreement.

Australia also welcomes the recent ratification of both agreements by Afghanistan's Parliament. These agreements provide the legal framework for the post-2014 mission, including for operational partners such as Australia.

To consolidate and build on the security gains of the last 13 years, the ANSF and security ministries will still need continued training, advising and assisting particularly in key areas such as institutional development, aviation, special operations and intelligence. International assistance in financially sustaining its forces and operations will also be critical.

Partner nations, including Australia, stand ready to continue to train, advise, and assist our Afghan partners after 2014 through the NATO-led *Resolute Support Mission*.

This mission will not be a combat mission. It will be different from ISAF and significantly smaller.

*Resolute Support Mission*'s focus will be to train, advise and assist the ANSF and the supporting Ministries at the ministerial, institutional and operational levels across Afghanistan.

Australia has pledged to contribute to the post-2014 NATO-led 'train, advise, assist' mission and our current contribution provides a good foundation for Australia's post-2014 commitment.

**ANSF Sustainment**

Financial support from the international community to assist Afghanistan with sustainment of its security forces is essential to Afghanistan's stability and security.
At the September NATO Summit in Wales, the international community reaffirmed its 2012 Chicago Summit commitment to contribute to the financial sustainment of the ANSF from 2015 to 2017 and urged the wider international community to remain engaged in the financial sustainment of the ANSF.

This included a commitment to maintain and strengthen transparent, accountable and cost-effective funding mechanisms.

The funding will be directed towards the requirements of the ANSF such as training requirements, military education, and required infrastructure and equipment sustainment.

Australia is a leading contributor to this important endeavour and has committed to provide US$100 million each year for three years from 2015 as part of the international contribution to help sustain and support the ANSF.

This will include US$80 million from Defence each year through the ANA Trust Fund. The remaining US$20 million each year will be from the Department of Foreign Affairs and Trade.

This significant financial commitment has enabled Australia to take on a leadership role within the international donor community.

We will continue this role in 2015 through our participation in the Oversight and Coordination Body and the ANA Trust Fund Board which provide oversight and coordination of international funding for ANSF sustainment.

International support for the financial sustainment is on the understanding that the Afghan Government will make an increasing financial contribution to this endeavour.

The efforts of Afghan authorities to fight corruption, improve transparency, and review its force structure and capabilities of the ANSF to achieve a sufficient and sustainable force need to continue.

End of OPERATION SLIPPER

The end of 2014 will also mark the conclusion of Operation SLIPPER, Australia’s military contribution to the ISAF mission in Afghanistan, and the International Coalition against Terrorism mission across Afghanistan and the Middle East which commenced in October 2001.

Since Australia commenced operations in the region, more than 33,000 ADF personnel, Australian Government civilians and Australian Federal Police have deployed to the Middle East Area of Operations.

On 1 March 2014, Prime Minister Tony Abbott announced that Australia will have an Anzac Day style national commemoration for the war in Afghanistan, to ensure the bitter experience of returning Vietnam veterans is not repeated for those who have served in Australia’s longest war.

It is important for the Australian people to have the opportunity to say thank you to the men and women who have served in the Middle East region during a nation-wide commemoration activity. This activity will be held in each state and territory capital city and Townsville on Saturday, 21 March 2015.

The National Commemoration for the completion of Operation SLIPPER will recognise the commitment and sacrifice of all Australian personnel who have deployed as part of Australia’s commitment to combat terrorism across Afghanistan and the Middle East. Operation SLIPPER has involved civilian and military members from the Department of Defence, Department of Foreign Affairs and Trade and other government agencies.

Detainee management

With our redeployment from Uruzgan and the change to a national-level training and advisory mission, ADF detention operations drew to a close at the end of 2013.

In line with broader transition efforts, the ANSF now lead detention operations across Afghanistan.

Throughout our operations in Afghanistan, the Australian Government and the ADF have taken and continue to take their responsibilities to treat detainees humanely very seriously. We will continue to
ensure we meet our ethical responsibilities and, where applicable, Australia's domestic and international legal obligations.

As part of our detainee management framework, Australian officials and ADF personnel have monitored the treatment, welfare and conditions of all detainees transferred from ADF custody to Afghan (and previously US) custody. The remaining two ADF transferred detainees at the Afghan National Detention Facility-Parwan have been regularly monitored and no concerns have been identified with their treatment.

Since 1 August 2010, Australia has conducted over 160 separate visits to both Afghan and US detention facilities to monitor the welfare of ADF-transferred detainees. These visits included more than 2500 individual visit interviews and reports.

With transition to Afghan-led security, Australia will no longer conduct monitoring visits and will work with our Afghan and international partners to ensure the two remaining ADF-transferred detainees continue to be treated humanely in accordance with the applicable law.

Locally Engaged Employees
The Government is committed to the policy to settle locally engaged Afghan employees who come under risk of harm as a consequence of their work with Australia.

As the ISAF mission nears its end and the ANSF are in the lead for security, the majority of those locally engaged Afghan employees targeted by the policy have now arrived in Australia.

While this policy is still being implemented, I will refrain from commenting on the details to protect the safety of those locally engaged Afghan employees who are currently working with us.

I can confirm that Australia has now settled to date around 600 Afghan nationals, locally engaged employees and their families.

Those settled include Afghan interpreters and support workers who provided an invaluable contribution to our mission by breaking down language and cultural barriers, and represent the vast majority of those we sought to assist.

Iraq—Introduction
I also wish to update the Parliament on the commencement of the ADF mission in Iraq, to assist the Iraqi Government and the people of Iraq to combat the major threat posed by the brutal actions of ISIL also known as Da'esh.

This is not a decision the Government has taken lightly.

Ultimately it is Iraq that must defeat ISIL, but it cannot be left to confront this horrendous movement alone.

Australia is reluctant to reach out to conflicts thousands of miles away, but this conflict has reached out to us.

At least 70 Australians are fighting with ISIL and other terrorist groups in Iraq and Syria, and another 100 or so supporting these extremists.

This situation is as much a matter of domestic security as it is of international security.

On 24 September, the Prime Minister attended a meeting of the UNSC chaired by President Obama on Foreign Terrorist Fighters and called on countries to work together to defeat this terrorist movement.

Australia has a long and distinguished tradition of assisting people in need and this is why Australia has joined the United States and other international partners to help anti-ISIL forces in Iraq.

We are responding to a direct request from the Iraq Government for support.

It is right that Australia makes a prudent and proportional contribution to what is essentially a humanitarian operation to protect the people of Iraq from the murderous rage of ISIL.
Our objective is to work with the Iraqi Government to ensure that it is able to keep its people safe, maintain reasonable control over their territory, and combat ISIL in the territory which it claims.

President Obama said that in partnership with the Iraqi Government the US-led strategy will be to attack ISIL on several fronts by:

- conducting a systematic campaign of airstrikes against ISIL;
- increasing efforts to build the capabilities of the Iraqi Security Forces and other anti-ISIL forces fighting ISIL on the ground;
- using the US's counter-terrorism capabilities to prevent ISIL attacks; and
- continuing humanitarian assistance to civilians who have been driven from their homes by ISIL.

Australia's contribution is part of a broader coalition of over sixty nations that are operating in close collaboration with Iraq.

This action has the support of regional nations across the Middle East and the wider international community.

The Government's decision has the support of the Prime Minister of Iraq, Dr Haider Al-Abadi, and responds to a formal request from the US Government to contribute specific ADF capabilities to the international coalition.

Australia is acting as part of a broad coalition of countries from all around the world, including Iraq's Arab neighbours.

Iraq's Prime Minister, Dr Haider Al-Abadi, reiterated his strong support for Australia's military contribution to help restore order and security inside Iraq, and to combat ISIL, when I met with him in late September.

A key step in efforts to address the ISIL threat has been the formation of an inclusive government in Baghdad.

Our Prime Minister and Foreign Minister have underlined to their Iraqi counterparts the importance of inclusive policies that share power and resources amongst Iraq's various communities.

This will help address some factors that are contributing to ISIL's advance.

Australia welcomes the appointment of Ministers of Defence and Interior, completing Prime Minister Al-Abadi's inclusive Cabinet.

This is an important step toward addressing the challenges faced by Iraq.

**Australia's contribution to the international coalition in Iraq**

Australia's contribution to the broad international coalition in Iraq includes:

- up to eight F/A-18 Super Hornet combat aircraft;
- one E-7A Wedgetail airborne early warning and control aircraft;
- one KC-130A tanker and transport air-to-air refuelling aircraft;
- up to 400 personnel required to operate and sustain these capabilities; and
- a Special Operations Task Group of approximately 200 personnel to act as military advisers to the Iraqi Security Forces.

During my September visit to the Middle East, I was lucky enough to meet many talented and dedicated members of the deployed Australian Air Task Group and Special Operations Task Group and was impressed by the skill and professionalism of these Australian Defence Force personnel.

I was pleased to learn that 51 women have been deployed as part of our Air Task Group in a range of operational and support areas, including as watch keepers, air operations coordinators, intelligence analysts and legal and public affairs officers.
Update on Australian combat operations

Since the commencement of combat operations on 2 October, the Australian Air Task Group has maintained a high tempo of support to coalition air operations against ISIL.

As of 24 November 2014, our F/A-18 Super Hornets had flown 64 missions in Iraq, each with two aircraft. The KC-30A aircraft had flown 51 missions in Iraq, providing air-to-air refuelling support for Australian F/A-18Fs and other coalition aircraft. The E-7A Wedgetail aircraft had flown 35 missions in Iraq, providing command and control and intelligence, surveillance and reconnaissance support to coalition forces.

On several occasions, Royal Australian Air Force personnel have taken the lead in planning and coordinating multi-national air operations against ISIL targets in Iraq and achieved considerable success.

In recent weeks an Australian F/A-18 Super Hornet identified a large well-establish, and hidden network of caves and bunkers occupied by ISIL in northern Iraq. Within days a subsequent multinational airstrike involving 20 aircraft attacked 44 targets, complimented by a large-scale ground operation led by the Kurdish Security Forces, helped to clear this area of ISIL militants, with some reports indicating that over 100 fighters were killed.

Coalition air operations are providing vital support to the Iraqi Security Forces' military campaign on the ground. This support has helped the Iraqi Forces reclaim territory and key elements of national infrastructure previously held by ISIL, including the Bayji Oil Refinery in the country's north and the Fallujah Dam, which provides critical water supplies across central Iraq.

Crucially, our operations are providing time and space for Prime Minister Abadi to build an inclusive government, and to regenerate the Iraqi Security Forces.

A strong and stable Iraqi government, supported by capable and professional security forces will be vital to the long-term success of efforts to disrupt, degrade and destroy ISIL.

To assist the Iraqi Security Forces in their ground mission against ISIL, the Australian Special Forces Task Group has now completed its deployment into Baghdad and has commenced its mission to advise and assist the Iraqi Security Forces.

Through this mission Australian Special Forces will mentor and build the capacity of their Iraqi Counter Terrorism Service to enable them to conduct effective counter-terrorism operations against ISIL.

At this stage, Australian advice and assistance will focus on counter-terrorism operations conducted from Baghdad, however Australian forces are preparing to deploy to forward operating bases with our partner Iraqi counter-terrorism service to commence an advise and assist role there.

Other areas of support

The ADF mission in Iraq began with a clear humanitarian focus – and the plight of innocent civilians in Iraq remains central to all of our operations there. The ADF has conducted six humanitarian airdrop missions in northern Iraq to date, to ease the terrible humanitarian situation imposed by ISIL forces on Iraqi civilians in the regions of Mount Sinjar and Amirli.

