INTERNET
The Journals of the Senate are available at

Proof and Official Hansards for the House of Representatives,
the Senate and committee hearings are available at

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

SITTING DAYS—2015

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
<td>9, 10, 11, 12</td>
</tr>
<tr>
<td>March</td>
<td>2, 3, 4, 5, 16, 17, 18, 19, 23, 24, 25, 26</td>
</tr>
<tr>
<td>May</td>
<td>11, 12, 13, 14</td>
</tr>
<tr>
<td>June</td>
<td>15, 16, 17, 18, 22, 23, 24, 25</td>
</tr>
<tr>
<td>August</td>
<td>10, 11, 12, 13, 17, 18, 19, 20</td>
</tr>
<tr>
<td>September</td>
<td>7, 8, 9, 10, 14, 15, 16, 17</td>
</tr>
<tr>
<td>October</td>
<td>12, 13, 14, 15</td>
</tr>
<tr>
<td>November</td>
<td>9, 10, 11, 12, 23, 24, 25, 26, 30</td>
</tr>
<tr>
<td>December</td>
<td>1, 2, 3</td>
</tr>
</tbody>
</table>

RADIO BROADCASTS
Broadcasts of proceedings of the Parliament can be heard on ABC NewsRadio in the capital cities on:

- ADELAIDE 972AM
- BRISBANE 936AM
- CANBERRA 103.9FM
- DARWIN 102.5FM
- HOBART 747AM
- MELBOURNE 1026AM
- PERTH 585AM
- SYDNEY 630AM

For information regarding frequencies in other locations please visit
http://www.abc.net.au/newsradio/listen/frequencies.htm
FORTY-FOURTH PARLIAMENT  
FIRST SESSION—SEVENTH PERIOD

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

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

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

Printed by authority of the Senate
<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>
<td>30.6.2020</td>
<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>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Brown, Carol Louise</td>
<td>TAS</td>
<td>30.6.2020</td>
<td>ALP</td>
</tr>
<tr>
<td>Bullock, Joseph Warrington</td>
<td>WA</td>
<td>30.6.2020</td>
<td>ALP</td>
</tr>
<tr>
<td>Bushby, David Christopher</td>
<td>TAS</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Cameron, Hon. Douglas Niven</td>
<td>NSW</td>
<td>30.6.2020</td>
<td>ALP</td>
</tr>
<tr>
<td>Canavan, Matthew James</td>
<td>QLD</td>
<td>30.6.2020</td>
<td>LNP</td>
</tr>
<tr>
<td>Carr, Hon. Kim John</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Cash, Hon. Michaelita Clare</td>
<td>WA</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Colbeck, Hon. Richard Mansell</td>
<td>TAS</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Collins, Hon. Jacinta Mary Ann</td>
<td>VIC</td>
<td>30.6.2020</td>
<td>ALP</td>
</tr>
<tr>
<td>Conroy, Hon. Stephen Michael</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Cormann, Hon. Mathias Hubert Paul</td>
<td>WA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Dastyari, Sam</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Day, Robert John</td>
<td>SA</td>
<td>30.6.2020</td>
<td>FFP</td>
</tr>
<tr>
<td>Di Natale, Richard</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Edwards, Sean</td>
<td>SA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Fawcett, David Julian</td>
<td>SA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Fierravanti-Wells, Hon. Concetta Anna</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Fifield, Hon. Mitchell Peter</td>
<td>VIC</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Gallacher, Alexander McEachan</td>
<td>SA</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Gallagher, Katherine Ruth(3)</td>
<td>ACT</td>
<td></td>
<td>ALP</td>
</tr>
<tr>
<td>Hanson-Young, Sarah Coral</td>
<td>SA</td>
<td>30.6.2020</td>
<td>AG</td>
</tr>
<tr>
<td>Heffernan, Hon. William Daniel</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Johnston, Hon. David Albert Lloyd</td>
<td>WA</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Ketter, Christopher Ronald</td>
<td>QLD</td>
<td>30.6.2020</td>
<td>ALP</td>
</tr>
<tr>
<td>Lambie, Jacqui</td>
<td>TAS</td>
<td>30.6.2020</td>
<td>IND</td>
</tr>
<tr>
<td>Lazarus, Glenn Patrick</td>
<td>QLD</td>
<td>30.6.2020</td>
<td>IND</td>
</tr>
<tr>
<td>Leyonhjelm, David Ean</td>
<td>NSW</td>
<td>30.6.2020</td>
<td>LDP</td>
</tr>
<tr>
<td>Lines, Susan</td>
<td>WA</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Lindgren, Joanna Maria(4)</td>
<td>QLD</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Ludlam, Scott</td>
<td>WA</td>
<td>30.6.2020</td>
<td>AG</td>
</tr>
<tr>
<td>Macdonald, Hon. Ian Douglas</td>
<td>QLD</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Madigan, John Joseph</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>IND</td>
</tr>
<tr>
<td>Marshall, Gavin Mark</td>
<td>VIC</td>
<td>30.6.2020</td>
<td>ALP</td>
</tr>
<tr>
<td>McAllister, Jennifer(2)</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>McEwen, Anne</td>
<td>SA</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>McGrath, James</td>
<td>QLD</td>
<td>30.6.2020</td>
<td>LNP</td>
</tr>
<tr>
<td>McKenzie, Bridget</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>NATS</td>
</tr>
<tr>
<td>McKim, Nicholas James(5)</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>McLucas, Hon. Jan Elizabeth</td>
<td>QLD</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Moore, Claire Mary</td>
<td>QLD</td>
<td>30.6.2020</td>
<td>ALP</td>
</tr>
<tr>
<td>Muir, Ricky Lee</td>
<td>VIC</td>
<td>30.6.2020</td>
<td>AMEP</td>
</tr>
<tr>
<td>Nash, Hon. Fiona Joy</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>NATS</td>
</tr>
<tr>
<td>Senator</td>
<td>State or Territory</td>
<td>Term expires</td>
<td>Party</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>--------------------</td>
<td>--------------</td>
<td>-------</td>
</tr>
<tr>
<td>O'Neil, Deborah Mary</td>
<td>NSW</td>
<td>30.6.2020</td>
<td>ALP</td>
</tr>
<tr>
<td>O'Sullivan, Barry James</td>
<td>QLD</td>
<td>30.6.2020</td>
<td>NATS</td>
</tr>
<tr>
<td>Parry, Stephen Shane</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Payne, Hon. Marise Ann</td>
<td>NSW</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Peris, Nova Maree OAM</td>
<td>NT</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Polley, Helen Beatrice</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Reynolds, Linda Karen CSC</td>
<td>WA</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Rhiannon, Lee</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Rice, Janet Elizabeth</td>
<td>VIC</td>
<td>30.6.2020</td>
<td>AG</td>
</tr>
<tr>
<td>Ronaldson, Hon. Michael</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Ruston, Anne Sowerby</td>
<td>SA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Ryan, Hon. Scott Michael</td>
<td>VIC</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Scullion, Hon. Nigel Gregory</td>
<td>NT</td>
<td></td>
<td>CLP</td>
</tr>
<tr>
<td>Seselja, Zdenko Matthew</td>
<td>ACT</td>
<td></td>
<td>LP</td>
</tr>
<tr>
<td>Siewert, Rachel Mary</td>
<td>WA</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Simms, Robert Andrew</td>
<td>SA</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Singh, Hon. Lisa Maria</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Sinodinos, Hon. Arthur</td>
<td>NSW</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Smith, Dean Anthony</td>
<td>WA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Sterle, Glenn</td>
<td>WA</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Urquhart, Anne Elizabeth</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Wang, Zhenya</td>
<td>WA</td>
<td>30.6.2020</td>
<td>PUP</td>
</tr>
<tr>
<td>Waters, Larissa Joy</td>
<td>QLD</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Whish-Wilson, Peter Stuart</td>
<td>TAS</td>
<td>30.6.2020</td>
<td>AG</td>
</tr>
<tr>
<td>Williams, John Reginald</td>
<td>NSW</td>
<td>30.6.2020</td>
<td>NATS</td>
</tr>
<tr>
<td>Wong, Hon. Penelope Ying Yen</td>
<td>SA</td>
<td>30.6.2020</td>
<td>ALP</td>
</tr>
<tr>
<td>Xenophon, Nicholas</td>
<td>SA</td>
<td>30.6.2020</td>
<td>IND</td>
</tr>
</tbody>
</table>

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

Heads of Parliamentary Departments
Clerk of the Senate—R Laing
Clerk of the House of Representatives—D Elder
Acting Secretary, Department of Parliamentary Services—D Heriot
Parliamentary Budget Officer—P Bowen
<table>
<thead>
<tr>
<th>Title</th>
<th>Minister</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Prime Minister</strong></td>
<td>Hon Malcolm Turnbull MP</td>
</tr>
<tr>
<td><strong>Minister for Indigenous Affairs</strong></td>
<td>Senator Hon Nigel Scullion</td>
</tr>
<tr>
<td><strong>Minister for Women</strong></td>
<td>Senator Hon Michaelia Cash</td>
</tr>
<tr>
<td><strong>Cabinet Secretary</strong></td>
<td>Senator Hon Michaelia Cash</td>
</tr>
<tr>
<td><em>Minister Assisting the Prime Minister for the Public Service</em></td>
<td>Senor Hon Mitch Fiffield</td>
</tr>
<tr>
<td><em>Minister Assisting the Prime Minister for Digital Government</em></td>
<td>Senor Hon Mitch Fiffield</td>
</tr>
<tr>
<td><em>Minister Assisting the Prime Minister for Counter Terrorism</em></td>
<td>Senor Hon Mitch Fiffield</td>
</tr>
<tr>
<td><em>Assistant Minister to the Prime Minister</em></td>
<td>Hon Alan Tudge MP</td>
</tr>
<tr>
<td><em>Assistant Minister to the Prime Minister</em></td>
<td>Hon Dr Peter Hendy MP</td>
</tr>
<tr>
<td><em>Assistant Minister for Productivity</em></td>
<td>Senor Hon Scott Ryan</td>
</tr>
<tr>
<td><strong>Minister for Infrastructure and Regional Development</strong></td>
<td>Hon Warren Truss MP</td>
</tr>
<tr>
<td><strong>Minister for Resources, Energy and Northern Australia</strong></td>
<td>Hon Josh Frydenberg MP</td>
</tr>
<tr>
<td><strong>Minister for Territories, Local Government and Major Projects</strong></td>
<td>Hon Paul Fletcher MP</td>
</tr>
<tr>
<td><em>Assistant Minister to the Deputy Prime Minister</em></td>
<td>Hon Michael McCormack MP</td>
</tr>
<tr>
<td><strong>Minister for Foreign Affairs</strong></td>
<td>Senor Hon George Brandis QC</td>
</tr>
<tr>
<td><strong>Minister for Trade and Investment</strong></td>
<td>Hon Julie Bishop MP</td>
</tr>
<tr>
<td><strong>Minister for International Development and the Pacific</strong></td>
<td>Hon Andrew Robb AO MP</td>
</tr>
<tr>
<td><strong>Minister for Tourism and International Education</strong></td>
<td>Senor Hon Richard Colbeck</td>
</tr>
<tr>
<td><em>Minister Assisting the Minister for Trade and Investment</em></td>
<td>Senor Hon Richard Colbeck</td>
</tr>
<tr>
<td><strong>Attorney-General</strong></td>
<td>Senor Hon Concetta Fieravanti-Wells</td>
</tr>
<tr>
<td>(Vice-President of the Executive Council)</td>
<td>Senor Hon Concetta Fieravanti-Wells</td>
</tr>
<tr>
<td>(Leader of the Government in the Senate)</td>
<td>Senor Hon Concetta Fieravanti-Wells</td>
</tr>
<tr>
<td><strong>Minister for Justice</strong></td>
<td>Senor Hon Concetta Fieravanti-Wells</td>
</tr>
<tr>
<td><strong>Assistant Minister for Multicultural Affairs</strong></td>
<td>Senor Hon Concetta Fieravanti-Wells</td>
</tr>
<tr>
<td><strong>Treasurer</strong></td>
<td>Hon Michael Keenan MP</td>
</tr>
<tr>
<td><strong>Minister for Small Business</strong></td>
<td>Hon Scott Morrison MP</td>
</tr>
<tr>
<td><strong>Assistant Treasurer</strong></td>
<td>Hon Kelly O’Dwyer MP</td>
</tr>
<tr>
<td><strong>Assistant Minister to the Treasurer</strong></td>
<td>Hon Alex Hawke MP</td>
</tr>
<tr>
<td><strong>Minister for Finance</strong></td>
<td>Senor Hon Mathias Cormann</td>
</tr>
<tr>
<td>(Deputy Leader of Government in the Senate)</td>
<td>Senor Hon Mathias Cormann</td>
</tr>
<tr>
<td><strong>Special Minister of State</strong></td>
<td>Senor Hon Mathias Cormann</td>
</tr>
<tr>
<td><strong>Minister for Agriculture and Water Resources</strong></td>
<td>Hon Barnaby Joyce MP</td>
</tr>
<tr>
<td><strong>Assistant Minister for Agriculture and Water Resources</strong></td>
<td>Senor Hon Anne Ruston</td>
</tr>
<tr>
<td><strong>Minister for Industry, Innovation and Science</strong></td>
<td>Senor Hon Anne Ruston</td>
</tr>
<tr>
<td>(Leader of the House)</td>
<td>Senor Hon Anne Ruston</td>
</tr>
<tr>
<td><strong>Minister for Resources, Energy and Northern Australia</strong></td>
<td>Hon Christopher Pyne MP</td>
</tr>
<tr>
<td><strong>Assistant Minister for Science</strong></td>
<td>Hon Karen Andrews MP</td>
</tr>
<tr>
<td><strong>Assistant Minister for Innovation</strong></td>
<td>Hon Wyatt Roy MP</td>
</tr>
<tr>
<td><strong>Minister for Immigration and Border Protection</strong></td>
<td>Hon Peter Dutton MP</td>
</tr>
<tr>
<td><strong>Assistant Minister for Multicultural Affairs</strong></td>
<td>Senor Hon Concetta Fieravanti-Wells</td>
</tr>
<tr>
<td>Title</td>
<td>Minister</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>Minister for the Environment</td>
<td>Hon Greg Hunt MP</td>
</tr>
<tr>
<td>Minister for Cities and the Built Environment</td>
<td>Hon Jamie Briggs MP</td>
</tr>
<tr>
<td><strong>Minister for Health</strong></td>
<td></td>
</tr>
<tr>
<td>Assistant Minister for Health</td>
<td>Hon. Ken Wyatt MP</td>
</tr>
<tr>
<td><strong>Minister for Sport</strong></td>
<td></td>
</tr>
<tr>
<td>Minister for Rural Health</td>
<td>Senator Hon Fiona Nash</td>
</tr>
<tr>
<td><strong>Minister for Defence</strong></td>
<td></td>
</tr>
<tr>
<td>Minister for Veterans’ Affairs</td>
<td>Senator Hon Marise Payne</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for the Centenary of ANZAC</td>
<td>Hon Stuart Robert MP</td>
</tr>
<tr>
<td>Minister for Defence Materiel and Science</td>
<td>Hon Mal Brough MP</td>
</tr>
<tr>
<td>Assistant Minister for Defence</td>
<td>Hon Darren Chester MP</td>
</tr>
<tr>
<td><strong>Minister for Communications</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Minister for the Arts</strong></td>
<td></td>
</tr>
<tr>
<td>(Manager of Government Business in the Senate)</td>
<td>Senator Hon Mitch Fifield</td>
</tr>
<tr>
<td>Minster for Employment</td>
<td>Senator Hon Michaelia Cash</td>
</tr>
<tr>
<td><strong>Minister for Social Services</strong></td>
<td></td>
</tr>
<tr>
<td>Minister for Human Services</td>
<td>Hon Stuart Robert MP</td>
</tr>
<tr>
<td><strong>Assistant Minister for Multicultural Affairs</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Minister for Education and Training</strong></td>
<td></td>
</tr>
<tr>
<td>Minister for Vocational Education and Skills</td>
<td>Senator Hon Simon Birmingham</td>
</tr>
<tr>
<td>(Deputy Leader of the House)</td>
<td>Hon Luke Hartsuyker MP</td>
</tr>
<tr>
<td>Minister for Tourism and International Education</td>
<td>Senator Hon Richard Colbeck</td>
</tr>
</tbody>
</table>

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

MONDAY, 12 OCTOBER 2015

Chamber
DOCUMENTS—
Tabling ........................................................................................................ 7225
COMMITTEES—
Joint Standing Committee on Foreign Affairs, Defence and Trade—
Joint Standing Committee on Migration—
Meeting ........................................................................................................ 7225
PARLIAMENTARY REPRESENTATION—
South Australia—
Senators Sworn............................................................................................ 7225
BILLS—
Fair Work Amendment Bill 2014—
Second Reading............................................................................................ 7225
In Committee.................................................................................................. 7267
MINISTERIAL ARRANGEMENTS ................................................................. 7285
QUESTIONS WITHOUT NOTICE—
Murray-Darling Basin ................................................................................ 7288
Trans-Pacific Partnership Agreement ......................................................... 7289
Arts Funding ................................................................................................ 7291
Trans-Pacific Partnership Agreement ......................................................... 7293
Asylum Seekers ............................................................................................ 7294
Employment .................................................................................................. 7296
Donations to Political Parties ....................................................................... 7297
Infrastructure ............................................................................................... 7299
Environment Protection and Biodiversity Conservation Act 1999 ............ 7300
Indigenous Health ........................................................................................ 7301
Australian Water Holdings ........................................................................... 7303
Defence Procurement .................................................................................. 7304
QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS—
Murray-Darling Basin ................................................................................ 7305
Asylum Seekers ............................................................................................ 7311
CONDOLENCES—
Whan, Mr Robert Bruce, AM ...................................................................... 7312
PRIVILEGE ................................................................................................... 7312
NOTICES—
Withdrawal .................................................................................................. 7315
Presentation ................................................................................................... 7315
BUSINESS—
Rearrangement ............................................................................................ 7320
Leave of Absence ......................................................................................... 7320
NOTICES—
Postponement ............................................................................................. 7320
COMMITTEES—
Economics Legislation Committee—
Environment and Communications Legislation Committee—
Reporting Date ............................................................................................. 7321
CONTENTS—continued

Rural and Regional Affairs and Transport Legislation Committee—
Reporting Date .................................................................................................................. 7321

MOTIONS—
Environment ....................................................................................................................... 7323
Perth Freight Link ............................................................................................................... 7324
Trade with China ............................................................................................................... 7326

COMMITTEES—
Legal and Constitutional Affairs References Committee—
Reference ............................................................................................................................. 7326

MATTERS OF PUBLIC IMPORTANCE—
Workplace Relations .......................................................................................................... 7330

DOCUMENTS—
NBN Co—
Order for the Production of Documents ............................................................................ 7344

COMMITTEES—
Intelligence and Security Committee—
Report .................................................................................................................................. 7345

Intelligence and Security Committee—
Report .................................................................................................................................. 7345

Regulations and Ordinances Committee—
Delegated Legislation Monitor ......................................................................................... 7345

COMMITTEES—
Membership ....................................................................................................................... 7345

BILLS—
Statute Law Revision Bill (No. 2) 2015—
  First Reading .................................................................................................................. 7346
  Second Reading ............................................................................................................... 7346
Omnibus Repeal Day (Autumn 2015) Bill 2015—
  First Reading .................................................................................................................. 7348
  Second Reading ............................................................................................................... 7348

COMMITTEES—
Membership ....................................................................................................................... 7351

Rural and Regional Affairs and Transport Legislation Committee—
Community Affairs Legislation Committee—
Economics Legislation Committee—
Report .................................................................................................................................. 7351

BILLS—
Fair Work Amendment Bill 2014—
  In Committee .................................................................................................................. 7351

ADJOURNMENT—
Central Coast: Australian Taxation Office ........................................................................... 7391
Infrastructure ..................................................................................................................... 7394

DOCUMENTS—
Tabling ............................................................................................................................... 7396
CONTENTS—continued

Tabling

  .........................................................................................................................  7405
Tabling

  .........................................................................................................................  7406
The PRESIDENT (Senator the Hon. Stephen Parry) took the chair at 10:00, read prayers and made an acknowledgement of country.