The ADF has also conducted five military store supply missions to date, including arms and ammunition, as part of multi-national efforts to equip the Kurdistan Regional Government to roll back ISIL. These stores are being used by Kurdish Peshmerga forces, which are operating in close conjunction with the Iraqi Government Security Forces.

Australia's objective in providing this support is to work with the Iraqi Government to ensure it is able to keep its people safe, maintain reasonable control over its territory, and combat ISIL.
Achievements to date
The broad international coalition is maintaining strategic momentum against ISIL in Iraq.
We are denying ISIL's freedom of movement, that is their ability to mass their forces, and we are restricting their resupply of their fighters in the field.
We continue to target their means of transportation, their heavy equipment, command and control modes, and their logistic supply centres which is allowing us to degrade and disrupt them.
It is very pleasing that Iraqi and Kurdish security forces, with the assistance of the international coalition, have slowed the advance of ISIL across Iraq in recent weeks.
But this remains a difficult mission.
It is important that international coalition forces continue to maintain pressure through the air campaign, and progress efforts to provide Iraq's security forces with support, advice and assistance on the ground, in order to work with the people of Iraq to degrade, disrupt and ultimately destroy ISIL.
The United States-led coalition is assessing the effects of our support to Iraq regularly. The Government of Iraq is also considering how it will go about reforming and rebuilding its forces to ensure they are capable of independently managing Iraq's security. Australia is remaining closely engaged with the United States, coalition partners and the Government of Iraq as their plans develop for the future of the Iraqi Security Forces. The Government may in the future consider participating in that effort if that is something that Iraq supports and seeks our assistance with.

Conclusion
Australia stands firm as a responsible international partner who responds swiftly and effective to global security challenges.
Our commitment to the mission in Afghanistan and steadfast support for the international efforts against ISIL in Iraq signify Australia's firm intentions to deny terrorists safe havens to plan and train for attacks against civilians.
We are not in this alone.
In both Afghanistan and Iraq, Australia is a leading member of multinational coalitions who are working in close partnership with the host nations to defeat our mutual enemies.
Existing partnerships have been further strengthened through these united endeavours, particularly with our Alliance partner, the United States. We continue to strengthen our bilateral defence and security cooperation under the Alliance, as demonstrated through a decade of operations together in Afghanistan and Iraq.
Australia has also forged new and strong links with new partners, such as NATO through our experience working alongside NATO members in ISAF. We will continue to be closely engaged with NATO partners through our contribution to the Resolute Support Mission.
In Iraq, we will stay in close contact with the US, Iraq and other coalition members as the situation develops to ensure Iraq has the support it needs to defeat ISIL.
In Afghanistan, we will continue our engagement with the US, NATO, and other partners to ensure the gains in Afghan-led security continue.
It is important to remember that both these missions involve risk to our ADF personnel.
As they conduct these essential missions, our thoughts are with them.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (18:20): by leave—I move:
That the Senate take note of the document.
I want to thank the minister for providing this update to the Senate. He has been good to his word. I know that all senators have a keen interest in the welfare of our ADF personnel, especially those who are in harm's way. I would also like to reiterate Labor's support for our ADF personnel, including their deployment to Afghanistan and Iraq. It is especially important to thank the men and women of the ADF who are deployed overseas for their contribution at this time of the year. Thousands of ADF personnel will not be home for Christmas. They and their families will be in our thoughts through what is no doubt a difficult time.

Later this month will see the end of Operation Slipper in Afghanistan. Since Australia's involvement in operations in the Middle East region started in 2001, with more than 33,000 Australians deployed as ADF personnel, police or government civilians, 41 of these Australians lost their lives during this period—the last, Lance Corporal Chidgey, died in June this year. A further 261 Australians were wounded. Our thoughts are, as always, with all defence personnel and their families.

Four Australian personnel who served in Afghanistan received the Victoria Cross. The Victoria Cross is awarded to persons who, in the presence of the enemy, display the most conspicuous gallantry, a daring or pre-eminent act of valour or self-sacrifice, or extreme devotion to duty. Many more Australians were recognised for their service in other ways. The ADF can be proud of the role that they played in defeating the Taliban and in creating a stable and secure environment to allow the Afghan government to establish itself. In recent years the Australian contribution in Afghanistan shifted to improving the capability of the Afghan National Security Forces, with an eye to transition all security responsibility to Afghanistan. While there is still much work to do, Afghanistan has improved significantly in recent years.

In Iraq ADF personnel are doing a great job to support operations against ISIL. ISIL is a barbaric organisation. There are vulnerable people in Iraq who need our help. As is appropriate, Australia has provided a proportionate level of support to the coalition. Our Defence personnel are there at the invitation of the Iraqi government. Australia is one of more than 60 countries that are supporting the unity government in Iraq in their fight against ISIL. This is vitally important to remember: it is the Iraqi government that will ultimately combat and degrade ISIL, but it is proper for Australia to support Iraq where we can.

Already our Super Hornets have flown more than 60 mission in Iraq and they are taking the fight up to ISIL in Northern Iraq. Our KC30A aircraft have flown more than 51 missions. Our other air assets, including the Wedgetail, the Hercules and the Globemaster, have also provided vital support. On the ground we have around 200 special forces. They are now in Baghdad undertaking an important role advising and assisting the Iraqi army in their fight against ISIL. I am pleased that Defence have confirmed that appropriate force protection measures are in place.

It is entirely appropriate, and the government have behaved very responsibly in ensuring, we did not rush headlong to try to get our troops deployed in Iraq. It is very important that all of the necessary documentation was provided, and we fully support the government taking the very precautionary approach they took in ensuring the safety of our troops and their legal protections. It would be entirely inappropriate for anything else to have happened, and the government has our full support.

It is important that the Senate is given the opportunity to debate and discuss important issues. Minister Smith, before Minister Johnston, very much believed that this was the way to
go. I know the Greens have a different view at times, but I know they will welcome the opportunity today to speak on these issues. While we may disagree, it is important that all in this chamber have an opportunity to express their view, put their case, argue their position. Ministerial statements provide us with that opportunity. I want to again express my support for the ADF personnel deployed around the world and to wish them and their families a happy and safe Christmas.

Question agreed to.

DOCUMENTS

Indigenous Communities

Order for the Production of Documents

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:26): by leave—I move:

That the Senate take note of the document.

I wish to take note of the response tabled by the minister, Senator Fiffield, to the order for production of documents that I put to the Senate and that the Senate supported—an order to provide the final version of the report entitled Evaluating New Income Management in the Northern Territory. I am aware that the department had had a draft report prior to this final version. The order is for the final report which, as I understand it, was submitted to the government at the end of September. The response to the order to produce this document is: 'The government is not in a position to release the Evaluating New Income Management in the Northern Territory: Final Report at this stage because the minister is yet to receive it. I do understand that the Department of Social Services received the report, and that they are presently preparing advice to the government on its content. The minister expects to receive the final report soon and has every intention of releasing it publicly.'

This report has been with the government for two months now. As a final report, they knew what was in it. This income management is what the government proposes to extend if they support the Forrest report recommendation for a healthy welfare card. From reports in the media, the Forrest review is critical of income management. It says it has not done what it was set up to do. Now the government appears to be supporting, or at least giving serious consideration to, the idea of a healthy welfare card—which, as I have said in this place before, is income management on steroids—and extending it to everybody. Yet the report on income management—the biggest experiment in the world, I suspect, that has been carried out on this form of income management and that has been going on for seven years—shows, if the media reports I have seen today are correct, that it has failed. The government is considering it, yet they have not bothered to give priority to consideration of the report. They have had it for two months and have not bothered to give it to the minister or to get the minister to consider it, yet they are busily considering the healthy welfare card. That is nonsense.

The final report should be publicly available so that everybody can see what a farce income management is and so that the public and the community can consider this report when they are looking at the concept of the healthy welfare card. Methinks that the government does not want to release a report that shows that income management has not worked—at least not while they are considering expanding it and giving it a boost across the rest of the country. It
is outrageous that this report is not available and that the government is defying the will of the Senate. This report should be released immediately. I will continue to pursue it.

Question agreed to.

COMMITTEES
Abbott Government's Budget Cuts Select Committee

Membership

The ACTING DEPUTY PRESIDENT (Senator Smith) (18:30): The President has received a letter from a party leader seeking variation to the membership of a committee.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (18:30): I seek leave to move a motion to vary the membership of a committee.

Leave granted.

Senator FIFIELD: I move:

That Senator Ludlam replace Senator Di Natale on the Select Committee into the Abbott Government’s Budget Cuts, and Senator Di Natale be appointed as a participating member of the committee on 12 December 2014.

Question agreed to.

BILLS

ACT Government Loan Bill 2014
Acts and Instruments (Framework Reform) Bill 2014
Federal Courts Legislation Amendment Bill 2014
Treasury Legislation Amendment (Repeal Day) Bill 2014
Consideration of House of Representatives Message

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (18:31): These bills are being introduced together. After debate on the motion for the second reading has been adjourned, I shall move a motion to have the bills listed separately on the Notice Paper. I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (18:31): I present the explanatory memoranda and I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—
ACT GOVERNMENT LOAN BILL 2014
The ACT Government Loan Bill underpins the Government's decision to provide a concessional loan to the ACT Government of up to $1 billion to undertake a loose-fill asbestos remediation programme.

The ACT Government faces significant challenges in dealing with the remediation of loose-fill asbestos across the Territory.

The one-off size and cost of dealing with this issue represents about a fifth of the Australian Capital Territory's annual budget.

Without the Commonwealth's assistance, the ACT's capacity to deal with this issue would have been significantly curtailed and put at threat its own credit rating.

The loan will ensure that the ACT Government is in a position to deliver a well-structured remediation programme in the coming years.

The Bill provides authority for the Commonwealth to enter into a loan agreement with the ACT for an amount that must not exceed $1 billion.

The terms and conditions of the loan will be set out in the loan agreement. The Minister administering the Australian Capital Territory (Self-Government) Act 1988 may enter into the loan agreement on behalf of the Commonwealth. The Minister for Infrastructure and Regional Development has responsibility for that Act.

The Bill also appropriates $750 million from the Consolidated Revenue Fund in 2014-15 for the purposes of making payments under the loan agreement. The appropriation will be brought into existence on the day after it receives Royal Assent. The remaining $250 million will be appropriated through the 2015-16 Budget.

The ACT Government has also introduced legislation this week seeking to appropriate funding for the remediation programme reflecting this split across years.

A Portfolio Supplementary Estimates Statement will be tabled in the Parliament.

ACTS AND INSTRUMENTS (FRAMEWORK REFORM) BILL 2014
This Bill seeks to improve the operation and clarity of legislative frameworks for Commonwealth Acts and instruments. It is an important deregulatory measure that will create administrative efficiencies across government, while enhancing the public accessibility of Commonwealth laws.

The key purpose of the Bill is to reform the Legislative Instruments Act 2003.

The Legislative Instruments Act came into force in 2005 and provides a comprehensive regime for the registration, tabling, scrutiny and sunsetting (or automatic repeal) of Commonwealth legislative instruments.

It ensures that members of the public, businesses, regulatory agencies, lawyers and courts can easily access complete and authoritative legislative instruments and their explanatory statements on the Federal Register of Legislative Instruments. This is an important mechanism for ensuring access to justice.

In 2008, a statutory review of the Legislative Instruments Act was conducted by a committee comprising two senior members of the Commonwealth public service and the then Commonwealth Ombudsman. The committee consulted a broad range of stakeholders, with the release of an issues paper and over 60 responses to that paper. The committee also held extensive meetings with interested stakeholders.

The review found that the Legislative Instruments Act had been largely successful in improving public access and facilitating parliamentary scrutiny of legislative instruments. It also found that a number of improvements could be made to the scheme and released a number of recommendations.
Following the review, measures have been implemented to strengthen the legislative instruments framework.

There has been a significant amount of work to manage the sunsetting of legislative instruments across the Commonwealth. This has included the Government’s efforts over both Repeal Days this year to repeal over 10,000 spent and redundant legislative instruments from the statute books.

The sunsetting of older legislative instruments also presents a unique opportunity for the Government to reduce red tape, deliver clearer and simpler laws, and align existing legislation with current government policy.

Technical enhancements have been made to the Federal Register of Legislative Instruments to ensure a high level of performance and useability, and to support the sunsetting of legislative instruments.

Further, the Attorney-General’s Department and the Office of Parliamentary Counsel have issued new guidance materials to help Commonwealth rule-makers and agencies to manage their legislative instruments efficiently, effectively and in accordance with the law.

But there is still more work to do to enhance access to instruments and to improve the efficiency and operation of the scheme. Some of this work follows the recommendations of the review, and some of it comes from the experience gained by the passage of time with the scheme now in place for almost 10 years.

This Bill seeks to simplify and consolidate legislative frameworks for the publication of Commonwealth Acts and the registration of Commonwealth instruments, into a single Act. The Bill will implement this change by renaming the Legislative Instruments Act the Legislation Act 2003 and repealing the Acts Publication Act 1905.

The current database of Commonwealth Acts and the Federal Register of Legislative Instruments, which are both accessed through ComLaw, will be integrated into a single Register called the Federal Register of Legislation. Importantly, this Register will provide users with the ability to access other documents and information relevant to Commonwealth laws.

There are other types of instruments made by the Commonwealth that are not made as legislative instruments as they are not legislative in character. These instruments do not currently need to be published on the Federal Register. Historically, many of these instruments were published in paper form only. Over time, there have been efforts to ensure that instruments are published electronically and able to be accessed by users online.

The problem is that instruments are published in many different places, including in various government gazettes, on agency websites or portals or in newspapers. This makes it difficult for users to find these instruments or to even be aware they exist. It also places a burden on agencies to manage their stock of instruments and ensure they have adequate infrastructure in place to support the publication of these instruments.

The Bill helps to address this problem. It expands the scope of the legislative instruments framework to cover a new category of instruments, called notifiable instruments. This means that instruments which are not legislative in character can also be registered on the centrally managed and authoritative Federal Register of Legislation, which will allow them to be more readily publicised and accessed.

These amendments will align the processes for registration, compilations and authorised versions for Acts and a broader range of instruments. The amendments will also enable the First Parliamentary Counsel to make minor editorial changes in preparing registered compilations of Acts and instruments that do not change the effect of the legislation.

These amendments will produce administrative efficiencies across government.

Consistent with the Government’s deregulation agenda and efforts to promote clearer and simpler laws, the Bill will enable bulk amendments or repeals arising from the thematic review of instruments.
to be made more quickly and simply. In consultation with the relevant rule makers, the Attorney General will be able to advise the Governor-General to make a single instrument that would give effect to such a review across government portfolios.

The Bill will help clarify and better define legislative instruments and legislative character to ensure that instruments are made in their appropriate form and able to be enforceable by registration as legislative instruments on the Register.

It will move certain content from the Act to regulations to help consolidate detail that may be more suitably placed in delegated legislation and which may need to be updated regularly.

It will also allow the First Parliamentary Counsel to make rules about matters for the purpose of meeting his or her obligation to maintain a consistent, accurate and up to date Register.

This mechanism will facilitate a level of procedural detail that may not be appropriate for including in the Act or the regulations. The rules will be a legislative instrument, which means they will be subject to parliamentary oversight.

The Bill also clarifies consultation requirements for the drafting of legislative instruments to ensure that the requirement of rule makers to undertake appropriate consultation applies equally to instruments that affect business and competition and those that do not.

Further, the Bill will remove transitional mechanisms for dealing with instruments made before the Legislative Instruments scheme was introduced in 2005. It will amend numerous other Acts to make clear in enabling legislation that certain instruments are legislative or notifiable instruments for the purpose of the Legislation Act, and update references to repealed provisions of the Acts Interpretation Act 1901 and the repealed Statutory Rules Publication Act 1905 to relevant provisions in the Legislation Act.

Consequently, the Bill repeals the Legislative Instruments (Transitional Provisions and Consequential Amendments) Act 2003 which will become redundant.

The Bill will also amend other Acts to convert gazettal or other publication requirements into requirements to register an instrument on the Federal Register where this would be appropriate or would reflect current practice.

Certain provisions on the statute book that provide an implied power to make an instrument will be updated to expressly confer a power to make an instrument. This will not change the effect of those provisions but will remove any doubt about whether such provisions are effective in conferring power.

The Bill will repeal section 46B of the Acts Interpretation Act, which provides for non-legislative disallowable instruments, and makes consequential amendments to laws that provide for these instruments. This will reduce the number of disallowance regimes for instruments, encourage a reduction in separate gazettal procedures, and enhance the status of the Federal Register as a central repository and authoritative source of Commonwealth legislative instruments.

Finally, the Bill will amend the Acts Interpretation Act to expand and simplify the provisions dealing with machinery of government changes.

The amendments will broaden the rules for interpreting references to ministers and departments in legislation, and for interpreting references to authorities in agreements entered into by or on behalf of the Commonwealth.

This will provide more legal certainty for the ongoing valid exercise of powers and functions immediately following machinery of government changes.

The Bill will not alter the processes for the consideration of Bills and legislative instruments by Parliament. The measures in the Bill will not substantially alter the way in which Acts are handled under the existing publication regime.
This Bill provides the opportunity for significant reforms to the legislative frameworks for Commonwealth Acts and instruments. It will create administrative efficiencies across the government, helping to reduce 'beige tape' which can cause large imposts on government agencies. It will also facilitate efforts to reduce red tape. Most importantly, this Bill will promote the principle of access to justice by enhancing the accessibility of Commonwealth laws.

FEDERAL COURTS LEGISLATION AMENDMENT BILL 2014

The Bill will also confer jurisdiction on the Federal Circuit Court of Australia to hear certain Commonwealth tenancy disputes. This is the most cost effective and efficient forum to hear these disputes.

Federal Court of Australia Act amendments
The amendments to the Federal Court of Australia Act will clarify that appeals cannot be made from minor procedural decisions, such as decisions to change hearing dates. This will reduce delays in the court system to ensure more efficient administration of justice.

Additionally, the amendments will clarify that police officers and court sheriffs can use reasonable force to enter premises to execute an arrest warrant for persons who are the subject of proceedings for contempt of court or for summary offences. This resolves current uncertainty about whether officers can use reasonable force. There have been occasions when an arrest warrant has not been executed due to this uncertainty.

Federal Circuit Court of Australia Act amendments
The amendments will confer jurisdiction on the Federal Circuit Court of Australia to hear certain Commonwealth tenancy disputes. These amendments are vital in order to provide a suitable forum to hear these disputes.

At present, in most jurisdictions, the applicable law provides for Commonwealth tenancy disputes to be resolved in state or territory tribunals, which can lead to inconsistency of approach. While superior courts may also be able to hear these matters, it is not considered an appropriate use of these courts' resources as it may lengthen the dispute resolution process and increase costs. This means that there is currently no suitable or affordable forum to hear these disputes. Conferring jurisdiction on the Federal Circuit Court of Australia to hear these disputes provides a cost effective option and will provide a consistent forum available across Australia.

Additionally, amendments to the Federal Circuit Court of Australia Act will clarify specific limitations on the award of costs prescribed in other legislation, such as public interest disclosure legislation. This will clarify the limitations on the Federal Circuit Court's jurisdiction to award costs and will assist readers to locate related provisions.

Conclusion
In conclusion, this Bill will provide a more suitable and cost effective forum for the resolution of certain Commonwealth tenancy disputes.

This Bill will also improve the operation and clarity of the Federal Court of Australia Act and the Federal Circuit Court of Australia Act, which will contribute towards streamlining and reducing the complexity associated with navigating the justice system.
The Government is committed to cutting red tape costs by $1 billion a year to improve our nation's competitiveness, help to create more jobs and lower household costs. This is a critical step towards improving Australia's productivity.

'Red tape', which is an umbrella term for excessive and unnecessary regulation, reduces productivity and investment, stifles job creation, creates uncertainty and saps confidence. Red tape prevents business from getting on with the job, and places heavy demands on the community's time and resources that could better be spent elsewhere.

It goes without saying therefore that reducing red tape across the economy will create an enormous opportunity to increase Australia's productivity and competitiveness.

Deregulation—the process of eliminating red tape—needs a whole-of-government approach to tackling excessive or unnecessary regulations, no matter how big. The goal is long-term cultural change, from the bureaucracy to the ministry, for the betterment of the community.

We want to see a paradigm shift in Australia's approach to regulation, whereby new standards, rules and compliance burdens are never used as the default option, but are only introduced as a last resort and only after alternatives have been assessed and the cost of new regulation fully understood.

We also want a renewed focus on ensuring that existing regulation is as efficient as possible, and is only retained where the benefits clearly outweigh the costs.

The Government's deregulation efforts are therefore focused on a number of key areas including actively reducing the volume of regulation.

Following on from the first Repeal Day back in March, the Government has continued its commitment to repeal counterproductive, unnecessary and redundant legislation and regulations.

Our reforms to drive red tape reduction across Government are also paying dividends in streamlining administration.

On 20 June 2014 the Government announced administrative changes to the entry thresholds for the PAYG instalments system, reducing the number of taxpayers required to pay instalments. The thresholds, which had not been reviewed since 2001-02, were changed as follows:

- the business or investment income threshold increased from $2,000 to $4,000;
- the balance of assessment threshold increased from $500 to $1,000;
- the notional tax threshold increased from $250 to $500; and
- the requirement for entities registered for goods and services tax to remain in the system despite having a zero instalment rate was removed.

The Australian Taxation Office has estimated that this will remove more than 560,000 taxpayers from the pay-as-you-go instalments system and lead to annual savings of $67.3 million in compliance costs.

On 18 August 2014 the Government announced its chosen model for transforming the existing Australian Small Business Commissioner into a Small Business and Family Enterprise Ombudsman.

The Ombudsman will be a Commonwealth-wide advocate for small businesses and family enterprises and contribute to the development of small business friendly Commonwealth laws and regulations.

The Ombudsman will also provide a concierge service to help small businesses resolve disputes fairly and efficiently.

On 21 August 2014 the Government implemented changes to the SuperStream regulations to remove the requirement for employers to use a unique 'payment reference number' when making superannuation contributions.
Removing this provision allows employers and funds to retain existing payment processes and ensures balances are allocated to member accounts in a timely fashion. This has been estimated to lead to an annual saving of $3.8 million in compliance costs.

Today, on the Government’s second Repeal Day, we are building on these initiatives to cut red tape. This Bill—one of a number of Bills introduced today—forms part of our whole-of-government commitment to repeal counterproductive, unnecessary and redundant legislation and consequently removing associated regulations.

This Bill amends various laws relating to taxation, superannuation and shareholdings in certain financial sector companies to implement a range of improvements to Australia’s laws.

Schedule 1 to this Bill will repeal the payslip reporting provisions in the Superannuation Industry (Supervision) Act 1993 that would have increased the regulatory burden on employers beyond that currently imposed under the Fair Work legislation.

There are existing requirements in the Fair Work Act 2009 and the Fair Work Regulations 2009 that require employers to include on payslips the amount of superannuation contributions they are liable to make. This Bill will not make any change to these existing requirements.