DOCUMENTS
Tabling
The Clerk: Documents are tabled pursuant to the statute. Details will be recording in the Journals of the Senate and on the Dynamic Red.
Details of the documents also appear at the end of today’s Hansard.

COMMITTEES
Joint Standing Committee on Foreign Affairs, Defence and Trade
Joint Standing Committee on Migration
Meeting
The Clerk: The following notifications have been received:
Joint Standing Committee on Foreign Affairs, Defence and Trade—public meeting during the sitting of the Senate on Tuesday, 13 October 2015, from 12.45 pm, to take evidence for the committee’s inquiry into Australia’s advocacy for the abolition of the death penalty; and a public meeting during the sitting of the Senate on Wednesday, 14 October 2015, from 11 am, to take evidence for the committee’s inquiry into Australia’s trade and investment relationships with countries of the Middle East.
Joint Standing Committee on Migration—public meeting during the sitting of the Senate on Wednesday, 14 October 2015, from 9.45 am, to take evidence for the committee’s inquiry into the Seasonal Worker Programme.

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

PARLIAMENTARY REPRESENTATION
South Australia
The PRESIDENT (10:01): I have received, through the Governor-General from the administrator of the government of the state of South Australia, a copy of the certificate of choice by the houses of parliament of South Australia of Robert Andrew Simms to fill the vacancy caused by the resignation of Senator Wright. I table the document.
Senators Sworn
Senator Simms made and subscribed the oath of allegiance.

BILLS
Fair Work Amendment Bill 2014
Second Reading
Debate resumed on the motion:
That this bill be now read a second time.
Senator O’NEILL (New South Wales) (10:06): When I was last speaking in this debate, on 17 September, I was making the point that on the day that the bill was introduced Senator
Leyonhjelm made a contribution which I think expanded on some of the mythology around this critical issue of penalty rates, which is at the heart of some of the points that many contributors to this debate will make. There is always an assumption in public conversation that it is young people who will be affected by this, that young people who are getting their first jobs should almost work for nothing, for the privilege of having a job, and once they have the skills they will transition to a proper wage in a proper way. This is a myth that simply needs to be called for what it is. It is not a reality. This piece of legislation sets up a structure for the underpayment of wages and attempts to put in place an absence of fair wages in the Australian context.

We should make no mistake that this bill absolutely represents a race to the bottom for workers' rights and employment standards in this country. The bill clearly wants to keep unions away from the bargaining table, going as far as undermining a worker's right to organise and be represented by a union. The bill wants to do away with penalty rates, which will have a devastating effect on regional and rural economies. It will certainly erase any discretionary spending from the equation when it comes to the family budget. The bill further promotes casualisation of the workforce, and the knock-on effects of that for job security and even workplace safety, as we heard in evidence provided by nurses at the Fair Work Taskforce hearing in Gosford in recent weeks, would be very significant.

One of the things that have happened in the interim, between the last time parliament sat and our return today, was a very important hearing of the Senate Education and Employment References Committee, chaired ably by my colleague Senator Lines, who is here in the chamber at this minute. Senator Lines chaired a hearing into the 7-Eleven disaster—the absolutely disgraceful set of business practices in which there has been systemic exploitation of an entire group of people working in those stores. It is so bad that in evidence received by the committee the Fair Work Ombudsman herself indicated that she would not be purchasing her bottles of water at 7-Eleven stores because she could not be confident at all that the people who were serving her were being paid fair and adequate wages.

On the afternoon that this bill was presented, I heard in the chamber a colleague on the other side, a Nationals senator from New South Wales, Senator John Williams, who is a man of great heart for the people of this country, restate another myth that has come to be part of Australia's business practices with regard to wages. I think he quoted John Laws and said, 'Eighty per cent of something is better than 100 per cent of nothing.' It is that entrenched attitude that seems to be applauded in some business circles—that you can underpay your wages and that that is okay, that that is an acceptable practice. It is so acceptable and so embedded in the conversations of this nation amongst unethical businesspeople that we are even having that mantra stated here in the federal parliament. What we should be having is people who are underpaying their staff being reported to authorities. People who are underpaying their staff should not be applauded as successful and good businesspeople.

Clearly, running a business and making a success of it are a vital part of the economy and the economic growth of our nation. Small businesses, particularly in regional areas such as where I live on the Central Coast, are the heart blood of our local economy. There are no big employers. It is all small business. Small businesses that care about their employees are paying them very well—very ethically. In my remarks on 17 September, I was able to speak about a wonderful, local, ethical employer. Instead of saying, 'Penalty rates, penalty rates;
that's the thing that's making my business go under; I can't open on Sundays and Mondays,' which is what we are hearing over and over, an ethical businesswoman—and there are many of them who are speaking to me—came forward and said that the percentage of the income that she needs to spend on penalty rates amounts to two per cent of her turnover. There are much more significant items involving the cost, for example, of internet connection. That is something that would have been advantaged by the proper NBN getting to the people of the region of the Central Coast to make the cost to do business, using technologies, much better. That was a federal initiative that could have helped our local businesses, but instead what we see is this bemoaning of paying people fair wages and safe wages.

There are businesses around this country that should be acknowledged. There should be stickers going up on the door saying, 'I pay fair wages.' I am looking over here at a senator who has been a businessman in the course of his life. Businesses only grow when you look after your employees and when you pay them a fair and decent wage. When we are working on Saturdays and Sundays in this place, in this chamber—when the work of the parliament starts to happen on Saturdays and Sundays—then it will be time to get rid of penalty rates. Before that, it is an unethical call to ask of people who are giving time away from their families and away from their connections with other people through broader participation in the community in sport and in doing those things that we know are dedicated to the weekend. The need for rest and recovery and the mental health benefits are things that are well documented. But, regardless of that, we have senators advancing in this place legislation that would diminish the capacity for good people to just balance the books of their family budget—they are just balancing them—by being willing to sacrifice that family time for a period of their lives to be able to advance their life as a family and get a little bit more income to make it possible.

The hearings that we had with the Fair Work Taskforce across this country have been very significant in documenting exactly why we need to have proper union representation. Can I say that, if the unions had been able to get into the 7-Eleven stores, we would not have seen the disgraceful behaviours perpetrated by that company and its franchisees, who were complicit in, educated in and implicated in an unethical business model that could only stand on the exploitation of the labour of the people they were employing. I use the word 'employing' loosely, because they were not really employing people. They were putting people in their stores and coercing them by really manipulative means and then paying them way underneath the award wage—not only $12 and $15 an hour but down to $10 an hour, and in recent hearings we have been able to discern $6.85 an hour and claims of even $5 an hour.

The unions have a vital role to play for small businesses in their being able to go and have a look on a website to find out what a decent and fair wage that has been negotiated at a large workplace is. Small businesses use that information all of the time to pay wages that are fair to their employees. Small businesses that care about the sustainability of their business make sure that they look after their employees, because once you have somebody trained, and once your customer base is used to working with an individual that you have trained and got well prepared, you want to keep them there. You want to pay them fairly. What I fear for small business because of the sort of ill-advised legislation that we have before us here in the chamber is that we will see the further erosion of the kinds of conditions in which small
business can genuinely thrive and grow. They are being undercut by unethical employers who are exploiting their own workforce.

The harshest aspect of the Fair Work Amendment Bill 2014, and there are many dimensions to it but perhaps, arguably, the harshest aspect, was identified by Senator Lines and Senator Tillem, who said in earlier commentary on this legislation that it unfairly targets low-paid workers, workers with limited access to formal education and other vulnerable groups of workers who are left unrepresented at the mercy of informed employers. In short, that is a return to Work Choices.

There are people of a particular age in this country who well and truly understand the Liberal's mantra about taking away safe and secure employment, taking away the rights of good people who are working and undermining small business by not upholding the rule of law and fair wages within a legal framework. But there are young people who do not know about Work Choices. They were still in school when that campaign was run and they are entering workplaces now where this piece of legislation would make them more vulnerable than they already are, and we are seeing exploitation on an unbelievable scale. We know that the 7-Eleven scam that has been going on is being described as the tip of the iceberg. Multiple other franchises have been, by contagion, affected by the model that they have seen with 7-Eleven. As people have pointed out to me, the other petrol stations like United Petroleum—

Senator Marshall interjecting—

Senator O‘NEILL: I appreciate the trigger from my colleague the Deputy President. The petrol stations, including ones like the United chain, are situated in sites that are more vulnerable even than the 7-Eleven petrol stations. How are these businesses able to continue without the model of exploitation that has been the signature for them? If the unions had been in there, there would be education of young people, of vulnerable people, of people who might have limited literacy and language skills who are great workers but do not understand everything about the industrial relations law of this country. And, maybe, when they get home, instead of looking up the website to find out what they are supposed to get, they get on with their community life. That is a vital role that the unions play. They provide a powerful educational role to help workers understand what their rights are and they help great employers understand what their responsibilities and rights are too so that the two can work together to advance lifting the workers and making businesses successful, profitable and sustainable. This is a much more sophisticated conversation that we can and we should be having. We should not allow this piece of legislation to go ahead because it will entrench disadvantage for the most disadvantaged.

I am really concerned that this piece of legislation before the Senate has been a true revelation of the attitudes of this government. Sadly, we know that so many of the Liberal members of this parliament are only there for their mates at the top end of town. We have a new Prime Minister, Mr Turnbull, who was a merchant banker in his former life—very, very different from the lives of the workers that I have been talking about today. The workers of the Central Coast region have had a chance to tell it like it is and it is a platform that this government certainly has not given them.

While the Productivity Commission is touted as being the body that is looking into these matters in workplaces, the reality is they have not bothered to take themselves to any regional areas across this country other than to Geelong. Regional economies vary significantly. As a
senator for New South Wales, having been out in Broken Hill, Wagga, Hume and the other seats around this great state, the variation in the way businesses and local economies operate is really significant. But this government have not seen fit to go out and take the evidence on the ground. Instead, they are doing a wave-by tour of the Productivity Commission in the cities of this country. Regional Australia needs a voice. Regional workers are very, very vulnerable. This piece of legislation will make regional workers even more open to exploitation. I absolutely reject so many of the premises that underpin the methodology that has created the context of this bill. I urge senators to reject it if they believe in fairness for this country.  

(End of speaking time)

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (10:20): Isn't it good to be back. It is Monday morning and the Senate is back in session so there must be an attack on workers underway by the Liberal government. When I first came to work in this place in 2005, it was for Senator Rachel Siewert when she was our industrial relations spokesperson. I can very well remember the night in November 2005 when Work Choices passed this chamber. At the time, the trade union movement, the Labor Party and the Greens said, 'We will repeal this, no matter how long it takes.' Whether it is Prime Minister Howard, Prime Minister Abbott or Prime Minister Turnbull, the man in the suit may change but the message is the same. I do not know what it is in the coalition's DNA that has them come back time after time seeking to further erode the power imbalance between workers and employers, but here we are again.

The Senate has twice rejected the two pieces of legislation that formed a major part of the coalition government's attack on people's rights at work. The smoothness of the segue, the transition, from Prime Minister Abbott, whose loathing for the trade union movement and for working people generally was worn heart on sleeve for every minute that he was Prime Minister, may be that the sales pitch has improved but the legislation is still here. First order of business for the new sitting week under the new government, that new prime ministership, the new frontbench—the same legislation. What does that tell us?

I hope that the Senate rejects this Fair Work Amendment Bill 2014 as it has done to those that have come before it. But, right now, obviously we are very concerned that behind the scenes arms are being twisted and the crossbenchers are negotiating some kind of deal with the coalition to get this bill through. Like most on this side of the chamber, the Australian Greens have amendments circulated and our position on this bill is very clear: we oppose it. What the crossbenchers may or may not be able to hack together with the government over the course of the next few hours is yet to be seen because amendments are yet to be circulated. So it may not pass in its full current form, but it is possible, as we are standing here this morning, that some of the worst parts of this legislation could remain if the government talks the crossbenchers into opposing this bill.

One of our main concerns with the bill, as colleagues Senator Rice and Mr Bandt, the member for Melbourne in the other place, have made very clear is what it seeks to do on greenfields agreements—new sites, areas where new agreements are being formed. I wonder whether crossbench senators or those listening to this debate from outside the building are aware of what this legislation proposes to do. If it passes, there are changes here that will deny workers on big projects, new projects, greenfield sites, a voice on their own wages and conditions. These are the workers on new projects, whether they be mines, ports or LNG
processing plants—greenfield sites around the country. In essence, it will mean that employers will be able to bargain with themselves and unilaterally determine the wages and conditions that workers on these projects receive without having to negotiate with trade unions or with the workers themselves. Think about that for a second; that is the very definition of a one-sided agreement—one which an employer negotiates with themselves.

It actually goes beyond this; it allows employers to choose which union they want to be their negotiating partner. Usually, it is the workers who get to choose who represents them—which union is involved in the negotiation—but this legislation goes against this and allows the employers to choose. Why would that be? Not only do employers get to pick the wages and conditions for workers; they also get to pick their own negotiating partners—who they will face-off with at the negotiating table.

This goes vastly beyond the recommendations in the Productivity Commission's draft report into workplace relations. The PC's draft report recommended, in fact, that the Fair Work Act be amended so that if an employer and a union have not reached a negotiated outcome for a greenfields agreement after three months, the employer may—and there are a couple of choices, 'continue negotiating with the union, request that the Fair Work Commission undertake last offer arbitration of an outcome by choosing between the last offers made by the employer and the union', so as far as the two negotiating parties were able to get it to, or 'submit the employers proposed greenfields arrangement for approval with a 12-month nominal expiry date.' That is bad enough, but this piece of legislation would not even allow this degree of compromise. Instead of employees and unions negotiating a decent, settled agreement on wages and conditions that work for both parties, as has been happening in this country for 115 years, this legislation would see employers be able to just wait it out for three months, or potentially six months if rumoured crossbench amendments pass, and they can then ask the Fair Work Commission to accept whatever they put on the table in an agreement negotiated with themselves—giving employees and unions no say at all. It is workplace unilateralism. The Greens think that workers are entitled to share in the wealth of this country, but this legislation appears to be about letting employers and companies earn even more profit from their projects and sidelining the people who actually do the work.

We have not heard many reports of projects not getting off the ground because of difficulties negotiating under the current legislation—I have not heard of any. What is the problem that this legislation is designed to solve? It is not an attempt to get more projects up. We have just gone through the greatest commodities boom in the history of this country—we had labour shortages; we had the dollar pushed up; we had skills shortages, and the desperation of employers to import workers from overseas rather than training them here. The economy has expanded at a ferocious rate. What is the problem that this bill is designed to solve? You would have to say that it is simply an attempt to give employers a greater share of the profits coming from agreements by shutting out their own workforce and those their workforce might choose to represent them for negotiating wages and conditions. That is what is going on here this morning.

We have, on behalf of Senator Janet Rice, our own amendments to the bill that would give workers better control of their work-life balance and more negotiating leverage as they negotiate their pay and conditions. I encourage the crossbench in the strongest possible terms to support these amendments to give people control of their work-life balance, rather than
simply following along with the government's rush to remove the ability of workers on these big projects to take control of their pay and conditions and, indeed, their working lives.

The bill was first put forward by a government and a Prime Minister on a crusade to slowly but surely strip away the rights of Australian workers, and it seems that under this new leadership nothing has changed—maybe some of the language has changed; maybe the attitude has changed; maybe people are wearing better tailored suits, but the underlying dynamic is identical. It is done now with an undertone of fear and resentment because of the backlash and the sustained campaign that followed the decision to ram the Work Choices legislation through the Senate, as I can recall and my colleagues can recall. It has become a political truism that the Howard government was undone not just by that legislation but by that sitting fortnight in which the laws of terror, the welfare to work legislation, the Work Choices legislation, a bill to abolish compulsory student unionism and a bill to dump radioactive waste in regional Australia went through in one single sitting fortnight. Political historians consider that fortnight to have undone the Howard government—that overreach. The Greens and I were part of the campaign to roll that legislation back against the newly departed Kevin Andrews, whose political career appears to have been one catastrophic disaster after another. Now the coalition is a little gun-shy, and they are not front and centre pushing the same kinds of policies as they did under Work Choices—it is subliminal; it is a drip-feed; it is a bit at a time; an attack here and an attack there, and that is what we are seeing this morning.

This is a bill from a government that is continuing to put the profits of big business ahead of the rights of vulnerable Australian workers, because it is those very large corporations—some of them local and some of them offshore—that pay for their preselections, election campaigns and TV advertising. It is that end of town that bankrolls the Liberal-National Party, as it has been for time immemorial, and so it is a fairly easy dynamic to understand. What it results in, what it ends with—the final result, the final outcome—is a bill like the one that we see today. The bill that is about changing those minimum standards. It is not about giving people more flexibility unless it is the flexibility of being unemployed, the flexibility to be paid less, the flexibility of having your conditions traded off, and the flexibility of not being able to choose who represents you in negotiations that affect the rest of your life and your paying conditions in your workplace. That is not flexibility at all; that is something else.

When one looks through the provisions of this bill, you can see the government has gone back to the previous Fair Work review and cherry picked the nasty bits of it—the things that work to implement one side of the ledger, to shift the balance further in the direction of employers and away from fairness and away from workers; there is nothing here to balance that out on the other side. It is a hideously lopsided piece of legislation. We see the obsession of the government about employees having access to their union representatives at reasonable times. What on earth is wrong with that? How is that possibly controversial?

In many workplaces, often the only way that workers find out about what their entitlements are are from their union representatives. These are the people who study legislation, such as this, and who make it their life's work to stick up for people in the workplace. These are the people who can come into a workplace and say: 'No, there are laws to protect you. You are entitled to be paid properly as a member of the Australian community.' Yet what we see here,
in this legislation, is the winding back of the provisions that would allow someone to come in and give that explanation.

We know that what some unscrupulous employers do at the moment, or certainly have done on many occasions in the past, is to say: 'Sure, you low-paid worker, you can find out what your minimum legal rights are, but I'll tell you what I'll do: I'll put the union representative, when they come during your lunch break, in the room next to my office. I'll sit there, with a clipboard, making a note of who comes in to get advice about what their minimum conditions are.' Not all employers, maybe not even most, but there are enough of them out there that we have to retain the role of the trade union movement in advising people of their workplace rights and entitlements, so they do not find themselves stigmatised or victimised or singled out for that. That is a workplace right that is as old as the Commonwealth of Australia. It is one of the things that has made this country, although we are suffering from growing inequality, and its egalitarian tradition such an important part of the prosperity of this country. We owe it to those organisers, workers, researchers and activists in the trade union movement that this government has worked so hard to demonise, whether it be through a ridiculous royal commission, or at the thousand little comments and sleights that even have taken their place in the course of this debate.

The law currently says that you cannot victimise workers for seeking the advice of a trade unionist, that you must strike the right balance between not disrupting the workplace and allowing people to find out what their minimum entitlements are. That is what the law says at present. And that is abolished under this bill. When you think about this from the perspective of a vulnerable worker, who may not even have English as their first language, who may not have another job to go to, who may not understand the complexities of our industrial relations system—how are they going to find out what their workplace rights are? Whose advice will they seek? The risk is that they will not seek advice; that will be the practicality of it. And that is not an accidental or an inadvertent or an unfortunate side consequence of this bill—that is what this bill was drafted to achieve: to prevent people from seeking that advice.

I note that there have been a number of amendments to the bill, and, most notably those proposed by members of the crossbench. It is important that the crossbenchers who have proposed these amendments in this chamber are aware of what these amendments do; particularly, if all we are trying to do is to polish this thing, which should not or could not be polished. I am saying that, obviously, in the context that these negotiations and this arm-twisting that is still going on in back rooms, even as this debate proceeds; I am certain of one thing: the final form of the amendments has not been circulated and made available to the chamber. This is not even really something that we should be debating; while senators on all sides—apart from those undertaking the negotiations and who are busy hammering out its final form—would not even know what the final form of this bill is going to be.