The current payslip reporting provisions in the Superannuation Industry (Supervision) Act 1993 require employers to include in employee payslips information prescribed by the regulations. Labor had intended that regulations be made so that employers had to report on payslips the amount of superannuation contributions and the date on which the employer expects to pay them. Labor never made these regulations.

Removing these provisions will reduce unnecessary duplication in the law and provide certainty to employers so they do not need to be preparing for costly upgrades to their payslip reporting software.

Schedule 2 to this Bill simplifies the taxation laws by consolidating duplicated taxation administration provisions contained in various taxation Acts into a single set of provisions in the Taxation Administration Act 1953.

Schedule 2 to this Bill also repeals spent or redundant taxation laws, such as the older harsh penalty regimes, and moves longstanding regulations into the primary law. Tidying up our tax laws in line with good legislative practices is an important part of the care and maintenance of our tax system.

Schedule 3 to this Bill amends the Financial Sector (Shareholdings) Act 1998 so that persons who do not hold a direct control interest in a financial sector company will no longer be deemed to have a stake in that financial sector company as a consequence of their associates’ direct control interest.

Currently the law requires the associates of a person, such as a person’s relatives, partner or related companies, who is seeking a shareholding in excess of 15 per cent to also seek approval from the Treasurer for the shareholding.

This is required irrespective of whether an associate has any actual shareholding or financial interest in the company in which the new shareholding is sought.

These associates are caught by the wide definition of associate under the Financial Sector (Shareholdings) Act 1998 which requires them to undertake this action for no policy benefit.

The changes in this Bill remove an unnecessary burden for associates with no direct interest in the company without compromising the examination of a shareholder’s controlling interest. Associates will no longer be caught in a technical trap that requires them to hold approval from the Treasurer under the Financial Sector (Shareholdings) Act 1998.

Schedule 4 to this Bill addresses the fact that, currently, the definition of ‘Australia’ for taxation purposes is complex, overly detailed and expressed differently in different parts of the taxation laws, despite the fact that the laws are intended to achieve a simple and largely equivalent result.
Schedule 4 rewrites the definition of 'Australia' into a single location in the tax law for use across all the tax laws in a simple and coherent form.

This will involve amending various tax laws, taking another step towards achieving a single income tax assessment act for Australia.

In conclusion, these changes will improve the operation of tax law and remove unnecessary red tape from the superannuation law and shareholder regulatory framework.

Combined with our reforms that are driving regulators and the public service to cut red and green tape, these changes add up.

Removing even small grains of sand from an engine allows the whole machine to operate more efficiently.

In the same way, progressively removing individual pieces of unnecessary red tape and regulation, and making our laws simpler and shorter, plays an important role in helping Australia's economy become more efficient.

On our second Repeal Day, we are building on the progress we have already made—right across Government—to cut red and green tape.

Full details of these measures are contained in the explanatory memorandum.

Ordered that further consideration of the second reading of these bills be adjourned to the first sitting day of the next period of sittings, in accordance with standing order 111.

Senator FIFIELD: I move:

That the bills be listed on the Notice Paper as separate orders of the day.

Question agreed to.

Counter-Terrorism Legislation Amendment Bill (No. 1) 2014

Returned from the House of Representatives

Message received from the House of Representatives returning the bill without amendment.

COMMITTEES

Rural and Regional Affairs and Transport Legislation Committee

Report

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (18:33): On behalf of the Chair of the Rural and Regional Affairs and Transport Legislation Committee, Senator Heffernan, I present the report of the committee on the provisions of the Rural Research and Development Legislation Amendment Bill 2014, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

BUSINESS

Rearrangement

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (18:33): I move:

That intervening business be postponed till after consideration of government business order of the day No. 3 (National Water Commission (Abolition) Bill 2014).

I think, like sands through the hourglass, so are the days of our legislating.
Senator MOORE (Queensland) (18:34): Labor oppose this rearrangement of business. We are concerned that this morning we were in the middle of a very serious debate on the migration legislation, which we were told was absolutely urgent. So there was a change from last evening where the important National Water Commission (Abolition) Bill 2014 was listed. We were in the middle of that debate last night and thought it would continue. Then we came in this morning and the government had decided that that was not so important and that we would go to the asylum seeker bill. We do not believe this is the way to run the chamber. For this very crucial time, less than an hour, which we have for government business this afternoon we believe we should follow the scheme we had this morning. We know that the government is just waiting to get the numbers on this bill but it seems we are waiting consistently to see where the changes will be. That is not appropriate. It does not lead to consistency in the way we operate. It also means that the speakers who were lined up to have their engagement in these bills are then thrown away.

No urgency has been put forward by the government as to why we have to have this change. If the water commission bill was so urgent, we could have completed it this morning without a problem. We were told that the asylum bill needed to come on and it did. We are halfway through that one and this will just continue. As you know, Mr Acting Deputy President, the opposition were given a list of priority bills which the government needs to have asked by the end of this session. We look forward to the hours motion tomorrow, which will reinforce what those priorities will be. For the change of businesses this afternoon, we do not think this is appropriate. We do not think that we are putting on a stunt either because it seems every time we move in opposition to the government it is seen as a stunt. We are putting forward the issue which we believe we started. We are in the middle of considering the asylum bill and we should retain that process on the Red for the rest of the day.

The PRESIDENT: The question is that the motion moved by the Manager of Government Business, Senator Fifield, be agreed to.

The Senate divided. [18:40]

(The President—Senator Parry)

Ayes ..................34
Noes ..................30
Majority.............4

AYES
Abetz, E          Back, CJ
Bernardi, C      Birmingham, SJ
Bushby, DC       Canavan, M.J.
Cash, MC         Colbeck, R
Edwards, S       Fawcett, DJ
Ferravanti-Wells, C Fifield, MP
Johnston, D      Lazarus, GP
Leyonhjelm, DE   Macdonald, ID
Madigan, JJ      Mason, B
McGrath, J       McKenzie, B
Muir, R          Nash, F
O'Sullivan, B    Parry, S
Payne, MA        Reynolds, L
Ronaldson, M     Ruston, A (teller)
AYES
Scullion, NG
Smith, D
Williams, JR

Sinodinos, A
Wang, Z
Xenophon, N

NOES
Bilyk, CL
Cameron, DN
Conroy, SM
Gallacher, AM
Ketter, CR
Ludlam, S
Lundy, KA
McEwen, A (teller)
Moore, CM
Peris, N
Rhiamon, L
Siewert, R
Sterle, G
Waters, LJ
Wong, P

Bullock, J.W.
Collins, JMA
Dastyari, S
Hanson-Young, SC
Lines, S
Ludwig, JW
Marshall, GM
McLucas, J
O`Neill, DM
Polley, H
Rice, J
Singh, LM
Urquhart, AE
Whish-Wilson, PS
Wright, PL

Question agreed to.

BILLS
National Water Commission (Abolition) Bill 2014
Second Reading

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

Senator RHIANNON (New South Wales) (18:42): The Greens do not support the National Water Commission (Abolition) Bill 2014. The National Water Commission is a most important organisation that we really do need to retain. It provides crucial oversight of our water policies. It is worth remembering that it operates with a very small team, doing important work. I understand that that team recently went from about 41 down to eight.

The commission has provided government and industry with quality information needed to make good decisions about the effectiveness of our current water policies and directions for the future. What is being lost here is the integrated approach. The integrated approach is so important when it comes to water, and that is what the commission has provided for water policy in the 10 years of its existence. We really cannot afford to lose it. It is of grave concern to me that, given the current threats to our water supplies from climate change and the mining industry, in particular, and the ongoing struggles between water used for production and water used for the environment, we are looking at removing the only body that brings together oversight of our water policy.

It is true that there are other bodies that provide important information in this area, such as the government's Independent Expert Scientific Committee on Coal Seam Gas and Large Coal
Mining Development. But the National Water Commission is the place where these groups actually come together to sort through these issues. The processes of the National Water Initiative and the Murray-Darling Basin Plan have been well shepherded by the commission. This work is still tenuous and needs ongoing support. Removing the National Water Commission sends the wrong message to those involved in these processes. It is of great concern to me, as the National Water Commission itself has pointed out, that the proposed reporting date for the first audit of the Murray-Darling Basin Plan has been moved to 2018 in this legislation. We have already had delays in the readiness of this plan, which is why the commission was able to offer only an interim report in 2013.

This is one of the crucial aspects of this legislation that underlines why this bill should not pass. We need oversight of the Murray-Darling Basin process from an independent body. That is what we have right now. And that is what we could lose. As many of the stakeholders in this debate have noted, the government cannot be marking its own homework. That was the message we heard time and again at the inquiry that was held into this legislation. Yet, under the government's plans, the marking does not even occur. The plan will be implemented before we are able to intervene. This is a very concerning aspect of this legislation.

This legislation proposes to move the National Water Commission's reporting requirements on the National Water Initiative and the Murray-Darling Basin Plan over to the Productivity Commission. This is not satisfactory. It will really degrade this work. It is a concern to the Greens and should be a concern to all who care about the future of our water planning. You will hear many people here say that, but if they are sincere they will keep the National Water Commission.

As a number of submissions to the inquiry on this legislation have pointed out, the commission does not yet have the expertise needed to advise on these matters. The Productivity Commission's expertise is in economic matters, not those of the environment. That is set out when you look at the objects of how the Productivity Commission works. It is very clear. It is quite narrow—we are not disputing that—but it does not have the expertise and background to take on the important work of the NWC.

The Productivity Commission was never established with the management of environmental matters in mind. It came about in 1998 out of the combination of the Industry Commission, the Bureau of Industry Economics and the Economic Planning Advisory Commission. Its legislation reflects these priorities very clearly. Part 2, section 6 of the act, 'Functions of commission' sets this out. It uses the phrase: 'industry, industry development and productivity', and it uses those terms five times. Nowhere is the environment mentioned. Not once. Protecting the environment is not a function of the Productivity Commission.

Part 2, section 8 of the act, the policy guidelines for the Productivity Commission, is about economic performance, reducing regulation, encouraging growth and economic adjustments, and other issues to do with the economy and industry. It is not until we get down to part 2, section 8(1)(i) that we see the term 'ecologically sustainable'. This still is only in the context of industry development. It is not set out in terms of an environmental judgement; the environment is not a key consideration of how this body undertakes its work.

The Productivity Commission has multiple competing priorities in its reporting requirements. It is not able to sufficiently capture—and nor does this legislation allow it to—the breadth of work carried out by the National Water Commission. That is a key point. I
know that the government has been lobbying hard to get support for taking the work of the National Water Commission over to the Productivity Commission, and making out that the Productivity Commission can cover the important endeavours and work undertaken by the NWC. But right now, with how the Productivity Commission is actually structured, that is not possible.

The ongoing functions of the National Water Commission, in particular relating to stakeholder engagement on all water related issues, are nowhere to be found in this legislation. Imagine that! Stakeholder engagement is not found in this legislation; it is a key part of how the National Water Commission has operated and that is what we will lose if this bill goes through. Some minimal functions go to the Department of the Environment and others, but there is no central coordination of all these issues. That is another very worrying aspect; we need that central coordination and that is what we could lose. This I suggest is precisely what the government wants. There is an agenda here, pushed by the government, and this is part of it.

The government's approach is really quite fragmented. It removes the thorough leadership and the continuity offered by the commission. The government's plan to remove the National Water Commission is not leadership; it is not even the management we need when it comes to water policy across this country. Sustaining our water supply and protecting the environment should be our top priority. That is what we could lose if this bill goes through.

Hearings at the inquiry into this legislation have made it abundantly clear that contrary to government claims that the National Water Commission has done its job and that water is well covered by other government bodies, water reform at the state level is at risk of unravelling if we lose the National Water Commission.

In my state of New South Wales we have seen the consolidation of water bodies at the same time as water licenses are, according to the Australian Conservation Foundation, being handed out to farmers who have illegally diverted water. This is what we mean about 'unravelling'. Not only is there a lack of integration but some very dubious practices are being allowed to play out, and that threatens our water resources.

Following the abolition of Queensland's Water Commissioner that state is keeping up its reputation for really tearing apart anything to do with the environment by amending its water act to automatically grant licences to mine coal seam gas operations. That can be a direct threat to our water resources. Under no circumstances should it be allowed to happen automatically.

The picture is no better elsewhere. In Victoria, water protections are being weakened, and in Western Australia and the Northern Territory they are not compliant with the National Water Initiative. The National Water Commission itself has argued that water has fallen off the COAG agenda. This is actually not a surprise since it seems that the current policy of coalition governments at state and federal levels is a return to the laissez-faire days where we allow irresponsible use of water resources until there is another emergency. Governments may get away with letting anything happen to water resources and not have the plans and limits in place, but there will be another that drought. There will be another extreme weather event associated with climate change. There will be another weather emergency that we need to respond to and that is why we need to retain the National Water Commission—so we are
well placed for that response, we are ready for it and we can take the measures to limit the impact of those very damaging extreme weather events.

Crucial areas of water policy that were highlighted by the inquiry into this legislation but were not covered at all by this legislation demonstrate the need for real leadership on water policy. When you get rid of the National Water Commission, you are basically getting rid of leadership in this area. The commission's job to identify areas in need of reform and begin those discussions is the gap that will be left by the commission.

One of those crucial areas is Indigenous water rights. Working on Indigenous water rights with the First People's Water Engagement Council, the commission earned itself a most important and well-earned reputation for its consultative approach to these issues. This process involved extensive engagement culminating in a First People's National Water Summit, which gave advice to the commission in May 2012. It was outstanding and I would say it was historic—and, again, it underlines how much we stand to lose if this bill goes through.

The initiative has already wound back the Indigenous Water Advisory Committee formed by the Department of the Environment in June this year. This is a pattern we are seeing with this government. This legislation has not gone through yet but there has been so many steps that this government has taken, so many actions to actually gut the National Water Commission before the legislation gets here. I think it is a very immoral and undemocratic way that they operate.

The story of these organisations is a sad indictment on the way governments too often operate in their interactions with Indigenous people. For the first time, the Aboriginal community had been engaged on these issues. Such much would have been achieved at the meetings and roundtables of these organisations. There had been talk of even adding an Indigenous Commissioner to the National Water Commission. How impressive is that? Progress was being made but what we have seen is a government that makes out it has a commitment to Indigenous issues. It will even make out it has a commitment to decent water policies but, in that quite simple but very negative damaging act, it has set back the rights of Indigenous people with regard to water in this country. The closure of the National Water Commission will be the final step in undoing these important processes.

We have also seen initiatives from the commission highlighting the potential impact of coal seam gas on our water supplies. Across the nation, I am sure many of us have witnessed in the last three or four years in particular an explosion of local communities coming together opposing coal seam gas and mining projects. Often they are farmers whose livelihood depends on the safety and health of their water. Whenever I visit these communities, the issue that is raised is: how do we protect our water now and into the future? The National Water Commission raised this issue in 2010 and continued to voice concerns that this is an area which needs more work.

Staying in New South Wales and looking to our northwest, there is an ongoing drought there. This is a real reminder that what will happen in this country is there will be another drought. There will be massive droughts and droughts located in certain areas. We need to be prepared. We have much more knowledge these days. But we need the National Water Commission to provide that integrated leadership. We may have recovered from the millennium drought, and we may have negotiated—and I emphasise 'negotiated'—a plan to
recover the Murray-Darling, but the work of water reform is far from over. The negotiations are not really finished despite what we are hearing from the minister. I would have hoped that we would learn from this process. It is very expensive to retrospectively fix a problem with water and sometimes it is not possible. And I would point out to Minister Joyce, who seems to think that if we just build massive dams everywhere we will be fine, you have to have the water to start with. Dams do not create water, as the minister seems to allude to in some of his ridiculous statements. Not only do we need to preserve our water but we need to ensure we do it in a way that is clean.

We also need to make sure we will not be diverting water from places where it is desperately needed—and that is another great failing of Minister Joyce's approach to water conservation in this country. It is a not only a grave mistake to destroy our only body, the National Water Commission, that is independent and has the relevant expertise to guide our governments on water policy but it is really utterly irresponsible.

As was pointed out to the committee investigating this legislation, keeping the National Water Commission would push the government's budget out by one-hundredth of a percent. This is not a budget measure in this case. We often can identify what is a budget measure—obviously the higher education bill this week has been a standout. This bill, however, is not a budget measure. You really feel it is ideologically driven because the government wants to strip down the quite simple but not extensive leadership and at times control the National Water Commission has in this area because it wants to be able to favour its big constituents—those who need big water operations for their activities in rural Australia. Again, that is very short-term thinking, even short-term thinking for those who will benefit in the short run. Because right now we need to be doing everything to bring our water policy to a point where it is responsible, not just for certain users but for the whole nation, not just for this generation but for future generations and not just for those of us in the city but for those of us across the whole country. And environmental protection needs to be a part of that.

As was pointed out to the committee investigating this legislation, keeping the National Water Commission would push the government budget, as I said, out by just a fraction. That is a bargain. I would urge my colleagues in the Senate to vote against abolishing the National Water Commission and to support the reinstatement of funding that is about to go to the Productivity Commission if this bill is passed. The National Water Commission still has its leadership in place. All its fine work is still there: the need to address issues across the nation—integration between the states and to take forward the National Water Initiative—is work that remains to be done. This bill should not pass.

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (19:00): I rise to speak to the National Water Commission (Abolition) Bill 2014. In 2004, the Howard government established the National Water Commission, or NWC, as part of the National Water Initiative—the national plan for sustainable water use in Australia—to ensure that communities and industry have a reliable water supply, while protecting the health of our water systems. It was set up in recognition of the need for national water leadership to help address serious challenges. These included drought and climate change, water's role in securing Australia's economic and environmental future, the value of water for recreation and tourism, the need to advance the sustainable use of water and the impacts of fast-growing cities on water availability and delivery.
Labor contends that these issues are just as important today as they were in 2004. We believe this bill will create a huge gap in the area of national water oversight and will threaten ongoing water reform for very little gain. I was the deputy chair of the inquiry into this bill through the Environment and Communications Committee. The inquiry received 32 submissions from a range of stakeholders, experts, government bodies and interested individuals. Many submissions pointed out Australia's excellent international reputation for taking early, decisive action in the area of water reform. This was particularly evident in the case of the millennium drought, which resulted in large portions of the country being drought declared and which saw the federal government provide $4.5 billion in assistance.

On this issue, the OECD's 2012 report entitled Meeting the water reform challenge said:

… some countries have been at the cutting edge of water policy innovation and have developed sophisticated policy frameworks to address water challenges.

Australia, for example, has had a long period of water policy reform …

There is little doubt that the National Water Commission played an important role in this proud history, and to abolish it now would be short-sighted to say the least. Not one sector of our economy could survive if we did not have secure, safe and strategically managed water supplies. Our economic, environmental and personal health and, indeed, the stability of our society, relies on the security and strategic allocation of water resources.

It has been said that water is either an A-level issue or a Z-level issue. That is to say that in times of drought, or when concerns about scarcity or pollution arise, water quickly shoots to the top of the political and media agendas. However, a little while after the crisis passes, complacency can set in and water can slip off the policy radar. Attention wanes and resources are allocated to other issues. But we need to recognise that it is the solid, ongoing reform work that is done during 'Z' times that ensures that 'A' times do not hit or, if they do, that we are better equipped to respond to them. To cut funding to vital water reform institutions just because we have had a few good years of rain is short-sighted to say the least. If we do not maintain resources now, we will force a hastily-invoked crisis response when water challenges inevitably arise in the future.

Submitters to the inquiry told the committee how crucial the NWC has been to the progress that has been made so far on the National Water Initiative. Again and again, the committee heard concerns for the future of this important reform if the NWC is lost. In fact, it was hard to find any criticism of the NWC in the submissions.

Here are just a few comments to give you an idea of the regard held for the commission and the critical role it has played in our water management arrangements. Director of the Centre for Ecosystem Science, Prof. Richard Kingsford said:

The National Water Commission has performed and excellent service in coordinating water reform in Australia, as an independent organisation at arm’s length of state and Federal governments.

Environs Kimberley said in their submission:

The importance of the Commission’s role in providing independent expert advice on matters of national water reform and assessing and monitoring the National Water Initiative (NWI) cannot be overstated.

The Arid Lands Environment Centre said:
The National Water Initiative has provided critical support for national decision-making on issues related to water management. The long-term vision and independence of the Commission has provided Australia with a world class national water policy framework that has supported a holistic approach to water management and water reform.

Stormwater Qld said:

The National Water Initiative, facilitated by the National Water Commission (NWC), provides the opportunity to augment the economically, socially and environmentally efficient management of water in Australia. We believe the NWC has played an important role in advancing total water cycle management and water sensitive urban design in Australia.

The Consumer Utilities Advocacy Centre said:

There has been substantial technical innovation and reform by industry and state governments in meeting urban water needs across Australia in recent years, in large part driven by the challenges of changing climate conditions and drought. We believe that these initiatives were greatly assisted by the national focus that resulted from the establishment of the National Water Commission (NWC) in 2004 and the development of the National Water Initiative (NWI).

These words all echo the findings of the independent COAG review into the NWC, which was undertaken in 2011. The report of the review recognises the importance of the NWC in Australia's strategic water reform arrangements when it says:

Having a single entity responsible for monitoring, audit and assessment, and knowledge leadership therefore enhances the efficiency and effectiveness of each of the individual activities. This will become even more important in the future as reforms become more difficult.

Which begs the question: if the vast majority of stakeholders rate the work of the commission so highly, then why is the government persisting with its abolition?

The main argument used by the government to justify the actions of the National Water Commission is that it will save money. However, as the Australian Conservation Foundation pointed out in their submission to the inquiry 'the potential savings represent less than 0.0001 per cent of our annual budget'. Surely the care and management of our most precious national resource is worth that much. We also need to look at what we stand to lose with the savings touted by those opposite. On this matter Stormwater Queensland said:

We believe the economic costs of abolishing the [National Water Commission], in terms of inefficient water management, are likely to far outweigh that cost.

The government has said the key functions of the National Water Commission will be carried over to other bodies including ABARES, the Productivity Commission and the Department of the Environment. However, submitters to the inquiry contradict this view. The submissions from the Australian Water Association and the Water Services Association pointed out that the bill transfers only two statutory functions to the Productivity Commission. Similarly, the Australian Conservation Foundation raised concerns in their submission that a number of legislative policy advice functions have not been transferred in the new arrangements.

Another factor to consider is resourcing. We know that the National Water Commission had 41 staff before the budget, but questioning during the hearing revealed that only 12 or 13 of these staff will transfer to the department. Surely, the government cannot really expect us to believe resources can be cut by two-thirds with no loss of output, stringency or depth. We will need to remember that this situation can only be exacerbated by the broad staff cuts that are currently being inflicted on the Public Service. The reality is that the government's
argument about cost savings does not stack up. The committee has been told that in fact the opposite is true. We simply cannot afford to drop the ball on water reform now.