The amendments, which, as I understand it, are obviously subject to change as the debate proceeds are designed to remove part 2 of the bill, which says that if you happened to accrue annual leave loading and other reasonable measures during your time at work and it turns out you get sacked before you have the chance to take them, you will not get a full payout of your entitlements; you are only going to get part of it. That would be one possible marginal improvement—if part 2 is gone.
The proposal to take out part 3—and who drafts this stuff?—would remove the right of employees to take or accrue annual leave while they are receiving workers compensation. While the Greens welcome the removal of these provisions, if that is where this debate is going, we still cannot support the bill. The deal that the crossbench appears to be in the process of doing takes out some of the nasty provisions that the original bill contained but goes nowhere near far enough to protect the rights of vulnerable Australian workers. What the crossbench deal does not appear to remove from this bill are the provisions that would take away employees' rights to industrial action. This will tip the scales in favour of the employer during negotiations. The leverage is all on one side. The employer can say, 'There are plenty of others like you out on the street—if you do not like this, take your negotiations and find another employer.' The balance of power in these negotiations is frequently so asymmetrical—that is why it is important that we retain the right of workers to bargain and organise collectively and to have them in their workplaces with a full understanding of what their rights and entitlements are.

Industrial action is a part of that. It may be an unpopular thing to say in this day and age, but the right to organise collectively and the right to withhold labour are the reasons we have weekends, the reasons we have penalty rates and the reasons we have workplace safety laws that stop people from getting killed in their workplaces. These things were not all entirely negotiated patiently across a negotiating table. When push comes to shove, industrial action needs to be taken when employers threaten to walk away or to lock their workforce out. That is how these conditions of reasonable pay, reasonable conditions and workplace safety have been negotiated over the last few decades. Imagine going to your employer with a legitimate request for better pay or conditions and having the employer being unwilling even to have a conversation with you about it. You the employee have no legally protected course of action to make the employer come to the bargaining table.

Under this bill an employer gets to be the sole decision maker on what legislation and minimum standards apply in their workplace—it removes the negotiation element of bargaining and allows an employer to sit there, with their arms folded, and say 'Take it or leave it—we refuse to engage in discussions about an enterprise agreement'. It is deeply offensive that this bill will take away an employee's only power in this situation, which is to take industrial action. Under existing laws, if employers refuse to negotiate with their employees then the employees are able to commence stop-work meetings or even go on strike. When these options are taken away, so will be any semblance of constructive negotiation in the workplace. Why would employees even come to the table?

The Greens have amendments to this bill, which Senator Rice will speak to at the appropriate time, that will genuinely make work fairer. Our amendments propose to give workers more job security and allow working Australians to have the flexibility that works for them, so that they can have the time off to pick up the kids, to drop them off at school or to look after a sick grandparent. The average full-time working week in Australia is 44 hours, the longest in the Western world. Dr Richard Denness and his colleagues at the Australia Institute have documented over a period of years the additional vast hours of unpaid overtime that workers put in, unless they are working to rule—which so few people do. We perform $72 billion in unpaid overtime each year.
Just over half of all Australians want to change their hours of work. We have chronic unemployment and underemployment on the one hand and chronic overwork and a massive amounts of unpaid overtime on the other hand. We need to connect the dots. Surveys show that, on average, full time employees would like to work about 5.6 hours less per week, while part-time workers would like to work on average another four hours per week. We can see where this is going. Research shows that working hours are impacting on wellbeing, with poorer health and greater use of prescription medications. It affects people's personal and family lives. Sixty percent of women feel consistently time pressured and nearly half of men also feel this way. In this country we need to better match the hours people want to work with the hours they actually work—on both sides, with some people demanding less and some more. If people want to work different hours or work from home so that their life is better, then the law should allow that, provided it does not unduly impact on their employer. That is what negotiation is for—but they should not be one-sided negotiations. In fact, allowing workers more flexible hours will be a productivity boost for the economy—as many employees have shown.

Business will benefit from the reforms in these proposed amendments that the Greens have circulated. Good employers are already promoting work-life balance. This will not be news to those thousands of ethical employers around the country who already make this a part of their business practice. In this parliament we should be working to improve and protect the rights of Australian workers and not passing bills that see those rights eroded day after day in bill after bill.

Senator LINDGREN (Queensland) (10:40): I rise to speak on the Fair Work Amendment Bill 2014. This bill will deliver on key aspects of our election policy and does not go any further. Indeed, on union workplace access, individual flexibility arrangements and the removal of the ability to strike first and talk later, we are delivering on specific policy promises that were made by the Labor Party prior to the 2007 election but that Labor deliberately broke.

The coalition's Fair Work Amendment Bill 2014 gives effect to a number of commitments in our policy and further restores balance to the system. The bill does this by improving the process for the negotiation of greenfields agreements to ensure that unions can no longer frustrate bargaining for these agreements through unsustainable claims and delays, which can then threaten investment and delay the commencement of major new projects that are crucial to our prosperity; restoring union workplace access rules to those in place prior to Labor's unbalanced amendments and dealing with excessive right of entry visits by union officials; improving workplace productivity and flexibility by enhancing the scope for employees to make individual flexibility arrangements that meet their genuine needs as determined by those employees; closing the 'strike first, talk later' loophole in the good-faith bargaining rules, which Labor refused to address; and maintaining the value of unclaimed wages recovered for workers by the Commonwealth. This bill also enacts a number of recommendations from the Fair Work Act Review Panel in its 2012 report commissioned by the now Leader of the Opposition, Mr Bill Shorten.

The Fair Work Amendment Bill will address the current imbalance in union workplace access rules. Our changes will fairly and sensibly balance the right of employees to be represented in the workplace if they wish to be with the right of employers to go ahead with
their business without unnecessary disruption. The coalition government sees right of entry as a specific statutory privilege to which conditions ought to apply. Regrettably, some union bosses do not.

In 2007, the Labor Party promised on multiple occasions that there would be no changes to the union right of entry laws. Many businesses face excessive workplace visits from unions, even when their employees are not union members and have not asked for union presence. The problem has been exacerbated in some workplaces by unions competing to represent employees at the workplace. The problem was highlighted by the former government's Fair Work Act Review Panel, which noted that the Pluto LNG project received over 200 right of entry visits in only three months. BHP Billiton's Worsley Alumina plant faced 676 right of entry visits in a single year. Our changes will reduce the capacity for unions to deliberately harass and disrupt businesses in this way. A recent case featuring CFMEU National President Joe McDonald has underlined the urgent need for these reforms. In this case, where Mr McDonald and the CFMEU were fined $193,600, he ignored the consultant's request to leave a Citic Pacific Sino Iron Ore project site in Western Australia. This type of vitriol has no place in modern and fair workplaces.

To be clear, these amendments will enact Labor's publicly stated promise prior to the 2007 election—a promise that was not honoured. Given that the Labor Party in opposition, with the strong support of the union movement, supported this 2007 policy platform, we expect that these amendments should not be contentious. Most union officials will find these changes are not impacting their sensible approach to their right of entry activities.

Currently, right of entry for discussion purposes can only occur when the relevant union is entitled to represent the industrial interests of the employees at the workplace. This means unions can enter and hold discussions even if they have no actual members at the workplace and no-one has sought their presence.

The bill will amend the provisions so that the ability for unions to enter a workplace is tied to either the union's recognised representative role at the workplace or employers at the workplace having requested the union's presence. A union will only be entitled to enter a workplace for discussion purposes if they are covered by an enterprise agreement or they have been invited by a member or employee they are entitled to represent.

If the employee who would like the union to come to their workplace wishes to remain anonymous, the union will be able to apply to the Fair Work Commission for an invitation certificate. The Fair Work Commission must issue a certificate if it is satisfied that a worker who performs work on the premises and whom the union is entitled to represent has invited the union to the workplace to hold discussions. The certificate will not identify the employee who has made the request. This will restore the balance in the right of entry regime so that it is similar to what it was prior to the commencement of the Fair Work Act, consistent with the bipartisan consensus at the time of the 2007 election.

This bill will also provide effective mechanisms for the Fair Work Commission to deal with disputes about excessive right of entry visits for discussion purposes. The previous government's amendments to the Fair Work Act in this area were drafted in a way that renders them largely ineffective and only able to be used in extreme circumstances, where there has been an unreasonable diversion of the occupier's critical resources. These amendments will remove this restriction to ensure the commission has the power to properly deal with the
excessive right of entry visits—for example, by suspending, revoking or imposing conditions on an entry permit.

Additionally, the amendments provide that the Fair Work Commission can take into account the combined impact of visits by all unions to the workplace, reflecting that in some circumstances an employer will be subject to visits by multiple unions. The bill will also repeal the government's amendments made in 2013 that expanded union right of entry rights even further by allowing for uninvited lunch room invasions and requiring employers to pay for union boss joy rides to remote worksites. Those amendments give unions the right to insist on addressing workers in their lunch room, even when the workers have not requested their presence and are not union members. This is unfair to the 87 per cent of private sector workers who are not union members and to all workers that just want to eat their lunch in peace.

This bill will restore the sensible arrangements that were previously in place, whereby union officials must comply with a reasonable request by the employer to hold discussions in a particular room. Employers will continue to be prevented from nominating locations with the intention of intimidating, discouraging or hindering employees from participating in discussions. The former government had also introduced obligations on employers at remote worksites to provide union officials with transport and accommodation to enable them to access those sites. We will repeal this costly and onerous piece of regulation and instead reinstate the previous approach, where unions and employers can reach their own arrangements in these circumstances.

This bill will remove the effective union veto power over greenfields agreements which has enabled them to frustrate the making of these agreements by seeking exorbitant wages and conditions, or refusing to agree at all. As the former government's Fair Work review noted, in somewhat understated language, these practices 'potentially threaten future investment in major projects in Australia'. They have already delayed major resource projects worth billions of dollars. This is bad for jobs and bad for the economy.

The bill will extend good faith bargaining to the negotiation of greenfields agreements to improve standards of bargaining conduct. This will mean that employers and unions will be required to, for example, attend and participate in meetings with each other, and consider and respond to proposals in a timely manner. To ensure that greenfields agreements can be made in a timely manner, the bill will establish a new, optional three-month negotiation time frame. The three-month time frame will apply where appropriate notice is provided by an employer to the relevant union or unions. If an agreement cannot be reached in this time frame, the employer will be able to take its proposed agreement to the Fair Work Commission for approval. The agreement will have to satisfy the existing approval requirements under the Fair Work Act, including the better off overall test. The agreement will also have to satisfy a new requirement that it provides for pay and conditions that are consistent with the prevailing standards within the relevant industry for equivalent work. Consistent with the existing framework, the Fair Work Commission must also be satisfied that the union or unions to be covered by the agreement are able to represent the majority of future employees.

The amendments to the greenfields provisions will help to unlock new investment and prevent needless delays to new projects. This will provide confidence and certainty to investors and ensure that Australia and Australians benefit from the prosperity generated by
new projects. These amendments will send a strong message to overseas investors that Australia is open for business and that projects can get underway quickly.

The bill will remove the 'strike first, talk later' loophole under the Fair Work Act, consistent with the promises of the Labor Party prior to the 2007 election and the recommendation of the Fair Work Act Review Panel. In his speech to the National Press Club of 17 April 2007 the then Labor Leader said:

Industrial disputes are serious. They hurt workers, they hurt businesses, they can hurt families and communities, and they certainly hurt the economy … They—employees—will not be able to strike unless there has been genuine good faith bargaining'.

This is not the case under the Fair Work Act, where employees are allowed to strike before bargaining has even commenced. The bill will amend the Fair Work Act to provide that protected industrial action can only be taken if bargaining for a proposed agreement has commenced. This amendment will mean that industrial action cannot be the first step in the bargaining process, restoring a balanced and harmonious approach to enterprise bargaining. The coalition will fix this loophole. In doing so, Labor's 2007 promise will finally be implemented.

The bill introduces amendments to provide clarity and certainty for employees around the use of individual flexibility arrangements. IFAs are an important tool introduced by Labor with the intent of enabling workers and their employers to mutually agree on conditions that suit their needs, while ensuring that employees are better off overall compared to their underpinning employment instrument. IFAs ought to be an important option to enable employees to, for instance, manage their childcare or other caring arrangements, to spend time with family or to have time for other commitments. They are specific to the individual and not designed as a management tool for a business. These amendments about IFAs are based on the Fair Work Act Review Panel recommendations. They also include further new safeguards to ensure that employees are better off.

To be clear, the current IFA framework in the Fair Work Act will stay, with additional protections put in place. This means that an employer cannot force an employee to sign an IFA or make it a condition of employment, and the employee must be better off overall than they would have been under the applicable modern award or enterprise agreement. A worker must provide a statement to the employer saying that the IFA meets their genuine needs and that they are better off overall. Under the current system, unions can restrict the scope of flexibility terms under enterprise agreements through the bargaining process to only cover a single matter, for instance the taking of leave. This means that workers may be denied the chance to have IFAs on other matters even if they and their employer want to agree to more suitable arrangements. The amendments will deliver on the promises made by Labor in 2007 and provide that IFAs may be made in relation to all of the matters currently prescribed in the model flexibility term, to the extent that those matters are covered in the agreement. This will ensure that workers have access to fair flexibility without a veto by union bosses.

The bill also implements the Fair Work Review Panel recommendation that employers should, in limited circumstances, have a legal defence if they enter into an IFA in good faith believing it meets all the requirements of the legislation when it turns out later it does not. The defence will only apply where the employer believed on reasonable grounds that all statutory
requirements had been met in relation to the IFA. The bill will also strengthen protections for employees by requiring a statement setting out that the arrangement meets their genuine needs and results in them being better off overall. This will make the position absolutely clear: employees will only make IFAs that provide for non-monetary benefits when the employees themselves make a clear statement in writing why they are better off overall.

Two further amendments recommended by the Fair Work Act Review Panel will be made to provide clarity and certainty to both employers and employees. First, the unilateral termination period for IFAs made under enterprise agreements will be extended from 28 days to 13 weeks, consistent with the position for awards. In addition, the 13-week unilateral termination period for both modern awards and enterprise agreements will be placed in the legislation.

The second amendment will confirm the existing position that the 'better off overall' test for IFAs can be satisfied by exchanging monetary benefits for benefits that are not monetary. This is already the case under the legislation, as introduced by the Labor Party, that operated while the Leader of the Opposition was the workplace relations minister. This position has been confirmed by the independent Fair Work Ombudsman. The amendment, combined with the government's new requirement for a statement in writing from the employee, will provide greater protection and certainty for all parties.

All other rules relating to the IFAs will be retained, including that they cannot be made a condition of employment, that they must leave the employee better off overall and that they must be genuinely agreed to. Anyone who opposes these amendments needs to explain to the Australian workers why they should not have the opportunity to be better off overall and if these arrangements genuinely meet their own needs, as assessed by themselves.

The bill will also implement a number of other common sense recommendations that were made by the now Leader of the Opposition's Fair Work Act Review Panel in 2012 but not implemented by the previous government. The bill will clarify the interaction between leave and workers compensation by removing an exception that allows employees in a few jurisdictions to accrue or take leave while absent from work and receiving workers compensation. This will remove inconsistencies and confusion that currently exist for employees and employers and ensure that employees on workers compensation across the country are treated consistently.

In line with the Fair Work Act Review Panel's recommendation, the bill will clarify the circumstances where annual leave loading is payable when a person leaves their job. The change will restore the long-standing position that employees are only entitled to annual leave loading when their employment ends if it is expressly provided for in their award or workplace agreement. This will address the confusion that currently exists as a result of the legislation and numerous awards adopting different positions. It will still allow for annual leave loading to be paid—including after employment has ended—if it is in the employee's modern award or enterprise bargaining agreement.

The bill will introduce a requirement that an employer must give an employee who has requested to extend their unpaid parental leave a reasonable opportunity to discuss the request unless the employer has already agreed to the request. To be clear, this discussion does not need to be face-to-face but can occur by other means, for example a teleconference or videoconference.
The bill will make changes to the transfer-of-business rules to assist the transfer of employees who wish to move between associated entities voluntarily. Currently, if an employee wants to take on a new position with an associated entity of his or her employer, there needs to be an application to the Fair Work Commission to prevent the employee's industrial instrument transferring with them. Under the changes, the terms and conditions of employment at the new employer will automatically apply to an employee transferring between associated entities on their own initiative. This change will reduce red tape for employers and employees in such circumstances.

In line with the recommendation of the Fair Work Act Review Panel, the bill will give the Fair Work Commission clear powers to dismiss unfair dismissal proceedings 'on the papers' without conducting a conference or hearing in certain circumstances, such as where an applicant fails to attend a conference or hearing or fails to comply with an order or direction made by the commission. The bill includes safeguards to ensure procedural fairness for the parties before matters can be dismissed. This will help prevent employers incurring unnecessary costs in defending a claim that is not being pursued seriously by the applicant.

The greenfields agreements allowed for in this bill will allow prospective employers and unions to negotiate terms and agreements prior to the commencement of a genuine enterprise agreement. Why is this opposed? Perhaps it is the requirement to start in good faith, not to come in seeking the very payments that we are hearing about now. Currently, unions are in the position to withhold any agreement prior to the new project commencing—although it is quite clear, as we are hearing from the Heydon inquiry, that the Hon. Bill Shorten and the CFMEU have developed a technique to help along new enterprises.

What is so wrong with greenfields agreements? They allow both workers and employers to know the terms and conditions in advance of a project starting. The workers will know what their entitlements are prior to accepting employment. The employers can forward plan and everybody benefits. If a union is truly concerned for their members why would they be happy for them to walk into an unknown set of conditions? I commend this bill to the House.

Senator McALLISTER (New South Wales) (11:00): If we think about the vision that I think most Australians have for our economy and for our workplaces, it is for workplaces that are productive, innovative and fair and a society of equals, not a society of haves and have-nots and not a society where people, despite working routinely, find themselves poor and unable to meet the basics of life. We are a community that have always prioritised fairness. It does not mean that we are not interested in innovation, productivity and prosperity, but we understand that fairness and prosperity go hand in hand and that this must be underpinned in our workplaces by a fair distribution of the fruits of our collective efforts at work.

Unfortunately, this Fair Work Amendment Bill 2014 is yet another indication that this is a government which in no way shares this vision; a vision which, yes, is held by the Australian Labor Party but which is also reflective of the views of the Australian people. In recent days, we have seen the Prime Minister talk about penalty rates on Sundays as being an accident. Well, I can inform the Prime Minister that penalty rates are not an accident of history. They have been hard fought. They reflect a recognition that people working on Sundays make great sacrifices away from their family, away from their friends and away from the community organisations they value and that penalty rates are a fair recompense for the sacrifices they make.
They also reflect the fact that wages and conditions in this country and the distribution of profits are hard fought for. Working people in our country have always banded together to ask for a fair deal from the employer. It is a part of our political tradition, it is a part of our workplace tradition and it is a tradition that I am happy to defend. It is a tradition that sees a country like Australia enjoy higher than average wages compared to our OECD counterparts and it is also a tradition that sees employees in this country face higher than usual levels of job security. I know there are some on the other side who would see this as a problem. They would probably describe this as the problem that needs to be solved, but this is not a problem that needs to be solved.

Good wages, good working conditions and job security are the cornerstone of communities that are able to sustain happy homes, happy communities and productive enterprises. They are not a problem. It is important when we hear this endless talk about flexibility from the government that we think seriously about the flexibility that we are talking about. For some in this chamber, it is always about flexibility for the employer. It is never about flexibility for the staff member who may have caring responsibilities or who may have a desire to contribute to their community outside of the workplace. It is never even about the kind of flexibility in the workplace that can lead to improvements in productivity or lead to innovation. It is only ever about the kind of flexibility that transfers risk onto working people, the kind of flexibility that transfers costs onto working people and the kind of flexibility that shifts the share of profit and wages to employers.

Senator O'Neill was in the chamber earlier and she spoke about the situation at 7-Eleven. In recent months, we have had a graphic demonstration of the power imbalances that exists in workplaces when working people do not have access to a union and when working people are not in a position to bargain fairly with employers. The naive idea that a conversation between an employee and employer occurs on even terms without the involvement of a union or some form of organisation or protection is one that really cannot be sustained in the face of what we have seen in the 7-Eleven scandal.

When I look at this bill, what disappoints me about it is that, yet again, the key provisions in the bill are about reducing the role of trade unions, reducing the right of working people to independently express their views in the workplace and increasing the ability of employers, just some employers, to wind down and to screw down the entitlements that have been hard fought and which sustain the Australian way of life.