Another argument the government has used in its attempt to axe the NWC is that, in the words of Senator Birmingham, 'much of the commission's reform work has already been done'. However, Senator Birmingham's statement is contradicted by the vast majority of expert advice. In fact, the COAG review I mentioned earlier also had a bit to say about the state of water reform in Australia when it said:
The NWI remains a relevant and active reform agenda supported by most stakeholders.

It added:
The elements of the NWI still to be implemented are, by their nature, the more difficult ones and the role that can be played by a specialist and independent body like the NWC is likely to be … more important in the future.

Submitters to the inquiry also concurred with this perspective. On this issue, the Australian Conservation Foundation said:
National water reform, as envisaged under the National Water Initiative is a long term journey. While progress has been made, there is still a long way to go, particularly within the context of changes to the use of water resources in northern Australia.

Submissions from the Australian Water Association, the Water Services Association of Australia and Konfluence noted that the reasons that the Howard government established the NWC are just as relevant today as they were 10 years ago. They also pointed out that a number of new challenges have arisen to make the task even more complex. These include the role of water management in energy production, generation and use of energy in water management, the potential alignment of water, energy and waste services at a retail level, the special issue of water management in northern Australia and balancing the creation of long-lived assets such as desalination plants against short-term affordability issues.

All three submissions also acknowledged the very contemporary issue of water management in the resources sector, especially coal seam gas. And all three submissions echoed the concerns of many when they said that meeting these challenges will be harder 'without national leadership' and could result in 'inferior outcomes for customers, industry and the environment'. The Australian Water Association also saw the need for specific reforms in the areas of water pricing, trading and infrastructure as well as long-term sustainability in urban and rural water use.

The Wentworth Group of Concerned Scientists was also very specific in its analysis of the work still to be done and provided the inquiry with a long list of areas where reform is still needed. These included the treatment of extreme events in water plans, improvement and expansion of water markets, integrated management of surface and groundwater, identification of over-allocated systems, environmental watering monitoring, urban and rural water pricing and the impacts of water planning decisions for Indigenous communities. So we can see that there is a clear conflict between the government's claims that reform work is largely complete and the expert testimony that the water reform journey has just begun. Unlike this government, Labor is willing to listen to the experts. And unlike this government, we are not willing to compromise Australia's ability to respond to the ongoing challenges of water reform.
Another concern shared by many of the submitters to the inquiry was that the abolition of the NWC would see a loss of independent oversight of Australia’s water arrangements and the National Water Initiative. Submitters recognised the value of an independent body that can provide frank and fearless advice to governments and maintain a long-term perspective that transcends election cycles. On this issue, Environment Centre NT submitted:

Independent Federal oversight of the NWI is required to ensure water resources are far less likely to become depleted, that resource allocation decisions are made under a fair, transparent and informed process.

Importantly, research conducted and funded by the NWC has also been critical to building well-informed decision-making processes around water resource allocation and management.

Many submitters took particular note of the important role the NWC has played in overseeing the actions of the states, which are largely responsible for implementing actions within the National Water Initiative. On this matter, University of New South Wales’s Director of the Centre for Ecosystem Science, Professor Richard Kingsford, raised concerns about the potential for ‘a loss of engagement and accountability of the states and what they are doing’. He went on to say, ‘That is my biggest concern about the National Water Initiative’. Interestingly, it was not that long ago that those opposite seemed to agree. In fact, in 2012 Senator Simon Birmingham said the National Water Commission’s:

… role in holding the states and the Commonwealth to account for actually delivering on water reform is [vital].

Clearly, the Abbott government is no longer concerned about ensuring accountability, but Labor are, and this is yet another reason we will be opposing this bill.

Another big concern the committee heard with the abolition of the NWC is the enormous amount of knowledge and expertise that we stand to lose. Currently, the National Water Commission Act specifies the areas of high level expertise required by commissioners for appointment, including water resource management; freshwater ecology or hydrology; resource economics; public sector governance; and the audit, evaluation or implementation of programs relating to natural resource management.

The National Farmers Federation called for this expertise requirement to be maintained in the transfer of National Water Commission functions to the Productivity Commission. Sadly, if this bill proceeds, this will not happen and Australia will lose this incredible bank of knowledge and experience. Under questioning, the Productivity Commission conceded that this expertise does not exist within the organisation and would have to be hired in on a needs basis. This is very different from having ongoing in-house expertise that can inform every element of water reform, and Labor does not believe that it is sufficient.

Labor are concerned that if the bill proceeds, Australia will lose this expertise and with it the ability to make the best decisions based on the latest scientific information. As part of this bill, responsibility for assessing progress on the National Water Initiative and for auditing of the Murray-Darling Basin Plan as well as monitoring water markets and payments to Basin states would transfer to the Productivity Commission. While no-one would suggest that the Productivity Commission is not an excellent and laudable institution, the inquiry heard many concerns that the NWC role in stakeholder engagement and consultation would be lost if the bill proceeds. Many submitters lauded the success of the NWC’s coordination and consultative processes, which have been performed through its stakeholder reference group.
And many voiced concerns that the Productivity Commission is not equipped to take on this type of ongoing consultation and engagement.

In this regard, the National Farmers Federation recommended that the Productivity Commission institute a stakeholder reference panel, but, unfortunately, this option is not on the table. Labor is persuaded by the arguments of the NFF and other submitters that the NWC's consultative role is vital and that it will not adequately be supported in the new arrangements.

Another commonly voiced concern with the transfer of functions to the Productivity Commission is that of focus. Many were worried that the Productivity Commission's prime focus on economic factors would see the vitally important social and environmental factors reduced to a lower priority. The National Farmers Federation were particularly concerned about this and recommended in their submission that the Productivity Commission should be required to adopt a triple bottom-line approach to their proposed water functions. Realistically, however, this change will not be made with this bill, and if it is passed the concerns of the NFF will still stand.

One of the only submitters that fully supported the government's proposed abolition of the NWC and associated arrangements was the National Irrigators Council. Unfortunately, many of the concerns raised by this council in its submission actually will not be addressed by this bill. Issues raised are unlikely to be affected at all by the abolition of the National Water Commission.

Labor stand in unity with the vast majority of submitters to the inquiry into this bill that a national, coordinated approach to water reform is needed to deliver on the National Water Initiative. We believe that the National Water Commission provides valuable, frank and independent advice to governments of all persuasions across jurisdictions. We believe that the NWC's level of expertise and role in bringing stakeholders together cannot be lost. We believe the NWC has a proven track record for promoting the need for and benefits of ongoing water reform, and ensuring plans are made to secure Australia's economic future.

We believe this plan threatens the stability, coherence and accountability of Australia's water reform and puts it at serious risk of falling off the agenda entirely. We do not believe that the very small annual saving goes anywhere near compensating the losses that this bill will create in terms of expertise and the fulfilment of other functions. We also believe that for such a small saving, we simply cannot risk the possibility that we will drop the ball on water reform.

Clearly, this amount of money is negligible when compared to the future of water in this country. And, clearly, when this government is willing to spend billions of dollars to pay millionaires to have babies, we can see some seriously twisted priorities at play. As in so many areas, the statements of this government are at a variance with the experts who deal with this issue every day of their professional lives. Again, this government is ignoring the advice of scientists and experts in—(Time expired)

Debate interrupted.
ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Sterle) (19:20): Order! I propose the question:

That the Senate do now adjourn.

Victorian Government

Senator MARSHALL (Victoria—Deputy President of the Senate and Chair of Committees) (19:20): I rise to congratulate Daniel Andrews, the hardworking frontbench and all the members of the Victorian Labor Party. Four years of hard work has paid off with the election of the Andrews government. One of the first acts of the Andrews government will be to resolve the long-running and unnecessary dispute with our paramedics, and to recall parliament to introduce the back to work act, helping to create 100,000 new jobs for retrenched workers and unemployed youth. Daniel Andrews and his new frontbench have a strong mandate to fix the problems in Victoria. They have a set of policies that were very popular in the community: fixing the worst 50 rail crossings, building the Metro Rail tunnel, fixing TAFE and making Victoria the education state to name but a few. I look forward to see these and other initiatives commenced or implemented over the next four years. There is little doubt in my mind that the Andrews government will be a hardworking and very competent government. Critically, they will need to address some key issues that have been left unresolved by the previous government.

Earlier this year, the body responsible for the oversight of the Victorian police force, the Independent Broad-Based Anti-Corruption Commission, or IBAC, asked the government for additional powers and resources so it could properly do its job. The legislation proposed by the previous government as a means to grant more powers to IBAC failed to make it to parliament before the election. This issue needs to be addressed by the Andrews government. IBAC is waiting for a response.

I have made a number of speeches in this chamber about the problems in the Victorian police force. In Victoria, we have a police force that undertakes its own internal investigations of complaints made against its own police. Time and time again, internal investigations of police by police have exonerated the actions of police, even in cases where the courts have found serious wrongdoing. We have a significant number of complaints about police, particularly in the case of police assaults. I believe we have a systemic problem in the Victorian police force. This is as a result of many police believing that they can act with impunity, and it appears that, in the vast majority of cases, they are right. The worst that will generally happen to them is some internal disciplinary charges. They can rely on their fellow officers to back up their version of events or indeed, as we know, concoct a completely new version of events to suit the circumstances.

On handing down a recent decision against police who had concocted a story to cover up an assault, Magistrate Charlie Rozencwajg said Victoria Police appeared to suffer from a similar culture of silence to that of the criminal world. He went on to say that, in the criminal underworld, informing on a colleague was known as being a ‘dog’. ‘A similar culture, for whatever reason, existed in the Victorian police force.’ I want to work with the new Andrews government to ensure that, in Victoria, we have a truly independent body to investigate
complaints made against police and, importantly, to instigate charges against police for their misconduct.

We still have no action taken against the police who assaulted Corinna Horvath close to 20 years ago. The Magistrates' Court found that the police assaulted Corinna. The United Nations Human Rights Committee found that the state of Victoria failed to provide proper redress for Corinna. And yet we have seen little more than an apology and an ex gratia payment. Three of the four police officers who assaulted Corinna still work in the Victorian police force. Police officers involved should face the criminal charges identified by the County Court's Judge Williams back in 2001, where he found police at fault of assault, unlawful arrest, false imprisonment and malicious prosecution, and found that the police told lies on matters of major significance.

The bodies responsible for police oversight in Victoria—IBAC and the Office of Police Integrity, or the OPI—have proved to be completely ineffectual in that role. The OPI dedicated two pages of its 2010-11 annual report to a police raid on a small bungalow in Williamstown, where three teenagers—all minors—were assaulted, pepper sprayed and arrested. The OPI conducted an independent review and found that the police used excessive force, and then referred the incident back to Victoria Police for action. After conducting their own internal review, the police found that many of the OPI's findings were not valid and took no action against the police involved. The body responsible for police oversight was just completely ignored by the Victorian police force command.

One possible solution to this systemic crisis is already in operation internationally. The Police Ombudsman for Northern Ireland's office provides the public with an independent and impartial investigation of complaints made against police. Northern Ireland's police ombudsman has the power to refer charges to the Public Prosecution Service and seek disciplinary action against police. The office has a complement of around 150 people—about two-thirds of whom are employed within the office's investigative teams. In its 2011-12 annual report, the Northern Ireland's police ombudsman stated that it had received 3,336 new complaints against police that year. Nine hundred and eight recommendations were made to the Public Prosecution Service, including nine criminal charges against police. Four hundred and ninety-three recommendations were made to the police force command, including 19 cases where they recommended formal disciplinary proceedings. In comparison, IBAC received 2,567 complaints regarding police misconduct, which covered over 4,860 allegations in the 2013-14 year alone. In that year, IBAC conducted only 24 investigations. This is clearly inadequate by anyone's standard.

Not only did the Northern Ireland police ombudsman make close to a thousand recommendations to the public prosecution office but it also surveyed all complainants after the closure of their complaint. Fifty-two per cent of respondents responded that they were very satisfied or satisfied with the investigation, down from 59 per cent last year. I cannot imagine that we would get the same feedback if we were to ask those who had made a complaint about police in Victoria. This is just one of the working models of independent police oversight in operation overseas. Northern Ireland's police ombudsman is effective, it receives strong support from the public and from the police, who are in no way hindered in their work. In fact, the Police Ombudsman for Northern Ireland surveyed police after the conclusion of their investigation, and 72 per cent of the police were satisfied or very satisfied.
by the work of the police ombudsman. The people of Victoria should expect no less of a response to the long-term systemic issue of police assaults. No-one in our state should be above the law. Unfortunately, it appears that some members of the Victoria Police force feel that they can assault citizens without any fear of prosecution.

As well as having made a number of speeches on this matter, I have also raised the issue with both federal and state colleagues. I am confident that support for an independent body to investigate police in Victoria is growing. I will be doing what I can to ensure all Victorians get the changes we need to police oversight—a properly empowered and well-funded independent body that can fully investigate and, most importantly, have charges laid against police for this misconduct. To settle for anything less will not fix the problem. Police need to know that their actions are accountable, that they have a duty of care for every citizen and that our community will not accept that assaulting people is ever acceptable.

Policing is a tough job. It is why we pay our police very well. It is why we invest heavily in the training and professional conduct of our police. Police that then abuse that training and abuse the trust that Victorians give them need to be held accountable for their actions.

Policing can be done with integrity. Policing must be done with integrity. Those officers who conduct assaults against citizens of Victoria must be held accountable as if they were any other citizen for those breaches of the law. Victorians expect this. This is happening in many overseas jurisdictions. We must have an independent body that investigates police. We cannot have police investigating police. We know that that does not work. Case after case has demonstrated that that does not work. We need a truly independent body to conduct those investigations and have the ability to have charges laid against police for their misconduct.

Labor Party

Senator SMITH (Western Australia) (19:30): We are now into the first week of December, and this is our final scheduled parliamentary sitting week for 2014. If you look around the building, you will see Christmas trees and lights decorating some offices, and no doubt there are Christmas functions happening in the building even as I speak. Christmas is traditionally a time of goodwill and for many a time to relax. For some—most particularly young Australians—it is a time of year that takes on magical properties; sometimes miracles even seem possible. Of course, as we grow older the Christmas period becomes increasingly important as a period of reflection to think about the year past and consider how we can be better in the year ahead.

Along with many other Australians I have a Christmas wish this year. My Christmas wish is that the Labor Party will use the Christmas period this year to reflect upon their approach in this Senate chamber and to finally listen to the many voices, including some on their own side, that are calling on them to put the nation's interests ahead of their own political interests and actually get serious about dealing with the budget crisis.

I know there are some—chiefly Senator Dastyari—who greatly enjoy it when I mention this next gentleman during my contributions in this chamber, but I would like to spend a moment talking about Paul Keating. Paul Keating is not someone I have ever held great affection for in the past; but, this being the season of goodwill, I must confess that I have developed a real respect for him this year on a number of fronts. It seems that Mr Keating is also filled with the charitable spirit of Christmas this year. Just last Friday Mr Keating was
asked for his appraisal of the way New South Wales Premier Mike Baird is performing in his role. His response:

I think exceptionally well... there's only one reward in public life and that's public progress and the test of the relevance of leaders is can they get the job done? Can the state and the country be better? And I think in this case we are seeing a lot of positive changes.

The Christmas cheer kept flowing as the former Labor Prime Minister warmly endorsed the New South Wales coalition government's infrastructure plan in stark contradiction to the Labor Party's stubborn opposition. Mr Keating's remark was:

I support the Premier's view about this. There are still some obscurantists in the Labor party... there's still some there.

Mr Keating's contributions can sometimes send people scrambling for a dictionary; but, for those listening who may be unfamiliar with the term, an 'obscurantist' is someone opposing or hindering the spread of new ideas and new social or political developments. They are dogmatists. The thesaurus actually lists the word as an antonym for 'progressive', which is ironic for a political party that likes to think of itself as the progressive one. When I read Mr Keating's comments I was immediately struck by their relevance not just to the New South Wales Labor Party but to the prevailing attitudes displayed by members of the Labor Party in this Senate chamber.

It is fitting that we are talking about Paul Keating as the year draws to a close, because the year quite literally began with Paul Keating urging this government to act swiftly to repair the budget. The Australian newspaper of 1 January this year, under the banner 'Old foes unite on economy', described comments from both Paul Keating and Labor's most successful ever leader, Bob Hawke, noting the similarities between the situation they faced in the mid-1980s and the situation inherited by the Abbott government. In that article Mr Keating said:

The broad lesson is to inform the public of the problem and then earnestly pursue the remedies. When you're cutting outlays like we were, we had outlays growing at less than the inflation rate for a number of years, you've really got to want to do this. You've really got to have the skills.

All of that is true, of course, and the other thing you really have to have is a responsible opposition that is prepared to work constructively with the government of the day to deal with the budget challenge in the national interest. That is something Bob Hawke and Paul Keating had in the mid-1980s when John Howard, no less, put the fiscal and national interest ahead of opportunistic politics in supporting much of the Hawke-Keating reform agenda. Sadly, it seems Labor leaders today are made of smaller stuff.

In January Bob Hawke indicated that what was needed to deal decisively with the budget challenge was leaders who are 'prepared to make hard decisions'. In May the government brought forward its first budget. Whatever else people may say about it, no-one can accuse the government of lacking the will to make difficult decisions. This has not been an experience any of us have particularly enjoyed. It would be much easier, of course—much easier politically—for the government to say everything is fine, to go on spending, to pursue a Rudd-Gillard approach to governing. But I will say that, when presented with a choice of two approaches to economic management, the Hawke-Keating model on one side and the Rudd-Gillard model on the other, who in their right mind would opt for the Rudd-Gillard model? Yet, bizarrely, that is exactly what today's Labor Party is doing: ignoring the lessons of their
own history and sticking with the Rudd-Gillard approach—an approach which significant Labor figures admit was a disaster.

Less than a month ago another former Labor leader, Bill Hayden, in seeming despair at the attitude his old party has adopted, urged Labor to 'build economic credibility' because the budget in the future will require 'meticulous management'. Bill Hayden went on to say:

Any opposition wanting to take government must demonstrate credibility on economic management. I actually felt that Julia Gillard may have been overextending herself fiscally on program commitments.

There have, of course, been others who have tried to warn the Labor Party over the course of the year. During Senate estimates the Treasury secretary summed up the frustration that many feel over Labor's stubborn refusal to even recognise, let alone help to repair the debt and deficit mess they left. He said:

I've been saying this, the governor of the Reserve Bank has been saying this, the head of the independent Parliamentary Budget Office has most recently said this last week. If the two most senior economic bureaucrats in the country are saying 'people we have a challenge and it's about time we had a serious community discussion' and the independent head of the Parliamentary Budget Office says the same thing, it's actually in the hands of the political class.

Dr Parkinson, who was actually appointed by the former Labor government, has also criticised those who 'invoke vague notions of fairness' to oppose all budget repair. There is no prize for guessing to whom he might have been referring, because that is exactly what those opposite have been doing now for over six months. It seems they are yet to realise that 'complaint' and 'opposition' are not the same thing. Can anyone in this place or listening outside this evening think of a single, solid proposal for budget repair that has come from those opposite, who are actually the begetters of the budget mess this government must now fix? I can think of a great many complaints and promises to reverse savings this government has implemented but I honestly cannot think of a single policy idea the Labor Party have put forward this year that would actually improve our budget position.

I do not mind honest disagreement—politics is after all about competing values and priorities—but the problem at the moment is that we do not know what Labor's values and priorities are. A grab bag of cliches about fairness and a vague promise that they will make things better somehow just does not cut it. That approach is no longer good enough. If those opposite are not prepared to support the government's savings measures, then let them bring forward their own savings measures. Let us hear your ideas. Is there anything in your Santa sack other than—and apologies to the Greens—just a lump of coal?

So my Christmas wish for this year is that, in the period of reflection available to the Labor Party over the Christmas break, they heed Paul Keating's advice about showing themselves to be leaders who can get the job done, they listen to Bill Hayden's urging for them to build economic credibility and they come back to this place in February next year prepared to behave rationally, as have oppositions in our past, and actually work with the government in the national interest to deal decisively with the budget challenge.

In conclusion I extend my Christmas best wishes to those men and women of the Australian Defence Force serving our country overseas, particularly those in peacekeeping roles. I also extend my Christmas best wishes to the men and women on Operation Slipper in the Middle East area of operation who I had the great pleasure to meet in May this year on the Australian Parliamentary Defence Force Program. Merry Christmas.
The DEPUTY PRESIDENT: I understand there is agreement across the chamber with speaking times. I will ask the clerk to set the clock accordingly.

International Day of People with Disability

Senator LAMBIE (Tasmania) (19:40): Today, 3 December, is International Day of People with Disability. The minister for disabilities has given me a badge to wear to advertise and celebrate this day. The badge reads: '3rd of December marks International Day of People with Disability, a United Nations sanctioned day that unites people around the world in celebrating the achievements and contributions of people with disability.' I wholeheartedly agree with this day and acknowledge the important valuable contribution that people with disabilities give to the world, Australia and the state of Tasmania because, after an injury and a long battle with government bureaucracy, I also carry a disability—depression, and I have had to learn to cope with that—along with a back injury.

As a result of that experience of being down and out for many years, I have made the decision to give people with disabilities who are suitably qualified a fair go when it comes to employing staff. The problem I have is that the Abbott government have obstructed and hindered me at every stage when I have tried to employ people with disabilities. They did it once when I tried to hire a former commando who suffered a brain injury after he was blown up in Afghanistan when serving his country and tonight I have to report to the Senate that the Liberal government have done it again. Despite all the policies, badges and fine speeches, Mr Abbott could not give a damn about people with disabilities. I say that with confidence because once again I have tried to employ a person with a disability and once again this government has failed to allow some reasonable workplace adjustments to ensure that this person is employed.

I refer to my senior policy advisor Ms Barber, a person who is living with a disability and whose personal circumstances I am now forced to bring before this Senate because I have run out of options. The government, according to Senator Ronaldson, wants her unemployed tomorrow. The bizarre thing about my argument over my staff choice with Mr Abbott is that I can, with the travel arrangements I am requesting for Ms Barber, save the Commonwealth government about $5,000 per year.

I did not want to have to put Ms Barber thought this public scrutiny. As a high-profile health whistleblower she has already been through enough, but both Ms Barber and I agree that this government, Prime Minister and Special Minister of State should be exposed for the frauds and hypocrites that they really are when it comes to employing and making reasonable workplace adjustments for people with disabilities.

Senator Colbeck: Mr Deputy President, I rise on a point of order. Senator Lambie has just reflected on a member of this place and a member of the other place. It is unparliamentary language and it should be withdrawn.

The DEPUTY PRESIDENT: Senator Lambie, you cannot directly refer to a member in this place in that manner. I simply ask you to withdraw.

Senator LAMBIE: I withdraw.