Other speakers have made much of the fact that this legislation arises from a review initiated by Bill Shorten when he was the minister—indeed, that is correct. In 2011, he announced a three-member panel to review the acts that make up the government's Fair Work legislation. The panel was asked to assess the operations of the act and the extent to which its effects have been consistent with its stated objectives and to report on the extent to which legislation was operating as intended. At the time, Minister Shorten said:

The Fair Work Act underlines a balanced system for good workplace relations — one that promotes national economic prosperity and social inclusion for all Australians. Real economic prosperity and growth requires fairness and security in the workplace.

That was the basis on which the review was undertaken. The Labor government was committed to a system that allowed for efficient and effective negotiation between staff and management. In undertaking the review, they received over 250 submissions from unions,
from employer associations and from industry groups. However, despite the fact that a strong set of recommendations were produced, this bill goes much, much further than anything that was contemplated by that review, and it has specific and serious problems in relation to the role of unions and in relation to the security of hard-fought entitlements.

I want to turn now to the provisions in relation to greenfield sites. The government has said that its changes to greenfield agreements will ensure that agreements will be subject to good-faith bargaining requirements, but in reality the changes that are proposed mean the exact opposite. It is very important that workers and their representatives participate in genuine bargaining over workplace conditions, particularly in new projects. Of course we want to see new investment, and we want to see new investment in new industries in this country. Our future prosperity depends on it. It depends on new investment, new industries and new kinds of jobs in new parts of the country. But this prosperity cannot and should not be built on the back of unfair working conditions. Workers need to have a genuine role in determining the conditions of work at these new workplaces.

The changes in this bill mean that employers will gain absolute control over which unions they choose to negotiate with. After an employer agrees to bargain with an employee organisation, the employer at any time can issue a notice to commence a three-month notified negotiation period, and this countdown clock does not stop once it starts. An employer could essentially walk away from the negotiating table and simply wait for those three months to expire. At the end of the three months, the employer—and only the employer—can take a proposed agreement to the Fair Work Commission for assessment and approval. These are not arrangements that are conducive to good-faith bargaining or to fairness for workers.

It is time that the government put aside its ideological pursuits and started to accept that enterprise bargaining is a two-way street. It is a conversation between all the people in the workplace that are needed to make a productive and efficient workplace. It is not an employer driven dead end, and it should not be. The provisions in this bill about greenfield sites are not reasonable provisions. They are designed to wind back conditions, and they risk the evolution of Australian industries that are built on poor conditions rather than on innovation and productivity.

I want to turn too to the arrangements for individual flexibility agreements. This bill amends these so dramatically that they are, in essence, Work Choices AWAs. The bill will allow monetary benefits to be traded away for non-monetary benefits. That might be reasonable, but this provision in this bill goes significantly further than the expert panel's recommendations. The expert panel suggested that, if a non-monetary benefit is being traded for a monetary benefit, the value of the monetary benefit forgone must be relatively insignificant, and the value of the non-monetary benefit being gained should be proportionate. Despite this very clear prescription in the recommendations, these terms 'relative insignificance' and 'proportion' are missing from the government's bill.

These were important and strong protections. We are not a country where we accept that it is okay for people to be paid in food, for example. These are not provisions that should be considered reasonable, particularly when we are considering people who are in poor bargaining positions, who may not be in a position to assess, themselves, whether the conditions that are being proposed in any way leave them better off or worse off. We are not often talking about people with extensive legal backgrounds; we are talking about individual
workers, sometimes with low levels of education, who deserve, both from their union and from the government, serious oversight and protection when making arrangements of this kind.

That brings me to the next problem with the bill. Other speakers have spoken about the fact that there is a new good-faith defence for employers who can demonstrate that, at the time they formed an individual agreement, they were acting in good faith that they were in compliance with the Fair Work Act, particularly in relation to the employee being better off overall. The expert panel was very explicit about how this should work. It explicitly recommended that, upon making an individual agreement, the employer should notify the Fair Work Ombudsman in writing. That is because the Fair Work Ombudsman has a role in overseeing the overall evolution of industrial relations in this country, in particular to make sure that we are not seeing pockets or individual examples of gross unfairness as people work their way through the industrial relations system. But no such requirement is included in this bill. Instead, an employer will be able to rely on their reasonably held belief that they were compliant with the act, and they will be able to provide a proposed 'genuine needs' statement, which the employee may have signed, as evidence of this belief.

Let us think about how this would actually work. An employee is called into the office and told that their continuing employment is dependent on signing such a statement. There is no requirement that the employee in this situation be informed that they can provide this new flexibility agreement to their union for review. There is no requirement that the employee be informed that they do not have to sign immediately, that there is a cooling-off period. And there is no requirement that the employee be informed that they do not need to sign it at all, that they can continue to work in that place, dependent on the award, without trading away their conditions, and still retain their employment.

This is not fair, and it is particularly unfair for those workers who are in a precarious position, for whom every dollar coming into the household means the difference in being able to pay the bills, buy the groceries and pay the rent. These are not reasonable conditions under which a person can bargain with an employer, because it is simply an unequal relationship. It is beyond me why the government would not have included provisions for oversight of these kinds of arrangements from the Fair Work Ombudsman or stronger protections for workers who are asked to sign agreements of this kind.

I want to talk a little bit about the significance of award conditions and the kinds of people who are dependent on awards, because there is an idea that what we are talking about here are a small number of very, very well paid individuals cushioned by special arrangements. When we are talking about people who are protected by awards, nothing could be further from the truth. There are many employees in this country who are solely reliant on the award for their pay and conditions, and they are typically those groups of workers with very little bargaining power. According to the Workplace Research Centre, 55 per cent of all casual employees, 61 per cent of all female employees and 65 per cent of all part-time employees rely solely on the award for their conditions. These are not wealthy people. Seventy-five per cent of those who are reliant on the award for their conditions earn less than $18.60 an hour. These are our neighbours, our friends, our colleagues, the people in our community organisations and they are people whose conditions need to be protected. They are people who are likely to be struggling to meet basic necessities, they are people who do not enjoy extravagant family
holidays but this bill does absolutely nothing to support those people; instead, it allows award conditions to be traded away with little scrutiny, little oversight and little protection or access to unions. What is shocking about this, of course, is that none of this was signalled by the government prior to the last election; indeed, the exact opposite was promised.

The then leader—yes, he was the leader—Mr Abbott, was asked: will you be tinkering with unfair dismissal laws and will you be winding back penalty rates? Mr Abbott, at that time, said, 'The short answer is no to both questions.' Senator Abetz was asked questions in similar terms and he made similar kinds of guarantees. Will Tony Abbott guarantee he will not rip away rest breaks and long service leave? The answer is yes. But of course these were not promises that have been kept. In government, what we have seen is the endless pursuit of small ways of winding back the opportunities for working people to represent themselves in their workplaces and the provisions that have been secured through these means.

Unfortunately this bill, proceeding under a new Prime Minister—Prime Minister Turnbull—is yet another indication that absolutely nothing has changed. The Turnbull government, like all other Liberal governments before it, just do not get it on workplace relations, just do not understand what it means to work an ordinary job and to be reliant on a fair, safe and reasonable workplace. We see it in the way that they approach quite reasonable requests from the Labor Party to have a sensible conversation about the labour market testing provisions around ChAFTA. We see it in their ongoing insistence that penalty rates should be on the table even though we know that penalty rates are a core component of just making do for many ordinary families around the country and we see it in the changes that are before us in this bill.

What is so frustrating about this government's continuing fixation with shifting the share of wages and profits is that it occurs without any deep thought about what would actually be required to lift productivity in Australian workplaces. We do need to improve productivity. We do need to identify new sources of economic growth but there is very little evidence from the government side that any of this is really on the table. There is no deep thought about managerial capability in Australian workplaces. There is no deep thought about science and innovation and the collaboration between our businesses in Australia and our world class researchers. There was a second-rate and expensive broadband project with no real thought about how a genuine broadband transformation could generate new industries built on new services and products. There is no serious thought about skill formation; no thought about the way that working people, school leavers, people at university are going to form up the skills that will support them through a lifetime of contribution to innovative and productive workplaces. This bill does not seek to pursue any of these things, and we do not hear the government talking about these things either. Instead, we just see yet another bill which seeks to restrict the ability of ordinary people to participate in their union and we see a bill that makes it easier to strip away hard-fought conditions without any scrutiny from the mechanisms of oversight that were put in place to protect workers.

Sadly, this bill indicates that when it comes to working people, absolutely nothing has changed. This is a one-sided government that can only ever see one side of the story, that does not empathise with the real circumstances of ordinary people and that will never give up its war on working people.
Senator REYNOLDS (Western Australia) (11:19): I too rise today in support of the Fair Work Amendment Bill 2014.

Four months prior to the 2013 federal election the coalition's policy to improve fair work laws was released. Since forming government in 2013, we have been implementing our workplace relations election commitments; nothing more, nothing less. We have already established the Registered Organisations Commission and re-established the Australian Building and Construction Commission, and we have taken measures to support very comprehensive measures to support small business.

We promised Australia would be open for business and we are delivering on that promise by restoring certainty to the workplace relations system and ensuring that the relevant legislation and regulations are more balanced and more effective in the 21st century. Great outcomes are realised when passionate people from all different sectors in our community come together to pursue common goals; goals underpinned by a desire to adapt, a desire to transform and a desire to evolve our economy and our society. Change occurs when people are not fearful of that change but instead find a way to work together to collaborate and to embrace that change.

Business, government, community organisations and trade unions all play an important part in preparing our nation for the future. I believe that that has never been more important than it is today. Internationally there is increasing recognition of the importance of collaboration and cooperation to facilitate innovation, economic development and of course the jobs of the future for all Australian workers.

Innovation is essential in every industry, not just to thrive but simply to survive. Today, if you stand still, you go backwards. In the era of the internet of everything—and increasingly liberal trade arrangements—without rapid and continual adaptation, standing still means death; and not just for individual businesses and the jobs that go with them but also for whole industries which support our economy.

Trade unions must absolutely have a role, not only in protecting those they represent but also in engaging in debate about how we can create and sustain the jobs of the future in the economy of the future. I believe that the old-style union tactics and mindset, which are so clearly apparent in the royal commission, have absolutely no place in preparing this economy and our workers for the jobs of the future.

Despite all the emotion, the rhetoric and the flourishes from those opposite, the amendments in the Fair Work Amendment Bill will help Australian businesses embrace the jobs of the future, and expand and deliver high real-wage growth, while ensuring that fair work laws maintain a strong and enforceable safety net for all Australian workers.

The state of Western Australia—my own home state—is a clear example of the evolving nature of workplaces in Australia and the need for change in order to grow. In my own state, as nationally, no one government, no single level of government, no single business or industry group or indeed trade union organisation, can do it alone.

Take the case of manufacturing. If you just listen to the prevailing national debate and narrative on the future of manufacturing in Australia, you could be forgiven for thinking that high-end manufacturing has no place anymore in this country. But I can tell you that Western Australia is living, breathing proof that this is simply not true. Nationally for the last 14 years...
manufacturing has been increasing on average by only 0.4 per cent per annum, but in my own home state of Western Australia over the last 14 years manufacturing has in fact been increasing by nearly five per cent every year. In fact today, from Western Australia alone, we export well over $20 billion worth of high-end manufactured goods to the rest of the world, in addition to what we are producing for the rest of the country. That is a fact that has until now been overshadowed by the sheer volume of our resource sector exports.

Western Australia has almost 9,000 manufacturers, employing 91,000 workers. But their competitive advantage lies not in labour costs but in the ability of their workforce to innovatively produce high-quality and high-value bespoke goods. So the issue for us today in Western Australia, as it is in the rest of the country, is: how do we collaborate, how do we work together, to help those manufacturing industries, those 91,000 workers, adapt to the post mining and construction phase, to survive and to thrive in new domestic and emerging international markets?

My own home state of Western Australia has always been trade exposed, and we understand that to be internationally competitive we need to innovate to keep being productive and to keep offering those high-value manufactured goods. But, for that, we need to understand also that we need to be able to commercialise. How do we do that? Growth and competitiveness are increasingly driven internationally by education—skills and training. It is also driven by developing financial markets and increased access to foreign markets. And, critically, growth and competitiveness are increasingly driven internationally by the subject of the bill before us today: the availability of well-functioning goods and labour markets.

So how do we measure our performance? And what does this government need to do—and what do all governments need to do—to create this environment? A good place to start and a good indicator of where we sit is to look at the Bloomberg Innovation Index, in which Australia is ranked 13th out of 50. There is also the World Economic Forum's Global Competitiveness Index innovation pillar, in which we sit at 23rd of 140. They are not bad statistics, but they clearly indicate where policy at all levels of government needs to focus to get us further up towards No. 1.

But I think the most alarming statistic, which should concern all of us in this place, is that, when you have a look at Australia's future prospects for jobs, currently we sit at 39th out of 40 OECD countries in commercialisation. Think about the implications of that: 39th out of 40 in our ability to commercialise innovation. That translates into an appalling record in commercialising in new industries for jobs. That, I believe, is where we all need to work together to improve.

So what are some of the areas that—not this government but those overseas; in fact the OECD has advised us—we need to get far better at in order to commercialise? How do we create jobs, innovate, become more productive and really not stand still? How do we create the jobs of the future?

In this year's report, the top four inhibitors to business and job creation are: No. 1, restrictive labour regulations. That is exactly the case in point of this legislation today. Then there are: tax rates, inefficient government bureaucracy, and complexity of tax regulations. These are clearly issues we need to address together—including trade unions—to make this country a better place to do business, and also to create the jobs of the future. The No. 1 barrier to creating jobs here is 'restrictive labour regulations'.
Creating the right environment for growth and innovation by improving our employee arrangements is precisely what this government intends to do with the Fair Work Amendment Bill. It is interesting to note that this bill will deliver not just on the promise we made to the Australian people prior to the 2013 federal election; we are also delivering on Labor's broken-promise policy commitments made prior to the 2007 federal election. This is a somewhat inconvenient truth for those opposite, who are now seeking to block the passage of this legislation. Not only is it exactly what we took to the federal election; it is also what those opposite took to the 2007 federal election. All I can say to those opposite is: we are now actually delivering on your own policy.

The Fair Work Amendment Bill 2014 seeks to restore balance to the Australian workplace relations system through a variety of modest but important amendments to the Fair Work Act. I will address these amendments in turn, and discuss why I believe this bill is necessary for ensuring that the workplace relations system in Australia balances the competing interests of employers and employees fairly and effectively. It has to be a matter of balance on both sides.

Firstly, this bill will address the current imbalances in union workplace access rules. I believe that although unions should, in certain circumstances, be permitted access to the workplaces of the workers they actually represent there must be conditions attached to ensure that employers are able to run their businesses without unnecessary disruption, interference or, in some cases, intimidation.

Many issues in workplaces have come to light in the royal commission into union corruption. The questionable union practices necessitate the measures contained in this bill. Unions have played, and continue to play, an important role in Australian society and in our workplaces, but like the rest of us in society they cannot be above the law.

The royal commission has already referred 26 people for investigation over serious breaches of criminal, industrial, corporate and competition law. It has already led to the arrest of four people. It has uncovered dozens of slush funds, by which senior union officials have siphoned money to themselves and to their associates. It has uncovered associations between the CFMEU and the criminal underworld, including the Bandidos.

When Labor's very own former branch president, a former CFMEU official, was arrested and charged with blackmail, Leader of the Opposition, Bill Shorten, said nothing. The Leader of the Opposition in the Senate also remained silent. When a current CFMEU official was arrested and charged with blackmail for pressuring employers to sign his enterprise agreement, again, the Leader of the Opposition in the other place, and in this place, remained silent. The unions need to be used for the purposes for which they were intended and the purposes for which their union members pay their dues. They need to operate within the law and in a way that will not be detrimental to Australian jobs and to the Australian economy. It is for all of these reasons that I support the Fair Work Amendment Bill 2014.

In 2007, the Labor Party made a promise that there would be no changes to the union right of entry laws. Julia Gillard stated in August 2007:

We understand that entering on the premises of an employer needs to happen in an orderly way. We will keep the right of entry provisions.

These were the words of a future Labor Prime Minister, evidence that those amendments are not even unreasonable to Labor. So that is what they said, but what did those opposite actually
do? It was not what they promised. Instead, under the Labor government there was a loosening of the right of entry provisions under the Fair Work Act, which provided unions greater access to workplaces. This access was then intentionally exploited with businesses receiving excessive visits from unions, competing to represent employees at their workplaces. The Fair Work review panel, commissioned by the now Leader of the Opposition Mr Shorten, in its 2012 report noted that the Pluto LNG project received over 200 right of entry visits in only three months. I struggle to believe how even those opposite could believe this is a tenable situation for such an important industry. I think it demonstrates also that intimidatory tactics have no place in 21st century workplaces.

This bill is essential to ensure that businesses are not deliberately harassed by unions looking to increase their membership. Only 17 per cent of workers in Australia today choose to be a member of a union. And having look at a lot of the outcomes of the royal commission, it is no wonder that they choose not to join a union.

The changes included in this bill will not impact on the unions who exercise the right of entry responsibly. It will, however, stop the militant like behaviour of some unions and their officials which, as I have said, should have absolutely no place in modern workplaces. I asked why should unions be permitted to enter a workplace and hold discussions when they do not even have members in that workplace, and no-one has sought their assistance or there presence? To me, and to those on this side of the chamber, that is not reasonable.

Under these amendments unions will only be entitled to enter a workplace for discussion purposes if they are covered by an enterprise agreement, or if they have been invited by a member or an employee they are entitled to represent. This is neither unreasonable nor restrictive. Why should unions be entitled to disrupt workers during their lunch breaks when their presence has not been requested and the workers are not even union members? I imagine the vast majority of the 87 per cent of private sector workers, who have chosen not to join a union, would rather eat their lunch in peace than be harassed by union organisers.

This bill will allow employers to nominate a room for the purpose of discussions—again, not unreasonable. Employers will continue to be prevented from nominating a room with the intention of intimidating, hindering or discouraging employees from participating in these discussions. This will allow the unions to discuss their business with employees who want to engage in such discussions rather than subjecting the entire workforce to an impromptu lecture during their meal break. Again, this is not unreasonable.

I also wonder why employers should be obligated to provide accommodation and transport to remote sites for union officials? To me this is nothing short of an outrageous imposition on businesses, particularly in the resources sector in my own state. These arrangements should be made between the unions and the employers as the circumstances arise and not dictated in legislation. This bill will repeal this onerous practice.

In conclusion, it is my belief that this bill delivers on the pre-election promise made by the government to ensure that Australia is open for business and can create the jobs of the future and support innovation required to deliver that. These measures are necessary to ensure a more stable, fair and prosperous future for Australia’s workers and businesses in a rapidly changing and innovative world economy.
Not only does it deliver on the promises made by the coalition in 2013; but we are also delivering on the election commitments made and broken by the Labor Party in the lead-up to the 2007 election. The amendments proposed today are nothing more and nothing less than what was foreshadowed in The Coalition's Policy to Improve Fair Work Laws. We are simply getting the job done, creating a fairer system which will benefit Australian workers and Australian business and ultimately create more jobs. These sensible and measured amendments will ensure that workplace relations are governed in a way that allows Australian businesses to flourish and makes it so, while they cannot compete on labour rates, they can still compete on innovation, high-end manufacturing and high-end bespoke goods in an internationally competitive environment. But, to do that, we have to tackle the tax issues that make us less competitive and the restrictive labour practices, which combine to hinder us, leaving us behind the eight ball internationally.

This bill will help encourage investment in new projects that are absolutely critical to the Australian economy by preventing unions from vetoing agreements. This will strongly signal to investors that Australia is open for business. It will strike the correct balance for the continued development of a strong, innovative and productive economy. The amendments contained in this bill correct the current imbalance and remove one of the many impediments to us moving forward into the 21st-century economy. It is for all of these reasons that I support the bill and commend it to the Senate.

Senator McEWEN (South Australia—Opposition Whip in the Senate) (11:39): I too would like to contribute to this debate about the Fair Work Amendment Bill 2014. I would like to highlight to the chamber that what we have witnessed here this morning is once again the spectacle of the coalition government filibustering one of their own bills. Presumably they are trying to get the support of the crossbenchers for their bill, but, by the amount of filibustering that has been going on, they have not done that. The reason they have not been able to do that is, I presume, because this is such a bad bill.