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

Senator LAMBIE: Ms Barber's professional skills are unique and have already benefited the people of Tasmania in many different ways, which I will describe in more detail in the
future I am sure. However, tonight the important point I need to make is that as a former police officer, a health ethical standards officer, an expert Supreme Court witness in workers comp matters as well as a chief medical board investigator Ms Barber has invaluable practical and legislative skills, which are rare to find in one person who is so easy and trustworthy to work with.

Because of all the injuries accumulated during her long history of distinguished public service Ms Barber now suffers from disabilities, which her GP and psychologist have confirmed in writing to our PM and Minister Ronaldson. Despite being informed of those injuries, our Prime Minister and Senator Ronaldson refuse to allow Ms Barber to work from a non-standard work location. In short, according to her doctors, the best way for Ms Barber to medically manage her disabilities is for her to live in Brisbane close to her family and her professional medical support team and commute to Canberra for Senate sitting weeks. This simple workplace adjustment for a person with a genuine disability is too much for our PM to agree to, especially on this International Day of People with Disability. I just want the nation to know just how cruel and unreasonable the PM is being in his actions.

Abbott Government

Senator LUDLAM (Western Australia) (19:44): I rise tonight to thank and acknowledge all of those people around the country who are providing the real opposition to the Abbott government. If it is your view that democracy is about putting a piece of paper in a box once every few years and hoping for the best, then you are really leaving that concept of opposition to the politicians who file in here for 19 weeks of the year.

I don't think that idea has ever been tenable, but everywhere we look the flaws in this hands-off model of delegated democracy are becoming more evident by the day. Parliament alone has not been able to stop Prime Minister Abbott waging a debilitating assault on the solar and wind energy industries that are finally reaching critical mass around the world. Parliament has not stopped the gruesome human rights abuses carried out at the behest of Minister Scott Morrison. It has blunted, but not halted the sadistic budget measures that have targeted some of the most vulnerable people in our community.

So tonight I want to pay my respects to all of those people whose view of democracy and political agency is more expansive than numbering boxes on a piece of paper from time to time, to celebrate your hard fought successes and honour your irreplaceable losses. Those who stood in the way of machinery at Challar Forest, Walmadan and the Weld Valley, who are standing today at Maules Creek, the Pilliga, and East Gippsland, you speak for me. To those gearing up for direct action clashes at Point Peron and the beautiful Beeliar wetlands, you represent an extraordinary lineage of Australians stepping up in defence of country that stretches back for as long as people have lived here.

To Jon Moylan and your supporters, and everyone who spent this year turning the divestment movement from a an interesting idea into a material financial risk to those fossil interests and their investment backers who would otherwise risk everything, I cannot thank you enough.

If you work or employ people in the clean energy sector and are coming to grips with the idea that your government might not just be indifferent to your industry but actively hostile, all I can say is: please, hang in there. It matters to us all that your industry succeeds.
These so many in this community whose names we will never know who stand up for those who need a hand, even when they have very little themselves. These are the people for whom this government's extraordinary budget initiatives are not measured in statistics, but in lives. Getting to know Jon and Nic Shapiro, Bevan, Owen, Mort and others of those in my hometown dealing with the dark side of the housing boom has been one of the most moving experiences of 2014. Instead of being crushed by homelessness, you banded together and fought back and have taught us all about what compassionate resistance and defiance to callous government policy actually looks like.

To all of those at all levels of community building, from planners and developers to public transport advocates and architects, and all those who see our cities and settlements not just as they are, but how they could be, thank you for your inspiration, expertise and support.

Most of all, I want to acknowledge the original sovereigns and custodians of this ancient land for your patience and extraordinary courage in the face of continued appropriation of country and erasure of your history.

Sometimes this year I have felt beaten down by the sheer relentless aggression of a government that lied its way into office and seems to announce one harmful or casually abusive new initiative every single day. I cannot remember an Australian executive so brazenly, unashamedly owned by the big end of town as this government—and it shows nakedly in decisions at every level, from tax and welfare policy to public transport and energy strategy.

And this government failing. The people who gave up months of their lives to help hold our Western Australian Senate seat this April know it. The team who posted a historic effort and several wins for the Victorian Greens this last weekend, they know it too. The press gallery knows it. Rupert Murdoch knows it. The polling companies know it. For reasons unintended, this government is unifying the Australian community. To everyone engaged in this project of taking our country back, not from this government or the individuals—and there are many good people inside the Liberal and National parties, and I know that from many years of working in this building—so not from this government but from the ideas that propel it, my warmest thanks and best wishes for a restful and peaceful break, time with families and loved ones. If you are part of the opposition to this government, whether you are in this building or outside it, thank you for everything that you do.

**Tasmanian Liberal Members**

**Tasmanian Coastal Shipping**

**Senator BUSHBY** (Tasmania—Chief Government Whip in the Senate) (19:49): I rise to make note of the wonderful work that the three Tasmanian Liberal members—the member for Lyons, Eric Hutchinson; the member for Bass, Andrew Nikolic; and the member for Braddon, Brett Whitely—are doing in the communities of Tasmania. In particular, I would like to talk about the member for Lyons and the exceptional job he is doing in representing his constituency, one which largely forgotten about and certainly for granted by Labor for two decades.

I would also like to throw my support behind the work that Mr Hutchinson has done towards reducing the coastal shipping disadvantage that Tasmania, Australia's only island state, is burdened with. On Monday, 1 December this year—just at the beginning of this
Mr Hutchinson made a speech in the other place that clearly illustrated the issues that Tasmania and indeed Australia faces in regard to coastal shipping matters. It followed an opinion that was published in one of the Tasmanian papers on the same subject, drawing together the results of his deep and significant consultation and consideration of the challenges that Tasmanians face as a result of Bass Strait's existence. Mr Hutchinson said:

The changes to coastal shipping in 2009 and again in 2012 under the Coastal Trading (Revitalising Australian Shipping) Act 2012, particularly in relation to cabotage rules, damaged our nation's competitiveness, decreased productivity on our vital coastal shipping routes and pushed up costs.

I was on the Economics Committee at the time that examine this legislation and authored a dissenting report from the Labor majority report. The fears that were represented in that dissenting report have come to pass and have been quite effectively highlighted by Mr Hutchinson in the work that he has been doing on this matter recently. Mr Hutchinson went on to say:

Higher costs have seen manufacturers in aluminium, cement and fuel refining have no choice but to use coastal shipping for their product and raw materials and a number of these businesses have closed in recent years as a result of dramatically higher rates for coastal shipping.

Mr Hutchinson further said:

... the changes by Labor have impacted nationally but as an island state, nowhere has been harder hit than in my state of Tasmania.

The last international vessel to service Tasmania the AAA service stopped at Bell Bay and other domestic ports on the east coast before heading back to Singapore. This service ceased under the changes made by the previous government overseen by the Member for Grayndler, Anthony Albanese.

Mr Hutchinson pointed out that the AAA service was deemed unviable. More volume moved on Bass Strait and, with no competition due to the competitiveness of Australian ships, prices went up. In fact, the number of major Australian registered ships with licences to move coastal freight fell from 30 in 2006-07 to just 13 by 2012-13. If I recall correctly, at the time of the 2009 changes, there were 17—so it has been a steady decline, and it was supposed to reverse that. I have heard a lot of evidence from those who were proponents of those bills—they were saying that it would actually reverse that decline. The number of vessels has marginally risen since 2012-13, but the deadweight tonnage has plummeted by 64 per cent over the last two years. In any consideration of this matter, this is the telling metric—the amount of deadweight tonnage that is actually being removed.

The state government at the time, after ignoring the problem for two years hoping it would go away, responded with a policy of going into competition with the private businesses plying Bass Strait. As Mr Hutchinson said: 'The then opposition, now government, committed $33 million over three years to entice—encourage, if you will, subsidise—a service to return to Tasmania and service hubs in Asia. No more starkly can you see the financial impact flowing as a direct result of Labor's changes in government than in Tasmania. Multiply that cost around the country and consider the length of our coastline, and you can imagine the impact on business that relied on such services.'

Mr Hutchinson's words illustrate the high level of wisdom and maturity he brings to this important topic—important particularly to Tasmanians. Furthermore, his passion for improving the lot of Tasmanian businesses, workers and the community is clearly evident from this body of work. Mr Hutchinson—and I might add, his Liberal colleagues Mr Nikolic
and Mr Whiteley—are amongst the hardest working and most consultative members in this parliament. The electorate of Lyons is amongst the most beautiful in Australia. It includes the extraordinary beauty of Tasmania’s central highlands through to the majestic east coast, including places like the majestic Freycinet National Park. It also contains areas of significant historical and cultural significance such as Port Arthur and many historic towns. Mr Hutchinson’s presence in so many local communities often appears to be superhuman. In a morning, Mr Hutchinson may appear at a local school on the east coast, and in the same day he may be visiting an agricultural business in the Derwent Valley—and then a community forum in the north of the state. He often spends more hours on the road than some members of parliament spend at work.

Above all else, Mr Hutchinson is a member who listens to his constituents and takes action to improve the lives of everyday Tasmanians who, sadly, have suffered 16 years of neglect under, until recently, an ineffective Labor state government and an arrogant and lazy local Labor federal MP. I welcome the work that Mr Hutchinson is doing in Tasmania. At long last there is a genuine feeling in the community that things are improving and the economy is stirring—and this is due in no small part to the Liberal trio of Mr Hutchinson, Mr Nikolic and Mr Whiteley.

Senate adjourned at 19:55

DOCUMENTS

Tabling

The following document was tabled by the Clerk pursuant to statute:

*Lands Acquisition Act 1989*—Statement describing property acquired by agreement for specified purposes.

Tabling

The following documents were tabled by the government pursuant to statute:

*Australian Communications and Media Authority (ACMA)—Communications report for 2013-14.*


*Government response to the schedule of government responses outstanding to parliamentary committee reports tabled by the President of the Senate on 16 July 2013, dated 3 December 2014.*

*Innovation Australia—Report for 2013-14.*

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

1001177, 1001200, 1001306, 1001312, 1001315, 1001397, 1001445, 1001480, 1001510, 1001519, 1001533, 1001549, 1001551, 1001612, 1001664, 1001675, 1001712, 1001713, 1001735, 1001738, 10017171, 1001772, 1001775, 1001776, 1001778, 1001794, 1001795, 1001800, 1001801, 1001802, 1001803, 1001804, 1001805, 1001807, 1001808, 1001810, 1001811, 1001823, 1001824, 1001837 and 1001838—

*Commonwealth Ombudsman’s reports, dated 3 December 2014.*

*Government response to Ombudsman’s reports, dated 1 December 2014.*

*National Health Act 1953—Section 89A—Continued dispensing—Report for the period 1 September 2013 to 30 June.*
President’s report to the Senate on government responses outstanding to parliamentary committee reports as at 3 December 2014.
Sydney Airport Demand Management Act 1997—Quarterly report on the maximum movement limit for Sydney Airport for the period 1 July to 30 September 2014.

Order for the Production of Documents

Documents were tabled pursuant to the order for the production of documents relating to:
Social issues—Housing and homelessness initiatives—Letter to the President of the Senate from the Assistant Minister for Social Services (Senator Fifield), dated 3 December 2014, responding to the order of the Senate of 27 November 2014.
Transport—Queensland—Ipswich Motorway—Letter to the President of the Senate from the Minister for Finance (Senator Cormann), dated 2 December 2014, responding to the order of the Senate of 1 December 2014 and raising a public interest immunity claim.
Family and Community Services—Northern Territory—Income management—Letter to the President of the Senate from the Assistant Minister for Social Services (Senator Fifield), dated 3 December 2014, responding to the order of the Senate of 1 December 2014.