The bill has been to the appropriate Senate committee, and I draw attention to the Labor senators' dissenting report tabled with the committee report and accurately describing this bill as a return to Work Choices by stealth. The Labor senators also pointed out that, if this bill is passed in its current form, it will have a detrimental impact on Australian workers and their families. I agree with those findings of the Labor senators on the committee, and for that reason I and all other Labor senators oppose this bill.

As has been said by previous speakers, Labor in government commissioned a review of the Fair Work Act 2009 in 2010. The Fair Work Act, of course, replaced the former coalition government's Work Choices legislation, which was by anyone's standards a dreadful piece of legislation by an antiworker, anti-union, antifairness Howard government. The review of the Fair Work Act that Labor commissioned made 53 recommendations that were to encourage productivity growth, to enhance equity in the workplace and to correct anomalies that had been detected in the Fair Work Act. Many of those recommendations have already been implemented. They were uncontentious.

This bill allegedly deals with remaining recommendations from that review. Of course, in typical coalition style, it goes too far and is another example of the coalition seizing every opportunity it possibly can to return to its ideological nirvana of Work Choices. The bill addresses three main areas in particular. They are regulation of greenfields agreements, right-
of-entry provisions for unions and individual flexibility arrangements, including the better-off-overall test. Labor has concerns about all of the proposed amendments to the Fair Work Act that deal with those provisions. They are the parts of this bill that we see as the continuation of the government's crusade against Australian working people, against their working conditions and against the unions who legitimately represent them at the workplace. The previous coalition speaker clearly belled the cat about what the actual intention of this coalition government bill is: the usual union-bashing, antiworker, antifairness, 'give all the power in the workplace to rogue employers' type of legislation that we are so used to.

This bill is here despite the government promises before the 2013 election—and who can forget then Prime Minister Tony Abbott promising that Work Choices was dead, buried and cremated—but here it is back again, very much alive. We can only hope that the new Prime Minister, Mr Malcolm Turnbull, might have a better attitude toward the working conditions of Australians and might be a more conciliatory and less hardline prime minister when it comes to what happens in the workplace. Unfortunately, I do not think that is going to be the case. We might have a new man at the top, but I do not think the policies are going to change at all. There has been no evidence that the workplace relations policies are going to change. Just last week we saw the new Treasurer, Mr Scott Morrison, confirm that the Turnbull Liberal government is just as intent on slashing penalty rates as was the Abbott government.

The Treasurer joined a chorus of coalition members and senators trying to deceive people with the argument that somehow if penalty rates are cut more people will get work—more people with disabilities will get jobs, more young people will get jobs and more single parents will get jobs. There has been investigation after investigation, but there is no evidence that points to the creation of jobs by cutting or reducing penalty rates. All you do by reducing penalty rates is make people poorer. We do not want people to be poorer in Australia. We do not need to cut penalty rates.

Further suggestions by the Treasurer last week included that penalty rates could be traded off for tax credits. That is an interesting concept. Is the new Turnbull government seriously suggesting that they would introduce tax credits to compensate people who work on the weekend so that now the taxpayer funds the penalty rates? I would not have thought that was a serious suggestion—but, anyway, it is on the table. On this side of the chamber we do not have those flights of fancy. We know that, no matter how you work it, cuts to penalty rates mean that workers are worse off.

Australia is already facing the lowest wages growth in 25 years, and still we hear from the new Prime Minister about cutting the income of low-paid workers. When I say 'low-paid workers', I am talking about people who work in hospitality, people who work in the retail industry, people who work in aged care and people who work in disability care. They are the low-paid workers who rely on penalty rates that they get for working what we call unsociable hours on weekends. They rely on those penalty rates, not for frippery but for the basic needs of life. They cannot afford to live without their penalty rates. Most of those people who work in those low-paid industries are women, who are already at a disadvantage in terms of pay equity because of their gender. The proposals to deal with penalty rates that are being rolled out by the new Turnbull-led government will directly affect women in low paid jobs.
We do not join the race to the bottom with the coalition. Labor believes that the government should focus on creating jobs and creating economic growth through investing in skills, training, infrastructure, innovation and entrepreneurship. Why does this government not turn its attention to those important areas? I have to question what other remnants of the Abbott era Prime Minister Turnbull is holding onto. We know that he is going to ditch fairness at work, just as he has ditched any commitment to meaningful environmental policies that he might have had before he became Prime Minister. He has ditched his commitment to marriage equality—again, something that he supported before he became Prime Minister—and he has ditched his republican credentials as well.

Just as he has traded off those commitments that he had before, I presume he is going to trade off fairness at work—as he is going to trade off the management of our precious water resources. I am speaking as a South Australian passionate about the future of the River Murray. Already we have seen management of that given to Mr Barnaby Joyce, whose view about water management is that people in South Australia should up stumps and move to the wet northern parts of Australia if they were going to continue to complain about mismanagement of the river system. We know that Mr Turnbull will be forever indebted to the far right of his party, who gave him his new job. So any serious change in coalition government policy in any area is unlikely. As I said, new Prime Minister; same old, same old, same old policies.

The Fair Work Amendment Bill that we are debating today does give the new Prime Minister the opportunity to backtrack away from that ideological war on workers that was waged by former Prime Minister Abbott and, of course, the former Minister for Employment, Senator Eric Abetz. You would hope that the government, under its new leadership, might pay less attention to undermining the job security of people at work and pay more attention to the 800,000 people out of work in Australia. You would think that they would want to spend more time dealing with the unemployment rate, which is at an unacceptable level of around six per cent. You would think that the coalition would focus on those issues instead of focusing on this legislation which makes it easier for bad employers to cut working conditions in unfair industrial flexibility agreements, for instance. You would hope that, instead of this legislation, the Prime Minister would spend some time legislating to protect employees whose job security will be threatened by refusing to address the job security measures in the China-Australia Free Trade Agreement.

There are so many examples of how the coalition have already attacked working conditions and job security of Australians in the two short years—but, really, they have been two very long years—of the coalition government. They failed to support automotive industry jobs in my home state of South Australia. They failed to commit to building Australia's 12 new submarines, despite promising to do so in my home state of South Australia—and we are still waiting to hear about that. We heard from speakers, in the debate on this bill in the last sitting period, about attempts to deregulate Australians shipping industry so that people could work on Third World wages while in Australian waters. I think you may have spoken about that yourself, Mr Acting Deputy President Sterle. We know that under Senator Abetz's former ministerial responsibilities the government cut the pay of the cleaners who work in this place and in other government offices. So, let us face it: the government's record on jobs and
working conditions is appalling. This bill is simply more of the same and that is why Labor is so concerned about it.

One of the most contentious aspects of this legislation is the changes to individual flexibility arrangements, which are a provision of the Fair Work Act put in by Labor, understanding that there does need to be some flexibility in the workplace. What is proposed here, as I said, is a return to Work Choices and a new iteration of Australian workplace agreements that were the hallmark of the Howard government. We know that ended very well for the Howard government—not! I hope Prime Minister Turnbull remembers that. I also hope the crossbench senators in this place, when they are deliberating about what they are going to do in regard to amendments to this bill, remember how unpalatable it was for the Australian community to have Work Choices and individual agreements, AWAs, foisted upon them. It did not go well for the coalition then and it will not go well for the coalition this time either.

The bill removes a key safeguard from what can be traded away under an IFA. As the Labor senators’ dissenting report notes, the expert panel that reviewed the act said that if a non-monetary benefit is being traded away for a monetary benefit, the value of the money forgone has to be relatively insignificant and the value of the non-monetary benefit has to be proportionate. Despite that clear prescription in the review—what is relative insignificance and proportion?—both terms are missing from this bill so, basically, anything goes under this bell. We are talking about individual flexibility arrangements which were agreed between an individual employee and an employer.

If you had listened to the previous speaker, you would think everything in the workplace is always sweetness and light. Thankfully it mostly is, but there are rogue employers out there who will use the changes proposed in this bill to put the hard word on individual workers, saying, 'Here you go. You've got to sign this genuine needs statement which says you are happy with the trade-offs being proposed.' What will happen down the track is that the employer, under this legislation will be able to rely on that genuine needs statement to say, 'As far as I knew, the worker was happy with what is being proposed.' The outcome of that will be that the employer will avoid prosecution and will be protected from having to pay compensation for what would otherwise have been a breach of the award under which the IFA is made.

I am not saying that all employers do this. Of course they do not, but there are employers who do do this. If you need an example of rogue employers who treat employees badly, you only have to look at what has happened in the 7-Eleven retail stores in Australia. What a scandal: low-paid workers in vulnerable situations, low-paid workers who mostly do not union representation who are being ripped off by rogue employers. And this legislation will facilitate more of that kind of behaviour by rogue employers who will take every opportunity to profit out of low-paid workers.

The way to avoid that happening is to facilitate union representation in workplaces and the coalition knows that. They know that unions will stand up to that kind of behaviour from rogue employers but this legislation, with its right of entry provisions, is directly targeted at making sure that unions cannot get into workplaces to attempt to represent workers who are being ripped off by rogue employers. Once again, this legislation, as coalition industrial workplace legislation always does, tilts the balance further in favour of employers. The same
applies in the provisions in this bill about greenfield agreements. Basically, it means employers can get away with whatever they want in greenfield agreements. Labor has put forward a number of amendments to the bill to ensure that that does not happen, that employers are genuinely negotiating what should apply in an enterprise agreement for a new work site or a new workplace—genuinely negotiating, not putting something on the table and saying, 'Take it or leave it! Take this or get out!' Otherwise, that is what employers will do under this proposed legislation. 'Here are your working conditions. If you don't like them, don't take the job.' That is not the Australian way.

We need to have standards, we need to have benchmarks and we need to have fairness in the workplace. There is no need to drag us back into some arcane kind of industrial relations system—children working in mines—where rogue employers have all the power in the workplace, but that is precisely what this legislation will do if it passes in its current form.

Once again, I appeal in particular to the Senate crossbenchers. Some of you have a reasonable record on workplace relations; some of you have an appalling record. When you are considering how you are going to vote, not just on this bill but on the amendments that are being moved by Senator Cameron's opposition amendments, please think about the people you purport to represent. Please think about the women, the low-paid workers, the people in vulnerable situations who need their jobs but need them to be well paid and who need to have union representation to help them secure those jobs and those conditions. I urge the crossbench senators not just to do what the coalition tells them to, not just to trade off important workplace conditions for some other deal they are doing with the government to get something else that they want. This is fundamental to fairness in Australia. This legislation deserves strident opposition and I hope we hear it from the crossbenchers.

Senator JOHNSTON (Western Australia) (11:59): This is a very important bill. It delivers on key aspects of the coalition's election policy but I emphasise does go no further. Indeed, on union workplace access, individual flexibility arrangements and the removal of the ability to strike first and talk later we are delivering on specific, known and identified policies which were also, in many respects, adopted by the Labor Party prior to the 2007 election but which were not followed through upon.

Through our Fair Work Amendment Bill 2014 we are giving effect to a number of commitments in our policy and further restoring balance to the system. We will do this by improving the process for the negotiation of greenfield agreements to ensure that unions can no longer frustrate bargaining for these agreements through unsustainable claims and delays which can threaten investment and delay the commencement of major new projects that are crucial to our prosperity, particularly in my home state of Western Australia.

The bill will also restore union workplace access rules, reflecting those in place prior to Labor's unbalanced amendments, dealing with excessive right-of-entry visits by union officials. This morning I want to emphasise what is happening with union rights of entry to the workplace. The bill will also improve workplace productivity and flexibility by enhancing the scope for employees to make individual flexibility arrangements that meet their genuine needs as determined by those employees. We are closing the 'strike first, talk later' loophole in good faith bargaining rules which Labor has consistently refused to address. We will also maintain the value of unclaimed wages recovered from workers by the Commonwealth.
Let's talk about one of the most important aspects of this particular bill—that is, union workplace access. The Fair Work Amendment Bill will address the current imbalance in union workplace access rules. The government's changes will fairly and sensibly balance the right of employees to be represented in the workplace if they wish to be with the right of employers to go about their business without unnecessary disruptions. The government sees right of entry as a specific statutory privilege to which conditions ought to apply. Regrettably, some union bosses do not agree with this very balanced approach.

In 2007 the Labor Party promised on numerous occasions that there would be no changes to the union right-of-entry laws. In a press conference on 28 August 2007 then deputy opposition leader Julia Gillard said, 'We will make sure the current right-of-entry provisions stay. We understand that entering on premises of an employer needs to happen in an orderly way. We will keep the right-of-entry provisions.' This specific promise was deliberately broken, in a calculated way. Unions were given much easier and wider access to workplaces under the Fair Work Act provisions which were then clearly anticipated and badly exploited by unions, particularly the CFMEU. This has meant that many businesses have faced excessive workplace visits from unions, even when their employees are not union members and have not asked for a union presence. The problem has been exacerbated in some workplaces by unions competing to represent employees at that workplace. There have been demarcation disputes and running battles on workplaces throughout Australia by unions seeking to acquire union dues.

The problem was highlighted by the former government's fair work review panel. It noted that the Pluto LNG project received over 200 right-of-entry visits in only three months. Two hundred visits by union officials giving notice of their attendance on particular days at particular times in only three months meant that day-to-day work scheduling was almost impossible. BHP Billiton's Worsley Alumina plant faced 676 right-of-entry visits in a single year. There were 676 notices issued to attend at a time and a place at the employer's workplace in a single year. Our changes will reduce the capacity for unions to deliberately harass and disrupt businesses in this way.

A recent case featuring CFMEU national president Joe McDonald has underlined the urgent need for these reforms. In a recent case Mr McDonald and the CFMEU were fined a sum of $193,600. In this case Mr McDonald ignored consultant requests to leave a site owned by CITIC Pacific's Sino iron ore project in Western Australia. When asked to leave the site because he did not have a right-of-entry permit—that is, he was on the site without a permit—Mr McDonald replied, 'I haven't had one for seven years and it hasn't effing stopped me.' Mr McDonald's attitude regrettably reflects the dark underbelly of the union movement that should have no place in modern and fair workplace industrial relations. In this place, most reasonable senators would agree that this sort of conduct is unacceptable. However, the Labor Party seem to want to defend this type of conduct again and again.

To be clear, the amendments in this bill will enact Labor's publicly stated promise prior to 2007, a promise that was not honoured. Given that the Labor Party in opposition, with the strong support of the union movement, supported the 2007 policy platform, we expected these amendments would not be contentious. But of course we now know that, in accordance with the requirements of their union masters, Labor senators in this place will be doing the bidding particularly of the CFMEU.
Most union officials will find these changes will not impact on their sensible approach to their right-of-entry activities. There has been no greater advocate than me for union right of entry, particularly in sweatshops in the clothing and manufacturing industry in Australia, when there have been clear requirements for a strong union presence to expose the exploitation of workers. But in the events I am about to put to the Senate you will see that there is clearly, unequivocally a gross abuse of the right of entry into workplaces happening, particularly in my home state of Western Australia. Currently, right of entry for discussion purposes can occur when the relevant union is entitled to represent the industrial interests of the employees in the workplace. This means unions can enter and hold discussions even if they have no actual members at the workplace and no-one has sought their presence. I go back to the fact that Worsley aluminium plant in Western Australia faced 676 rights of entry visits in just one year.

This bill will amend the provisions so that the ability for unions to enter a workplace is either tied to a union's recognised representative role of the workplace or employees at the workplace have requested the union's presence. I would have thought this was common sense. A union will only be entitled to enter a workplace for discussion purposes, if they are covered by an enterprise agreement or they have been invited by a member or employee they are entitled to represent. If the employee who would like the union to come to their workplace wishes to remain anonymous, a union will be able to apply to the Fair Work Commission for an invitation certificate. The Fair Work Commission must issue a certificate, if it is satisfied that a worker who performs work on the premises and whom the union is entitled to represent has invited the union to the workplace to hold the discussion. The certificate will not identify the employee who has made the request for the union's presence. This will restore the balance in the right of entry regime so that it is similar to prior to the commencement of the Fair Work Act consistent with the bipartisan consensus prior to the 2007 election.

The bill will also provide an effective mechanism for the Fair Work Commission to deal with disputes about excessive right of entry visits for discussion purposes. The previous government's amendments to the Fair Work Act in this area were drafted in a way which renders them largely ineffective and only able to be used in extreme circumstances where there has been an unreasonable diversion of the occupier's critical resources. These amendments will remove the restriction to ensure the commission has the power to properly deal with excessive right of entry visits—again, I say that 676 right of entry visits in one year did not come within the provisions—for example, by suspending, revoking or imposing conditions on an entry permit. Additionally, the amendments provide that the Fair Work Commission can take into account the combined impact of visits by all unions to the workplace reflecting that, in some circumstances, an employer will be subject to visits by multiple unions.

The bill will also repeal the previous government's amendments made in 2013 that expanded the union right of entry rights even further by allowing for uninvited lunch room invasions and requiring employers to pay for the cost of union boss joy rides to remote work sites. Those amendments gave unions the right to insist on addressing workers in their lunch room even when the workers have not requested their presence and are not union members. This was simply a bizarre blank cheque given by the former Rudd-Gillard-Rudd government to militant unions, particularly the CFMEU. This is unfair to the 87 per cent of private sector
workers who are not union members and for all workers who just want to eat their lunch in peace—and I can certainly relate to that.

This bill will restore the sensible arrangements that were previously in place whereby union officials must comply with a reasonable request by the employer to hold discussions in a particular room. Employers will continue to be prevented from nominating locations with the intention of intimidating, discouraging or hindering employees from participating in discussions—a very fair provision.

The former Rudd-Gillard-Rudd government also introduced obligations on employers at remote work sites to provide union officials with transport and accommodation to enable them to access those sites. We will repeal this costly and onerous piece of regulation and, instead, reinstate the previous approach where unions and employers can reach their own arrangements in these circumstances.

I want to talk about a few cases that highlight the necessity for these particular types of amendments. I want to deal firstly with a Mr Perkovic, who is a CFMEU official who abused his right of entry permit and was suspended from the use of that permit for some 19 months. He was banned, as I say, for 19 months after a very foul-mouthed session of abuse of a government inspector which just happened to be caught on video. In this case, he was seen and found by the Fair Work Building and Construction commission to deliberately refuse to meet his basic obligations as a permit holder when asked to do so but also he proceeded unprovoked to use abusive language and physically menace in an attempt to intimidate, bully and belittle a Fair Work Building and Construction inspector going about his lawful duties.

What did Mr Perkovic actually do? He called a government employee on video 'an effing piece of shit' and was so close to him as to be intimidated. The Victorian official John Perkovic allegedly abused the investigator at the Ibis Hotel project site in Adelaide after he and other union officials illegally entered the site. Perkovic is one of 10 CFMEU officials who allegedly breached right of entry laws in a spate of illegal entries to Adelaide construction sites earlier this year. Fair Work Building and Construction commission has subsequently launched four cases against CFMEU—and I have already indicated what the outcome of those cases were. The official was suspended for 19 months.

Mr Perkovic shouted at the investigator words to the effect:
You're just about having a heart attack. You're shitting yellow, you piece of shit. Go f—k ... brush your teeth next time, you piece of shit, alright?

This is in his face. This is on video. This is the sort of conduct that you see for CFMEU officials on workplaces right around Australia. Fair Work building commission alleges Perkovic pushed the investigator with his stomach, causing the investigator to lose his balance. Perkovic was one of several CFMEU officials who flew into Adelaide and caused problems at three Adelaide construction sites. Fair Work understands CFMEU officials flew in from the Northern Territory, Australian Capital Territory, New South Wales and Victoria. It is alleged right of entry breaches occurred at the Minda homes master plan stage 1 in Somerton Park, a development which will provide accommodation and services for people with intellectual disabilities. An aged-care development in Kensington Road, Leabrook and the Ibis Hotel development were also targeted. Fair Work successfully allege officials refused to show their right of entry permits and did not give 24 hours notice before entering the sites, which is compulsory under federal law. Officials also allegedly refused to wear safety glasses.
when asked. Two officials had to be escorted off the Minda Home site. When asked to show his permit at the Ibis Hotel, one official told the site manager to 'eff off' and 'grow some balls'. This is very mildly representative of the sort of conduct that employers and people going about their lawful workplace occupations—employees—have to put up with.

Another case that comes to my attention is where three CFMEU officials were recently penalised $38,500 for 'hindering, obstructing and acting in an improper manner' on a Brisbane construction site:

On 28 February 2014, Judge Burnett penalised the now Assistant Secretary Kane Pearson and official Joseph Myles $4,950 each and official Shane Treadaway $2,200 for their conduct at a $350 million city project on 11 February, 2010. The CFMEU was penalised $26,400. The officials entered the site to investigate alleged safety concerns. In a liability decision delivered on 20 December 2013, Burnett J said: “Plainly, these experienced industrial organisers were more interested in grandstanding by engaging in provocative behaviour in the presence of workers on the site, notwithstanding their presence onsite purportedly being in respect of safety issues. Undoubtedly their behaviour was directed more to recruitment and membership retention than any other object.”

The Court found that Mr Pearson acted in an improper manner by being rude and offensive, including by swearing at and insulting a site foreman: ‘you’re a d***head, I’m not dealing with you I want to talk to the [project manager]’ and by calling the site foreman a 'f***wit', 'deadbeat' or 'd***head'. Mr Pearson was also found to have intentionally hindered, obstructed and acted in an improper manner by causing the disruption to work schedule to take place at the site …

This is the tip of a very big iceberg.

The principal case, which I do not have time to talk about at length, is of course the Bechtel versus Construction, Forestry, Mining and Energy Union of Western Australia case. It was a Fair Work Commission decision where, on the Wheatstone project, CFMEU officials had an injunction extended for their conduct. Without going into considerable detail as to what in fact happened, the commissioner found that the injunction should continue because of the conduct of the officials involved. Here is a short but brief quote of some of the things that were said on a particular day by one of the officials to company employees. When he asked about why the workplace meeting that was scheduled was held in a particular place and was told, 'If you're not happy refer it to Fair Work Australia', a Mr Upton—who was a CFMEU official—said, 'That’s the AWU way, we don’t do things that way. We do things the effing CFMEU way.'

Things deteriorated from that point on. The industrial relations manager for Bechtel engaged this man in a very reasonable way, but Mr Upton then yelled at this person and said, 'I won’t accept you treating the boys like effing dogs. Eff off!' He then, in dealing with a particular person from Bechtel who was an American citizen, said, 'Is this shithole place acceptable to you?'—

The ACTING DEPUTY PRESIDENT (Senator Sterle): Senator Johnston, it has been brought to my attention that under the President's rulings on Senate practices of October 2014 clause 58, in quoting from a document there are certain words that should not be uttered even though you are quoting. I have allowed a free range of quotes, but the actual words themselves the Senate may not need to hear. Not bad from the truckie to the lawyer!

Senator JOHNSTON: Thank you, Mr Acting Deputy President. What we see is a categorical abuse of the Bechtel official not only from an industrial perspective but also

CHAMBER
because he is American. The abuse goes on for some long period of time in a most appalling and disgraceful way, using every single expletive one could possibly wish to imagine. Indeed, I accept your ruling, Mr Acting Deputy President, because it is really quite disgraceful that people in this place want to continue to defend this conduct by opposing what are the most reasonable of amendments to stop this sort of behaviour on industrial work sites. *(Time expired)*

**Senator IAN MACDONALD** (Queensland) (12:20): I rise to speak on the Fair Work Amendment Bill 2014. Hearing Senator Johnston with some of those case examples emphasises why it is important that we bring some rationality, fairness and balance to our industrial relations and to our fair work arrangements within Australia. As Senator Johnston has so graphically pointed out, some of the actions of some of these unionists, allowed for under legislation of the previous government, is just disgraceful and entirely un-Australian. I know without doubt that I can say that 98 per cent of all Australians would find the examples given by Senator Johnston appalling and a good reason for why something needs to be done.

This piece of legislation actually follows a commitment the coalition made prior to the 2013 election, where we said that we were committed to addressing a range of key problems with the fair work laws. This bill continues to implement the commitments that the coalition made prior to the last election. We are a party that makes promises and we intend to keep our promises. That is why this legislation is being introduced. There are some other parties in this chamber who make promises, like 'There will be no carbon tax under a government I lead', and then the first piece of legislation that comes in actually breaches that promise. We want to be recognised as a government that has made promises and tries its best to implement those promises with legislation at the earliest possible time, and that is what this bill is all about.

The bill will amend the Fair Work Act to provide for a more balanced workplace relations system, while safeguarding workers' conditions and protections, and that is important. The measures in the bill will help encourage investment in new projects that are important to our national economy and will help encourage those investments by preventing unions from vetoing greenfields agreements. This bill strongly signals to investors that Australia is open for business.

Unions certainly have a place in our society and always have done. In years gone by, perhaps even centuries gone by, unions performed a wonderful role in protecting, enhancing and building conditions for all people, whether they were workers, employers or those who depended on those people. I have always thought that unions have a real place in our society. However, the legislation that previous Labor governments have introduced give unions an undue influence over workers' conditions and pay and more influence over workers' conditions and pay than workers themselves need or want. Very often workers in this day and age do not need a union standing over their shoulders saying, 'This is what's good for you, so we're going to get it.' Most workers in Australia can work that out for themselves and can make deals with their employers that allow for flexibility, family arrangements and other things that are important to workers and their families.

Unfortunately, Labor governments tend to overemphasise the importance of unions in discussions relating to workplace conditions and arrangements. I can understand why Labor governments do that. It is because most people in Labor governments have a union background. There is nothing wrong with that, of course. But when this sort of legislation,
introduced by a Labor government, comes before the parliament there is a bit of an imbalance, because most of the ministers in Labor governments have a union background. They owe their very existence in this parliament to the unions and very often they owe their positions as ministers to deals that the unions do amongst themselves and with the Labor Party, who they control. They work out which member or senator is going to be a minister. The unions make those sorts of arrangements.

That would be okay—well, perhaps you could excuse it—if the unions actually represented Australian workers. But the Australian Bureau of Statistics has some interesting figures on just who does and who does not represent Australian workers. According to the ABS, 88 per cent of all Australian workers in the private sector choose not to join a union. Twelve per cent do; 88 per cent choose not to. So how can the unions say that they speak for Australia's workers, when 88 per cent of Australian workers say, 'Sorry, mate, we don't want you to represent us. We are quite happy to represent or make arrangements for ourselves. We are not dills. We are not incapable of making arrangements and conditions. We will do that ourselves, thanks very much. We do not need you to do it for us'? Twelve per cent of Australian workers feel that they are incapable or that, for some other reason, they want a union there—and that is their right. If that is what they want, they can do that in Australia.

It should be remembered that 88 per cent of all Australian workers in the private sector choose not to join a union and choose not to have the unions acting and speaking for them. Yet the bills introduced by the Labor Party—which this bill seeks to amend and make fairer—are not bills that were introduced for the workers' benefit; they were introduced for the unions' benefit, so that the unions can continue to have a reason to exist when 88 per cent of workers in the private sector do not want them.

Those ABS figures are instructive. If you take the total Australian workforce—that is, the public and private sectors—then only 17 per cent of all workers in Australia have chosen to join a union. Again, that means that 83 per cent of workers across Australia have made a rational decision that they do not want the unions to speak for them. They feel that they are capable of speaking for themselves and of dealing with their own workplace relations in the way they want and not in the way some paid union official might think is good for them. The workers have voted with their feet and have chosen not to have unions representing them.

So why do Labor governments come in here and continue to pass legislation that give the unions all the power and authority and take it away from the workers who are capable and who have expressed their desire not to have the unions working for them? I repeat: if people do want to join a union and want the unions to speak for them, then in Australia they are perfectly able to do that. They do that with my support and I know with the support of all parliamentarians. But workers should not be forced to have the union making the rules, when the workers themselves do not want the unions there. This bill puts a bit of balance, fairness and flexibility back into the arrangements.

I said that I know why Labor governments pass legislation that increases enormously the power of unions, not the power of workers in negotiating but increases the power of unions when workers do not want them. I understand that, and I mentioned that most ministers in Labor governments owe their very being to the union movement. You only have to look around this chamber. Of all the Labor senators, and I do not have the exact figures these days, at least 80 per cent—and I think that is probably a generous estimate—of the senators in this
chamber are former union officials. They are here because their union did a deal within the Labor Party to make sure these particular union members received preselection and therefore were voted into the Senate. As a result, a number of them are shadow ministers—for example, the shadow minister for trade, who is also the opposition leader in the Senate, Senator Penny Wong, is a former CFMEU employee. I do not want to speak ill of Senator Wong when she is not here, and she can no doubt speak for herself, but you would wonder why Senator Wong has not roundly condemned some of the activity that the previous speaker, Senator Johnson, was talking about—CFMEU officials being absolutely vile, foul-mouthed and intimidatory to government officials, in many cases women. You would have thought that people like Senator Wong would have been on their feet condemning that in the strongest and loudest words, but we have heard barely a 'boo' from Senator Wong. Perhaps the fact that she was employed by the CFMEU, got to her position in the Senate because of the CFMEU and got to her position as Leader of the Opposition in the Senate because of the CFMEU is why she has not loudly condemned some of the thuggish and sexist behaviour that we have seen from the CFMEU.

This bill, as I said, puts back some flexibility and I want to talk about some elements of the bill. My colleagues on this side have gone through some of the elements very carefully and I will not repeat a lot of those. This bill does one thing that I particularly like: it removes the strike-first talk-later loophole under the Fair Work Act that has been in that bill. The Labor Party, prior to the 2007 election, promised they would do something about that. I quote the then Labor Party leader who said:

... industrial disputes are serious. They hurt workers, they hurt businesses, they can hurt families and communities, and they certainly hurt the economy.

Further, he said, 'They'—the employees—'will not be able to strike unless there has been genuine good faith bargaining.' That is what the Labor leader said prior to the 2007 election. Unfortunately, that was not the case under Labor's Fair Work Act, where employees were allowed to strike before the bargaining process had even commenced. This bill will amend the Fair Work Act to provide that protected industrial action can only be taken if bargaining for a proposed agreement has actually commenced. This amendment will mean that industrial action cannot be the first step in the bargaining process and that restores a balanced and harmonious approach to enterprise bargaining.

This bill is helping the Labor Party fulfil a promise it made prior to the 2007 election. For that reason, wouldn't you think that all of the Labor Party senators in this chamber would be supporting this bill, because by supporting it they are actually supporting the coalition government honouring a commitment of the Labor Party made prior to the 2007 election. I do not know of course how Labor senators are going to vote when this bill comes for a vote. If they are not going to support it, I would like some of them to explain why, prior to the 2007 election, they supported this particular proposal, yet here they are opposing a proposal which they introduced. This bill does a lot of things like that where fairness and flexibility is brought back into the system of enterprise bargaining and into industrial relations generally.

Senator Johnston very graphically indicated the right of entry of union officials, without rhyme or reason, to enter lunch rooms and harangue workers about particular issues which are important to the unions—not important to the workers but important to the unions. Again, I emphasise—because I think this is just so important—that this right of entry under Labor Party legislation, which allows union officials to go into places and to talk to employees when
the employees are not interested in talking to them, simply becomes ridiculous when you understand that of the employees they are talking to, on average, 87 per cent do not want the union there. And yet the 87 per cent who choose not to join the union, who choose not to have the union talk to them, have to sit there and be subjected to this unfettered right of union officials to wander around their place of work, to wander into their lunchroom and to harangue them with, as I say, issues that may be important to union officials but are clearly not important to the workers themselves.

The former government, the Rudd-Gillard-Rudd government, also introduced obligations on employers at remote worksites to provide union officials with transport and accommodation to enable them to access those sites. Again this is ridiculous when you take into account that these sites in remote areas are nearly always private sector, and 87 per cent of private sector employees do not want the union. And yet the employer has to provide the unions with transport and accommodation to come out and harangue 100 per cent of the workers, when only 12 per cent of them want the union to be there. This is a very costly and onerous obligation on the employers. It does not help the employees, most of whom have demonstrated that they do not want the unions talking for them, and it just adds to the cost of doing business in Australia.

In the end result, when you make the cost of doing business in Australia prohibitively expensive, investors go elsewhere. Australia is a lucky country, but it is not the only one with resources and know-how for doing things. Investors simply say, 'It's too expensive in Australia; we'll go somewhere else.' What is the result of that? As we are seeing in Queensland at the moment, another 500 jobs in the mining industry have been lost because Australia has become uncompetitive. Part of that uncompetitiveness was the ridiculous mining tax which the Labor Party introduced on the miners. It meant that investment in mining in Australia stopped for a considerable period of time, and it has meant that jobs have been lost. Don't the Labor Party—who are here because of the unions who put them here—understand that they are costing real workers their jobs because of some of this stupidity? This bill will go a long way to fixing a lot of that stupidity, and I urge its support in this chamber.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:40): I rise to make a contribution to this debate on the Fair Work Amendment Bill 2014. I was in fact the Australian Greens portfolio holder for industrial relations when Mr Howard rammed Work Choices through this place. Who of us who were here at the time can forget the hours that we spent debating that appalling legislation in this place? It breaks my heart that here we are and the same colour of government, the coalition, is once again trying to undermine protection for workers.

It is really important to remember the context of this debate, and that is the growing inequality that we face in this country. Remember the impacts that inequality has in a society. It has direct impacts on people's health and life outcomes and, in particular, intergenerational impacts. The previous speaker and other speakers have spoken about 'balance.' Well, I say, 'Ha!' to that. This is not about balance; it is about tipping the balance towards employers and big business and putting more and more money—particularly when you look at the greenfields issues in here, and I will come to those in a minute—in the pockets of employers and big business. It is about tipping the balance right over to them, not a proper balance that
people expect when you are talking about the concept of balance. If you look at the final consequences of that, you see that that will lead to more inequality in this country. We know from report after report that inequality, both wealth inequality and income inequality, has grown. We must always remember when we are debating these issues that that is very real and growing in this country.

The Senate has twice rejected these pieces of legislation that form a major part of this coalition government's attack on people's rights at work. It is an obsession with the coalition to undermine workers' rights. I hope that the Senate rejects this piece of legislation too. However, right now it is very likely that some of the crossbench senators are in fact negotiating, doing a deal with government, to get this legislation through this place. It may not pass in full in its current form, but it looks like some of the worst parts of this legislation could remain and be passed if the crossbenchers do in fact do a deal with the government and join with the government to vote this piece of appalling legislation through the Senate.

One of our main concerns is with the greenfield agreements component of this legislation. However, there are many more, which, if I get time, I will address as well. I wonder if the crossbench senators are really aware of what this legislation would do and what impact it would have on workers and workers' rights into the future. If it were to pass, these changes would deny workers on big projects a voice on their wages and conditions, all in the name of helping big business, big miners and big developers at the expense of workers. These are workers on the new projects like new mines, ports and LNG gas processing plants.

When we look at what returns have come to workers over the long term and how issues like inequality have been addressed in states—for example, in my home state of Western Australia—we know from reports from the BankWest Curtin Economics Centre, at Curtin University, that in fact inequality has expanded the most and more quickly in Western Australia during the boom than in any other state. So this whole idea that, if you support big business and big mines and the big resource companies, you will get a trickle-down effect and float all the boats is nonsense. The report clearly shows that in fact that does not happen. We have an unequal share of resources in Western Australia and the situation will be worse for wages and conditions if this particular piece of legislation goes through. It would mean that employers will be able to bargain with themselves and unilaterally determine the wages and conditions that workers on their projects would receive, without having to negotiate with workers or unions. You think: how could that possibly happen? But I will outline how that could and would in fact happen.

In fact, the legislation goes beyond this. It even allows the employers to choose which union they want to be their negotiating partner. Usually it is the workers who have the right to choose which union is involved in their negotiations but this legislation goes against this and allows employers to choose. So not only would employers get to pick the wages and conditions for workers but they would also get to pick their negotiating partner, who they will then face off with at the negotiating table. This goes far beyond the recommendations of the Productivity Commission's draft report into workplace relations.

The Productivity Commission's draft report recommends the Fair Work Act be amended so that if an employer and a union have not reached a negotiated outcome for a greenfields agreement after three months, the employer may: continue negotiating with the union; request that the Fair Work Commission undertake 'last offer' arbitration of an outcome by choosing
between the last offers made by the employer and the union; or submit the employer's proposed greenfields arrangement for approval with a 12-month nominal expiry date. But this legislation would not even allow this. Instead of employers and unions negotiating a decent agreement on wages and conditions that works for both parties, this legislation would see employers able to wait it out for three months or for six months if one of the crossbench amendments passes. The employers would then be able to ask the Fair Work Commission to accept whatever they have put on the table, giving employees and unions absolutely no say at all—in other words, they can just sit there and hold tight and they will get their way.

The Greens think that workers are entitled to a share in the resources boom. But this legislation is really about letting employers and companies earn even more profit from their projects. In other words, there would be even less of a so-called trickle-down effect and workers would be even worse off. We have not heard many reports of projects not getting off the ground because of difficulties negotiating under the current legislation, so this is not an attempt to get more projects up; it is an attempt to get employers an even greater share of the profits coming from agreements by shutting down the ability of workers and unions to negotiate their wages and conditions.

The Greens have our own amendments to this bill, which Senator Rice will be moving, which would give people better control of their work-life balance.

I encourage the crossbench to support our amendments to give people better control of their work-life balance, rather than support the government's plan to remove the ability of workers on big projects to take control of their working lives. This is an area of the legislation that we are particularly concerned about and, coming from Western Australia where we tend to have big projects, it is a pretty important issue.

This is a bill that was first put forward by a government and a Prime Minister that have been on a crusade to slowly but surely strip away the rights of Australian workers and it seems that, under this new leadership, nothing has changed—new Prime Minister, same old policies. In this bill we see a government that is continuing to put the profits of big business ahead of the rights of vulnerable Australian workers. The legislation that is before the Senate today is about changing the minimum standard. It is not about giving people more flexibility; it is about giving bad employers more power over vulnerable people. When one looks at the provisions in this bill, one can see that the government has gone back to the previous Fair Work review and just cherry picked the things that work on one side of the ledger but there is nothing there to balance it up on the other side—the side that protects workers.

In this bill we again see the obsession of the government about employees having access to their union representatives at reasonable times. In many workplaces, often the only way workers will find out about their entitlements is from a union representative who comes in and tells them, 'No, actually, there are laws to protect you, you are entitled to be paid properly as a member of the Australian community and these are your rights.' Yet what we see in this legislation is a winding back of the provisions that would allow someone to come in and give that explanation. We know that what some unscrupulous employers do at the moment or have done in the past is to say, 'Sure, you—a low-paid worker—can find out what your minimum legal rights are. But I will tell you what I will do: I will put the union representative, when they come during your lunch break, in the room next to my office and I will just sit there with a clipboard making a note of every worker who comes in to get advice about what their
minimum conditions are.' We know what that can lead to. I remember hearing of that from workers when we were discussing previous IR legislation in this place.

Currently, the law says you cannot do that. You must strike the right balance between not disrupting the workplace and allowing people to find out what their minimum entitlements are. That will be abolished under this bill. Government continues its obsession with workers getting access to information that informs them about their rights. When you think about this from the perspective of a vulnerable worker, who may not have English as their first language, you realise how important it is that people do get access to this information. How are they going to find out about their rights? They simply will not. That will be the practicality of this particular amendment; workers will not be able to gain access to the information that they need. That is exactly what this legislation is designed to do.

I note that there have been a number of amendments to this bill, most notably the amendments proposed by members of the crossbench. It is important that the crossbenchers who have proposed these amendments—and this chamber—are aware of what these amendments do; essentially, they make a bad bill just a little bit less bad.

But you cannot make a silk purse out of a sow's ear. Yes, the amendments will remove part 2 of the bill, which says: if you happened to accrue annual leave loading and other reasonable measures during your time at work and if it turns out that you get sacked before you have had the chance to take them, do not expect to get your full entitlement paid out; you are only going to get part of it. And, yes, it also takes out part 3, which would remove the right of employees to take or accrue annual leave while they are receiving workers compensation. While the Greens welcome the removal of these provisions, we still cannot support this bill. This deal the crossbench has done will take out some of the nasty provisions that the original bill contained, but it still does not go far enough to protect the rights of vulnerable Australian workers.

What the crossbench deal has not removed from this nasty bill is the provisions that would take away employee's rights to industrial action. This will tip the scales in favour of the employer during negotiations. Imagine going to your employer with a legitimate request for better pay and conditions, and having the employer being unwilling to even have a conversation with you about it; and you as the employee having no legally protected course of action to make the employer come to the bargaining table. Under this bill an employer gets to be the sole decision maker on what legislation and minimum standards apply in the workplace. It removes the negotiation element of bargaining and allows an employer to sit there, fold their arms, and say, 'We refuse to engage in discussions with you about an enterprise agreement'.

It is deeply concerning that this bill will also take away an employee's only power in this situation, which is to take industrial action. Under existing laws, if an employer refuses to negotiate with their employees, the employees are able to commence stop-work meetings or go on strike. What are employees supposed to do when under this bill these options, their only two options, are taken away from them? The government is continuing its obsession with taking rights away from workers.

The Greens have also moved amendments to this bill that will genuinely make work fairer. Our amendments—those proposed by Senator Rice—would give workers more job security and allow workers to have the flexibility that works for them, so that they can have the time
off to pick up the kids, to drop them off at school or, perhaps, to look after a sick grandparent. These are the sorts of flexibility that we have been pursuing for years.

The average full-time working week in Australia is 44 hours; that is the longest in the Western world. We perform $72 billion in unpaid overtime each year. Imagine how many jobs that would make. Just over half of all Australians want to change their hours of work, even if it might impact on their income. On average, full-time employees would like to work about 5.6 hours less per week; while part-time workers would like to work on average four hours more per week. Research shows that working hours are impacting on wellbeing; there are poorer health outcomes and greater use of prescription medications. It is also affecting our personal and family lives. Sixty percent of women feel consistently time-pressured, and nearly half of men also feel this way.

In this country we need to better match the hours people want to work with the hours they actually work. If people want to work different hours or work from home so that their life is better, then the law should allow it, provided it does not unduly impact on their employer. In fact, flexibility often works better for the employer. Allowing workers more flexible hours will be a productivity bonus for the economy. Business will benefit from this reform and good employers are already promoting better work-life balance. Satisfied employees are likely to remain in a workplace longer, and be healthier and more productive.

In this Senate we need to be working to improve and protect the rights of Australian workers, not passing legislation that will, bit by bit, see their rights stripped away from them—see their working conditions worsen and see the fundamental protections given to them by current laws taken away.

People have rights under the law that protect their working life. This government is intent on stripping them away. They are obsessed with it. Increasing people's flexibility—making sure that employees are not working unpaid overtime—is essentially jobs that other people could do. It makes sense to have fair workplaces. It makes sense to address the massive inequality that continues in this country and which is in fact growing. This legislation is bad legislation.

As I said: you cannot make a silk purse out of a sow's ear. The crossbench amendments make this bad legislation slightly less bad, but it is not good legislation. The Senate should reject this legislation and reject this government's attempt to erode workers' rights in this country. Instead of having the longest working week in the Western world, we should in fact be looking at how we can help more people to find work; rather than undermining the rights of workers. We will not be supporting this legislation.

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (12:58): I rise to close debate on the Fair Work Amendment Bill 2014. In doing so, I thank all senators who have contributed to the debate.

The measured reforms in this bill will help bring back some balance to the workplace relations system. The bill represents longstanding government policy, and each of its measures was clearly outlined in the coalition's election policy. These important measures include improving the process for the negotiation of greenfields agreements by allowing the independent umpire, the Fair Work Commission, to act as a relief valve in bargaining for
greenfields agreements; maintaining the value of unclaimed wages recovered for underpaid workers by the Commonwealth; providing for discussions between employers and employees where an employee requests an extension to maternity leave; and closing the strike-first talk-later loophole in the bargaining rules—a loophole which Labor's own 2012 review of the Fair Work Act identified and recommended be closed, but which Labor failed to implement.

The government has engaged constructively with the crossbenchers in relation to this bill, and I thank Senator Abetz for his work in this regard. As a result of that engagement, there is in principle agreement to a number of measures in the bill to progress today. I understand amendments will be moved at the committee stage that would enable some measures in the bill to be passed by the Senate today. The government is, of course, committed to and looks forward to continuing to engage constructively, in particular with the crossbenchers, on those matters that are not passed by the Senate today to demonstrate the need and fairness of the remaining measures and how they will restore balance to the system.

If I could now address some inaccuracies that have arisen in the debate on this bill. A number of false claims have been made about our reforms to greenfields agreements. For the sake of clarity, I want to make it clear that these are brand new projects that do not yet have employees. The former government's own Fair Work review panel found that bargaining practices associated with greenfields agreements were unacceptable and put at risk investment in important, new projects. The current Productivity Commission inquiry has made similar findings in its interim report.

The bill will ensure that greenfields bargaining does not delay or jeopardise these vital new projects by removing the capacity for unions to veto this agreement. The bill does this by providing the option for employers to notify a negotiation time frame. Where agreement with the union cannot be reached within the optional negotiation time frame, the employer will be able to take the agreement to the Fair Work Commission—the independent umpire—for approval. To ensure that future employees are protected, agreements made under this new optional process must meet all existing approval requirements under the Fair Work Act and, in addition, provide pay and conditions that are consistent with prevailing pay and conditions within the relevant industry for equivalent work.

Contrary to some claims, employers will continue to have to bargain with the union, or unions, able to represent the majority of future employees in line with existing requirements under the Fair Work Act. In addition, the bill ensures that genuine negotiations occur by introducing an enforceable requirement for both sides to bargain with each other in good faith. The changes we are making to greenfields agreements provide strong employee protections while ensuring that new projects, which are essential to employment growth and Australia's ongoing economic prosperity, can go ahead without undue delay.

The bill also amends Fair Work Act to provide that protected industrial action cannot be taken before bargaining has commenced. This is not an onerous requirement, it simply means that negotiations with the employer for a new enterprise agreement must have started before employees can take industrial action. This change was itself recommended by the previous government's Fair Work Act review and, again, is a draft recommendation of the current Productivity Commission inquiry.

This is nothing more and nothing less than a common sense reform that will help to ensure that costly industrial action is not taken prematurely. The Fair Work Amendment Bill
responds to evidence of problems with the Fair Work Act. Many of these problems have themselves been identified by the opposition’s—the then Labor government’s—Fair Work review and are now being highlighted again by the Productivity Commission inquiry. By removing a range of impediments to productivity and growth these reforms will help to build a more stable, fair and prosperous future for Australian workers, businesses and the economy. The bill faithfully implements reforms taken to the Australian people in our 2013 election commitments—nothing more and nothing less—and I commend the bill to the Senate.

The PRESIDENT: The question is that the bill be now read a second time.

The Senate divided. [13:09]

(The President—Senator Parry)

Ayes ..................... 34
Noes ..................... 29
Majority .............. 5

AYES

Abetz, E
Bernardi, C
Bushby, DC
Cash, MC
Day, RJ
Fierravanti-Wells, C
Heffernan, W
Lazarus, GP
Lindgren, JM
Madigan, JJ
Muir, R
Parry, S
Ronaldson, M
Ryan, SM
Seselja, Z
Smith, D
Williams, JR

Back, CJ
Birmingham, SJ
Canavan, MJ
Colbeck, R
Fawcett, DJ (teller)
Fifield, MP
Johnston, D
Leyonhjelm, DE
Macdonald, ID
McGrath, J
Nash, F
Reynolds, L
Ruston, A
Scullion, NG
Sinodinos, A
Wang, Z
Xenophon, N

NOES

Bullock, JW
Dastyari, S
Gallacher, AM
Hanson-Young, SC
Lines, S
Ludwig, JW
McAllister, J
McKim, NJ
Moore, CM
Peris, N
Rhiannon, L
Siewert, R
Singh, LM
Urquhart, AE (teller)
Whish-Wilson, PS

Cameron, DN
Di Natale, R
Gallagher, KR
Lambie, J
Ludlam, S
Marshall, GM
McEwen, A
McLucas, J
O’Neill, DM
Polley, H
Rice, J
Simms, RA
Sterle, G
Waters, LJ
Question agreed to.
Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator RICE (Victoria) (13:12): by leave—I move Greens amendments (1) and (2) on sheet 7560 and (1) and (2) on sheet 7554 together:

(1) Clause 2, page 2 (table items 2 to 9), omit the items, substitute:

2. Schedule 1 The day after this Act receives the Royal Assent.

(2) Schedule 1, page 4 (line 1) to page 28 (line 24), omit the Schedule, substitute:

Schedule 1—Amendments
Fair Work Act 2009
1 After paragraph 5(8)(a)
Insert:
   (aa) provided by a secure employment order (see Part 2-7A); and

2 Section 12
Insert:
   rolling contract basis: see section 21A.

3 Section 12
Insert:
   rolling contract employee: see section 21A.

4 Section 12
Insert:
   secure employment arrangement means ongoing employment on a part-time or full-time basis.

5 Section 12
Insert:
   secure employment order: see subsection 306E(1).

6 Section 12
Insert:
   small business exempt casual employee: a casual employee is a small business exempt casual employee if:
      (a) the employer is a small business employer; and
(b) the employee is not a long term casual employee.

7 After section 21

Insert:

21A Meaning of rolling contract employee and rolling contract basis

(1) An employee who is employed on a rolling contract basis is a rolling contract employee.

(2) An employee is employed by an employer on a rolling contract basis if:

(a) the contract of employment ends on a specified date or at the end of a specified period; and

(b) the employee has previously been employed by the employer under such a contract; and

(c) the current and previous contracts relate to the same kind of work.

(3) For the purposes of paragraph (2)(a), a contract may end on a specified date or at the end of a specified period even if a term of the contract has the effect that the contract might be terminated before that date or before the end of that period.

8 After subparagraph 43(2)(a)(i)

Insert:

(iia) a security employment order (see Part 2-7A); or

9 After paragraph 172(1)(c)

Insert:

(cia) matters pertaining to secure employment arrangements, including moving from casual employment, or from employment on a rolling contract basis, to secure employment arrangements;

10 After Part 2-7

Insert:

Part 2-7A—Secure employment arrangements

Division 1—Introduction

306A Guide to this Part

This Part provides for transition to, and maintenance of, secure employment arrangements.

Division 1 deals with preliminary matters.

Division 2 deals with requests for secure employment arrangements. These include the following:

(a) requests to change from casual employment to secure employment arrangements;

(b) requests to change from employment on a rolling contract basis to secure employment arrangements.

Division 3 provides for the making of secure employment orders by FWC for employees or prospective employees.

306B Meanings of employee and employer

In this Part, employee means a national system employee, and employer means a national system employer.

Division 2—Requests for secure employment arrangements

306C Requests to change from casual employment to secure employment arrangements

(1) A casual employee may request the employer, in writing, for a secure employment arrangement.
(2) An employee organisation that is entitled to represent casual employees may, if asked to do so by one or more of the employees, request the employer, in writing, for a secure employment arrangement for that employee or those employees.

(3) The employer must give the employee or organisation a written response to the request within 21 days, stating whether the employer grants or refuses the request.

(4) If the employer refuses the request, the employer’s written response must include details of the reasons for the refusal.

(5) This section does not apply in relation to a small business exempt casual employee.

306D Requests to change from employment on rolling contract basis to secure employment arrangements

(1) A rolling contract employee may request the employer, in writing, for a secure employment arrangement.

(2) An employee organisation that is entitled to represent rolling contract employees may, if asked to do so by one or more of the employees, request the employer, in writing, for a secure employment arrangement for that employee or those employees.

(3) The employer must give the employee or organisation a written response to the request within 21 days, stating whether the employer grants or refuses the request.

(4) If the employer refuses the request, the employer’s written response must include details of the reasons for the refusal.

Division 3—Secure employment orders

306E FWC may make secure employment order

(1) FWC may, on application in accordance with section 306F, make any order (a secure employment order) it considers appropriate to provide, or to maintain, secure employment arrangements for the person or persons to whom the order will apply.

(2) A secure employment order may apply to:

(a) any one of the following persons (a relevant person):
   (i) a casual employee;
   (ii) a rolling contract employee;
   (iii) a prospective employee who, if employed at the time the application for the order was made, would be a casual employee or rolling contract employee;
   (iv) an employee who already has a secure employment arrangement;
   (v) a prospective employee who, if employed at the time the application for the order was made, would have a secure employment arrangement; or
   (b) two or more relevant persons; or
   (c) a class of relevant persons.

(3) Without limiting paragraph (2)(c), the class may be described by reference to one or more of the following:

(a) a particular industry or part of an industry;
(b) a particular kind of work;
(c) a particular type of employment;
(d) a particular employer.
(4) A secure employment order must specify the employer or employers who are required to comply with the order, being the employer or employers of the relevant person, relevant persons or class of relevant persons to whom the order applies.

(5) Despite subsection (2), a secure employment order cannot apply to a small business exempt casual employee.

306F Application for secure employment order

(1) Application for a secure employment order in relation to a request refused under section 306C or 306D may be made by:

(a) if the employee made the request—any of the following:

(i) the employee;

(ii) an organisation that is entitled to represent the interests of the employee, if asked by the employee to make the application;

(iii) the Age Discrimination Commissioner, the Disability Discrimination Commissioner or the Sex Discrimination Commissioner; or

(b) if an organisation made the request—the organisation.

(2) Application for a secure employment order otherwise than in relation to a request refused under section 306C or 306D may be made by:

(a) an organisation that is (or, for prospective employees, that would be) entitled to represent the interests of the relevant person, relevant persons or class of relevant persons to whom the order will apply; or

(b) an employer organisation that is entitled to represent the industrial interests of an employer of a relevant person, relevant persons or class of relevant persons to whom the order will apply.

306G Matters for FWC to consider

In deciding whether, or the terms on which, to make a secure employment order, FWC must have regard to the following:

(a) the needs of employees to have secure jobs and stable employment;

(b) an employer’s capacity to use arrangements that are not secure employment arrangements in cases where this is genuinely appropriate having regard to the needs of the business;

(c) the size of the employer or employers to whom the order will apply;

(d) if the application was made under subsection 306F(2)—whether the order should apply to the same employees and prospective employees, and require the same employers to comply with it, as are covered by a relevant modern award;

(e) any other matter FWC considers relevant.

306H Content of orders affecting more than one person

(1) Orders providing or maintaining secure employment arrangements for more than one relevant person may include one or more of the following:

(a) an order requiring that all the relevant persons who are long term casual employees be offered a secure employment arrangement;

(b) an order providing for a process by which all the relevant persons who have been employed by the employer for a certain period of time can elect to have a secure employment arrangement;

(c) an order specifying the terms of secure employment arrangements under which casual loadings would be phased out over a period of time so as to avoid a sharp drop in employee remuneration;
(d) an order implementing secure employment arrangements in such stages (as provided in the order) as FWC thinks appropriate;

(e) an order requiring the employer to provide information to FWC for the purposes of monitoring the staged implementation of secure employment arrangements;

(f) an order regulating the engagement of prospective employees on a casual basis, a rolling contract basis or a secure employment basis;

(g) an order regulating the employer’s use of arrangements that are not secure work arrangements in circumstances in which secure work arrangements could be used.

(2) Subsection (1) does not limit the orders that FWC may make under this section.

306J Implementation of secure employment order in stages

A secure employment order may provide for secure employment arrangements in such stages as FWC thinks appropriate.

306K Contravening a secure employment order

An employer must not contravene a secure employment order.

Note: This section is a civil remedy provision (see Part 4-1).

306L Inconsistency with modern awards and enterprise agreements

A term of a modern award or an enterprise agreement has no effect in relation to an employee to the extent that it is less beneficial to the employee than a term of a secure employment order that applies to the employee.

11 Subsection 539(2) (after table item 9)

Insert:

<table>
<thead>
<tr>
<th>Part 2-7A — Secure employment arrangements</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>9A</td>
<td></td>
</tr>
<tr>
<td>306K</td>
<td></td>
</tr>
<tr>
<td>(a) a person to whom a secure employment order applies;</td>
<td></td>
</tr>
<tr>
<td>(b) an organisation entitled to represent a person to whom a secure employment order applies</td>
<td></td>
</tr>
<tr>
<td>(a) the Federal Court;</td>
<td></td>
</tr>
<tr>
<td>(b) the Federal Circuit Court;</td>
<td></td>
</tr>
<tr>
<td>(c) an eligible State or Territory court</td>
<td></td>
</tr>
</tbody>
</table>

12 After paragraph 557(2)(f)

Insert:

(fa) section 306K (which deals with contraventions of working arrangements orders);

13 After paragraph 576(1)(f)

Insert:

(fa) secure employment arrangements (Part 2-7A);

14 After paragraph 653(1)(c)

Insert:

(ca) conduct research into the operation of Part 2-7A in relation to requests for secure employment arrangements; and

15 Subparagraph 653(1)(d)(i)

Repeal the subparagraph, substitute:

(i) the circumstances in which such requests are made; and
16 After paragraph 675(2)(e)
   Insert:
   (ea) a secure employment order;

17 At the end of subsection 716(1)
   Add:
   ; (g) a term of a secure employment order.

(1) Clause 2, page 2 (at the end of the table), add:

10. Schedule 3 — The day after this Act receives the Royal Assent.

(2) Page 32 (after line 18), at the end of the Bill, add:

Schedule 3 — Better work/life balance

Fair Work Act 2009

1 Before paragraph 5(8)(b)
   Insert:
   (ba) provided by a flexible working arrangements order (see Part 2-7B); and

2 Section 12
   Insert:
   flexible working arrangements order: see subsection 306S(1).

3 Before subparagraph 43(2)(a)(ii)
   Insert:
   (ib) a flexible working arrangements order (see Part 2-7B); or

4 Subsection 44(2)
   Omit "65(5) or".

5 Subsection 44(2) (note 1)
   Repeal the note, substitute:
   Note 1: Subsection 76(4) states that an employer may refuse an application to extend unpaid parental leave only on reasonable business grounds.

6 Subsection 44(2) (note 2)
   Omit "65(5) or".

7 Division 4 of Part 2-2
   Repeal the Division.

8 Section 146 (note)
   Omit "65(5) or".

9 Before paragraph 172(1)(d)
   Insert:
   (cb) matters pertaining to flexible working arrangements;

10 Subsection 186(6) (notes 1 and 2)
   Omit "65(5) or".

11 Before Part 2-8
   Insert:
Part 2-7B—Flexible working arrangements

Division 1—Introduction

306M Guide to this Part

This Part provides processes for changing working arrangements.

Division 1 deals with preliminary matters.

Division 2 deals with requests for flexible working arrangements, including flexible working arrangements for employees who are carers.

Division 3 provides for the making of flexible working arrangements orders by FWC to ensure that employers comply with this Part.

306N Meanings of employee and employer

In this Part, employee means a national system employee, and employer means a national system employer.

306P State and Territory laws that are not excluded

(1) This Act is not intended to apply to the exclusion of laws of a State or Territory that provide employee entitlements in relation to flexible working arrangements, to the extent that those entitlements are more beneficial to employees than the entitlements under this Part.

(2) However, a law of a State or Territory has no effect in relation to an employee to the extent that it provides an employee entitlement in relation to flexible working arrangements that is inconsistent with a term of an enterprise agreement that applies to the employee.

Division 2—Requests for flexible working arrangements

306Q Requests for flexible working arrangements

Employee or organisation may request change

(1) An employee, or an employee organisation that is entitled to represent the employee, may request the employer to change the employee's working arrangements.

Note: Examples of changes in working arrangements include changes in hours of work, changes in patterns of work and changes in location of work.

(2) Neither the employee, nor the organisation, is entitled to make the request unless:

(a) for an employee other than a casual employee—the employee has completed at least 12 months of continuous service with the employer immediately before making the request; or

(b) for a casual employee—the employee:

(i) is a long term casual employee of the employer immediately before making the request; and

(ii) has a reasonable expectation of continuing employment by the employer on a regular and systematic basis.

Formal requirements

(3) The request must:

(a) be in writing; and

(b) set out details of the change sought and of the reasons for the change.

Responding to the request

(4) The employer must give the employee, or the employee organisation (as the case requires), a written response to the request within 21 days, stating whether the employer grants or refuses the request.

(5) The employer may refuse the request only on reasonable business grounds.
(6) If the employer refuses the request, the written response under subsection (4) must include details of the reasons for the refusal.

**306R Requests for flexible working arrangements—carers**

*Request for change for employee who is a carer*

(1) An employee who has responsibility for the care of another person, or an employee organisation that is entitled to represent the employee, may request the employer to change the employee’s working arrangements to assist the employee to care for the other person.

Note: Examples of changes in working arrangements include changes in hours of work, changes in patterns of work and changes in location of work.

(2) Neither the employee, nor the organisation, is entitled to make the request unless:

(a) for an employee other than a casual employee—the employee has completed at least 12 months of continuous service with the employer immediately before making the request; or

(b) for a casual employee—the employee:

(i) is a long term casual employee of the employer immediately before making the request; and

(ii) has a reasonable expectation of continuing employment by the employer on a regular and systematic basis.

*Formal requirements*

(3) The request must:

(a) be in writing; and

(b) set out details of the change sought and of the reasons for the change.

*Responding to the request*

(4) The employer must give the employee, or the employee organisation (as the case requires), a written response to the request within 21 days, stating whether the employer grants or refuses the request.

(5) The employer may refuse the request only on serious countervailing business grounds.

(6) If the employer refuses the request, the written response under subsection (4) must include details of the reasons for the refusal.

**Division 3—Flexible working arrangements orders**

**306S FWC may make flexible working arrangements order**

*Power to make flexible working arrangements order*

(1) FWC may make any order (the flexible working arrangements order) it considers appropriate to ensure that an employer complies with section 306Q or 306R.

*Who may apply for flexible working arrangements order*

(2) FWC may make a flexible working arrangements order only on application by any of the following:

(a) an employee or organisation whose request under subsection 306Q(1) or 306R(1) for a change in working arrangements has been refused;

(b) an employee organisation that is entitled to represent an employee covered by paragraph (a);

(c) the Age Discrimination Commissioner, the Disability Discrimination Commissioner or the Sex Discrimination Commissioner.
306T Implementation of flexible working arrangements in stages
A flexible working arrangements order may provide for changed working arrangements in such stages as FWC thinks appropriate.

306U Contravening a working arrangements order
An employer must not contravene a term of a flexible working arrangements order.

Note: This section is a civil remedy provision (see Part 4-1).

306V Inconsistency with modern awards and enterprise agreements
(1) A term of a modern award has no effect in relation to an employee to the extent that it is less beneficial to the employee than a term of a flexible working arrangements order that applies to the employee.

(2) A term of a flexible working arrangements order has no effect in relation to an employee to the extent that it is inconsistent with a term of an enterprise agreement that applies to the employee.

12 Subsection 539(2) (before table item 10)
Insert:

<table>
<thead>
<tr>
<th>Part 2-7B—Flexible working arrangements</th>
<th>306U</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) a person to whom a flexible working arrangements order relates;</td>
<td>(a) the Federal Court;</td>
</tr>
<tr>
<td>(b) an organisation entitled to represent a person to whom a flexible working arrangements order relates</td>
<td>(b) the Federal Circuit Court;</td>
</tr>
<tr>
<td>(c) an eligible State or Territory court</td>
<td></td>
</tr>
</tbody>
</table>

13 Subsection 545(1) (note 4)
Omit "65(5),".

14 Before paragraph 557(2)(g)
Insert:

(fb) section 306U (which deals with contraventions of flexible working arrangements orders);

15 Before paragraph 576(1)(g)
Insert:

(fb) flexible working arrangements (Part 2-7B);

16 Paragraph 653(1)(c)
Repeal the paragraph, substitute:

(c) conduct research into the operation of the provisions of the National Employment Standards relating to requests for extensions of unpaid parental leave under subsection 76(1); and

17 Before paragraph 653(1)(d)
Insert:

(cb) conduct research into the operation of Part 2-7B in relation to requests for changed working arrangements; and
18 Before paragraph 675(2)(f)
Insert:
   (eb) a flexible working arrangements order;
19 At the end of subsection 716(1)
Add:
   ; (h) a term of a flexible working arrangements order.
20 Subsection 739(2)
Omit "65(5) or".
21 Subsection 739(2) (note)
Omit "65(5) or".
22 Subsection 740(2)
Omit "65(5) or".
23 Subsection 740(2) (note)
Omit "65(5) or".

The Greens amendments are designed to turn what is called a fair work bill into a true fair work bill. Much of what has been put up in this Fair Work Amendment Bill 2014 actually is making work less fair for ordinary Australian workers. Although it seems that there have been negotiations going on between the government and the crossbench to remove some of the worst parts of the bill, it looks like we will end up having as legislation something that is vastly unfair to workers. We are tinkering around the edges, making modifications with relation to greenfield sites, getting rid of the appalling proposal that workers would not get all of the dollars they were owed if they were leaving work and being paid out and where unions are allowed to access workplaces but leaving in parts of this legislation that really are still vastly unfair to workers.

The Greens amendments will scrap the schedule that includes these provisions and instead insert provisions that are aimed at making our employment legislation truly fair. There are two particular areas we have focused on. If you talk to workers around the country, these are the sorts of measures that they want in order to make their work truly fair and to make the relationship with their employer much fairer than it is at the moment.

The first one is in the area of secure employment. We know that there are a growing number of Australian workers finding themselves in insecure employment such as long-term casual employment or rolling contracts, where they have got no job security. They cannot commit themselves to paying a mortgage and they cannot commit themselves to any long-term financial investment because they do not know whether they are going to have a job next week, next month, or even tomorrow. They are at the whim of their employer as to whether they are going to get work on a day-to-day basis. They have got little economic security and little control over their working lives, so it really does make it hard for them to plan their lives. It is a particular problem for women, who are much more likely to find themselves in insecure employment.

The rate of temporary work in Australia is staggering and it is increasing, with over one-quarter of employees having no paid leave entitlements. Our amendment seeks to provide a process for workers employed on an insecure basis to be moved to ongoing employment on a
part-time or full-time basis. What it would mean is that an employee who is on a casual or a rolling contract can ask their employer to move them onto a secure contract—that is, ongoing part time or full time. If an employer refused this request for ongoing employment, then our amendment would enable an employee to make an application to Fair Work Australia, who could issue a secure employment order. Fair Work Australia would have to consider the needs for employees to have secure jobs and stable employment and the genuine needs of businesses to use arrangements for not secure employment arrangements. It would actually be a fair arbitration of the needs of the employee and the needs of the employer. By having that arbitration, it makes sure that the needs of employees to have some job security is fully taken into account. At the moment the unfairness of our current working system, with the increasing casualisation of the workforce, means that if you are working—you may be working as a nurse, you may be working as a childcare worker, you may be working in a shop—then you do not know from day to day, from week to week or from month to month whether you are going to have work and you cannot plan your life around it.

The other amendment that we are moving today is on the issue of work-life balance. This amendment would give workers more job security and allow workers to have flexibility that works for them so that they can have time off to do things, like picking up the kids or being there for any number of responsibilities that people have when they are looking after family members, such as looking after a sick, elderly parent. By doing so, these amendments would be creating a bill that really was a fair work bill, that really would provide for flexibility. At the moment in Australia we have got the work-life balance wrong. We need to ensure that people have adequate time for family commitments, community commitments and doing activities that are good for our health, including exercising and sleeping. As I noted in my second reading contribution, our amendments would help to drive positive cultural change in relation to flexible working agreements by providing a clear framework and criteria for requests. Once again, it is not going open slather on one way or the other; it is creating a framework so that discussions and negotiations can be had to find arrangements that work for both employers and employees.

Importantly, these amendments on the issue of work-life balance would begin to remove the stigma imposed on parents, fathers and mothers—indeed, anybody who has got to care for another person—and anyone who wants to have more control over their life. It would remove the stigma that currently exists for people requesting that change. At the moment, because of the imbalance between the power of the employer and the power of the employee, the employee does not even make the approach because they know that, particularly if they are in a casual job, they are likely to not be in that job even if they just make that approach. These amendments, if brought together, would create fair work legislation that really would result in fair work and it would truly give workers the flexibility and the work conditions that they deserve.

Senator CAMERON (New South Wales) (13:19): Labor will be opposing these amendments. Labor do acknowledge the rising incidence of insecure work and we are, as a party, carefully considering our options to address these issues. We understand that with insecure work comes financial and emotional instability as people do not know where their next shift will come from, but we do not believe that by standing up in the Senate and putting forward a raft of amendments to this bill that deals with some specific issues that it will be a
silver bullet, or a magic bullet, that changes work-life balance or changes job security for Australian workers. We take the view that to ensure job security and to ensure work-life balance you need a whole raft of complementary measures. You need a whole raft of sophisticated policy measures that come into effect to ensure that not only are there changes in industrial relations policy but also there are changes in other policy areas that support those changes in the industrial relations area.

We all know that insecure work can have an adverse effect on superannuation balances, for instance. So superannuation is another area that we have been very concerned about, to make sure that lower paid workers can have access to superannuation that give them a quality of retirement—that provides them with security in retirement. These are other issues that have to be addressed.

To address insecure work you require a multitude of policy responses, including investing in skills and training. I know, early in my career when I was a union official, the whole approach of employers was to simply deskill, was to simply seek to get the lowest pay you could for an individual skill. But over the period many employers have matured in their approach to this. They have adopted sophisticated skills approaches and sophisticated training approaches. I must say, over a period of time government has dropped the ball in that area, yet skills and training are absolutely essential to ensure that we do deal with job security and work-life balance. They focused on only one response to addressing insecure work. It is too simplistic and will not achieve better results for Australian workers.

Fairness in the workplace is fundamental to Labor values. Adapting to change must never be an excuse to erode hard-won working conditions. Insecure work is a particular threat to those conditions. Protecting the rights of working people to ensure every worker has access to decent wages and working conditions will always be an essential purpose for the Labor Party. Working people have to be able to join together, to bargain collectively to improve their working lives. Labor will ensure that the workplace relations system reduces the incidence of under employment and insecure work. Labor will strengthen the laws that prohibit sham contracting. Labor will set an objective test for determining when a worker is a casual. Labor will protect labour-hire workers.

Labor recognises the deleterious impact of poor quality and insecure employment on the immediate health and safety of workers and the overall negative effects on their health, including the mental health of the community. Labor is committed to making job quality an essential social policy objective, including improvements in Labor market control and social protections and services. Unlike the Greens, Labor will work with all stakeholders, including employers and unions, on the best overall way to combat the challenges of insecure work.

If the Greens were genuinely interested in reforms of this nature, they would have consulted with Labor or they would have briefed us on this proposal. Simply coming forward with these amendments without proper consultation, without creating a basis for some kind of unanimity at least on the opposition benches and on the cross benches is a recipe for disaster. Determining policy in isolation, determining policy on the basis of not consulting, determining policy and amendments to bills without dealing with the broader issues in our view is not sufficient to protect workers’ entitlements, to protect their job security and to protect them in a range of other ways.
We would say to the Greens that we are genuine about dealing with job insecurity and we are genuine about dealing with work-life balance. We simply do not believe you can do it through the amendments the Greens have put forward because they go to a narrow aspect of these two issues and do not cover the wide range of issues that a properly-thought-through policy requires.

We do want to deal with these issues. We would agree with many of the comments Senator Rice has made but we do not agree with the specific policy issues she has put forward this morning. We call on the Greens—and I have done this many times in this chamber—when looking for support for amendments in this place, to at least consult with the Labor Party, to at least consult with us and to go through the process of trying to maximise the capacity to get bills through this Senate.

Labor will oppose these amendments. We certainly agree with some of the rhetorical issues that Senator Rice has raised. We certainly agree about the problems workers face in this country. We just do not believe that what Senator Rice has put forward is the way to deal with them at the moment and that is why we oppose the amendments.

While I am on my feet, I congratulate you, Senator Cash, for your elevation up that slippery poll of the coalition hierarchy. I do not know that congratulating you is going to be a great thing for working people in this country, given that your hero is Margaret Thatcher. There are going to be some good ideological debates in this place. If the ideology you bring forward goes back to the Thatcher era, we are going to have some crackers because Thatcher was not good for Britain, Thatcher was not good for industrial relations, Thatcher was not good for the economy and Thatcher was not a very good politician in the end. So do not base yourself on Margaret Thatcher. Do not base yourself on the 'Iron Lady'. Let us get some decency back into politics in this country. You can sit down with the opposition. You can talk about the issues that are important in terms of industrial relations. You can negotiate with us when it comes to improving workers' lives in this country, but definitely do not talk to us about Thatcherite policies because we are not interested.

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (13:28): The government will be opposing the Green amendments. I turn to the amendments on sheet 7554. The government does not support these amendments. They would remove the capacity to request flexible working arrangements from the National Employment Standards and that is not consistent with the intended operation of the Fair Work Act. The existing entitlement ‘requests flexible working arrangements’ is designed to support families and others in balancing work and their responsibilities outside of work. They are also designed to promote discussion between employers and employees about the issue of flexible working arrangements and the government believes this is an appropriate balance.

The current provisions recognise that there are certain groups that face difficulties in engaging with employment and provide legislative support for these employees to access flexibility. While the provisions work to support eligible employees manage work and other responsibilities, they are also drafted to ensure that the competitiveness and viability of businesses will not be impeded. The government will not be supporting those amendments.

I will now turn to the amendments on sheet 7560. Again, the government will not be supporting these amendments. We believe that they would have the effect of predetermining
the employment relationship between an employee and an employer irrespective of the parties' wishes. It is the government's clear position that individual employees and employers are the people who are best placed to determine what employment arrangements suit them. It also must be noted that not all casual or contract employees wish to become permanent employees. Casual employees have the flexibility to refuse work at any particular time, for example, to accommodate study or family responsibilities. They may also prefer to receive additional remuneration through the casual loading rather than the benefits that apply to permanent employment—for example, annual leave. The proposed amendments, as I said, allow someone other than the affected employer and employee to determine the employment relationship, and that is not a position that the government supports.

Senator RICE (Victoria) (13:30): I wish to respond. In supporting these amendments, the Greens are very serious. In contrast to the accusation of Senator Cameron that the Greens are not serious about the issue of fair work, the Greens are incredibly serious about the issue of fair work. We see these two lots of amendments as the beginning. They are two areas very critical to ensuring that we can get genuinely fair work conditions into our labour force as opposed to what is being proposed by the government, which is going to be making work unfair.

I also wish to correct the record on the issue of consultation. The Greens have been open to consultation on these amendments. The amendments have been out there. This debate on the Fair Work Amendment Bill has been going for many months now. I have had a number of conversations with Senator Cameron about the existence of these amendments, and my colleague in the other place, Adam Bandt, who is our Greens industrial relations spokesperson, has taken carriage of our position on these amendments. These amendments have been out there. We have been open to discussion and negotiation. If the Labor Party had really been interested in discussing these amendments with us, I am sure those discussions would have occurred.

The other issues which have been raised which are required to improve the fairness of work for employees, such as superannuation are issues that we will be very pleased to continue to work on with anyone in this place who wants to—whether it is Labor, the government or the crossbench—because they are critical issues of importance in getting the balance right and getting working conditions that make people feel they are in control of their lives, that they can go off to work and know their work place is going to be fair and that they are going to be treated well and that they will have some job security to make some financial investments into the future.

In relation to the issue of secure employment, no, not all casual workers want to become permanent workers and our amendments do not say that that is the case. We do not want to see all casuals become permanent employees. That is not the case. Our amendments are such that, where we have people who are on rolling contracts and casual contracts for years at a time—whether they are childcare workers, retail workers or scientists—they would have the support of legislation to say, 'This is unfair,' and to be able to bring a case to their employer. They would have the support to remove the stigma that currently exists about taking that case to their employer. Then there would be the Fair Work Ombudsman as the umpire, able to give an objective assessment that balances the needs of that employee to have permanent, secure employment and the needs of the employer. That is exactly the sort of role that Fair Work
Australia is set up to play—making those fair arbitrations. We think that this is one area where it would be very appropriate for Fair Work Australia to be involved so that we can get more fairness and the security which so many employees in Australia today are desperately requiring.

**Senator CAMERON** (New South Wales) (13:34): I will just indicate for clarity to the Greens political party that Labor are prepared to sit and have a discussion with you in relation to the specific amendments that you have raised here. We would also be happy to talk to you about broader areas in the employment portfolio. The shadow minister is always available to have those discussions with the Greens. As I have said on a number of occasions, the rhetoric from you guys might be okay but you do not follow through. So we will offer continued support for discussions with the Greens on these issues. We are happy to do that. But we just do not believe that the solution you have raised to the issues you have identified is wide enough, broad enough or deep enough to deal with them. I just want to make it clear that we are prepared to talk to you. I cannot remember one really substantive discussion I have had with you in this area, but I am happy to have that discussion. I am sure the shadow minister, Mr O’Connor, is happy to have those discussions with the Greens. There are plenty of opportunities for discussions on these issues; I just ask the Greens to take up those opportunities.

**The CHAIRMAN:** The question is that amendments (1) and (2) on sheet 7560 and amendments (1) and (2) on sheet 7554 be agreed to.

The committee divided. [13:40]

(The Chairman—Senator Marshall)

| Ayes | ................. | 10 |
| Noes | ................ | 38 |
| Majority | ............... | 28 |

**AYES**

Di Natale, R  
Ludlam, S  
Rhiannon, L  
Siewert, R (teller)  
Waters, LJ

**NOES**

Back, CJ  
Bushby, DC  
Canavan, MJ  
Day, RJ  
Fawcett, DJ  
Gallagher, KR  
Leyonhjelm, DE  
Lines, S  
Macdonald, ID  
Marshall, GM  
McGrath, J  
McLucas, J  
Muir, R  
Bullock, JW  
Cameron, DN  
Cash, MC  
Edwards, S  
Gallacher, AM  
Lazarus, GP  
Lindgren, JM  
Ludwig, JW  
Madigan, JJ  
McAllister, J  
McKenzie, B  
Moore, CM  
O’Neill, DM
Question negatived.

The CHAIRMAN (13:43): The question now is that schedule 2 stand as printed.

Question agreed to.

Senator LEYONHJELM (New South Wales) (13:43): I oppose schedule 1 and schedule 2 in the following terms:

(2) Schedule 1, Part 1, page 4 (lines 2 to 8), to be opposed.

(3) Schedule 2, item 1, page 29 (lines 15 to 18), clause 2 to be opposed.

Under existing law, an employer is prevented from refusing an employee's request for an extension to unpaid parental leave unless the refusal is based on reasonable grounds. My amendments leave this restraint on employers untouched.

The bill before us seeks to add to this intervention in the managerial decisions of employers. It seeks to prevent an employer from refusing an employee's request for an extension of unpaid parental leave unless the employer has also given the employee a reasonable opportunity to discuss the request. My amendments oppose this additional restraint on managerial decisions in the workplace. The additional restraint on employers in this bill is a recommendation of the Fair Work Act review. However, the Fair Work Act review recommended the additional restraint with next to no explanation after having outlined that there was no problem with the existing provision. This additional restraint on employers would create the possibility of litigation based simply on the inadequacy or absence of a discussion even if an employer's refusal to extend leave were reasonable, and it would increase the bureaucratic meddling in the minutiae of decision making in the workplace. In short, this additional restraint on employers would be change for change's sake. We do not need this incessant and pointless fiddling with the law, and I oppose it.

Senator CAMERON (New South Wales) (13:45): Labor opposes these amendments. I do not think we would have to really detail why we would oppose them because I think everyone would expect Labor to be protecting people's rights to be able to sit down with their employer and discuss the issue of unpaid parental leave.

Senator Leyonhjelm now adds this to his CV of anti-worker rhetoric in this place. He came in here and argued that penalty rates should disappear. As I have said before, for politicians on $200,000 a year base rate to come in here and tell workers that their penalty rates should disappear I find absolutely obnoxious. But that is the sort of rhetoric and the sort of line we continue to hear from Senator Leyonhjelm. Now he describes a proposition that workers should be able to sit down and talk to their employer about parental leave issues as being 'bureaucratic meddling in the minutiae' of the enterprise. I think that just beggars belief. It absolutely beggars belief.
We have gone from a position, Senator Leyonhjelm—if you did not understand it—when the employers had total power in this country and when the old master-servant relationship was in place. We have moved on from that, in case you had not noticed. We have moved on from it. Managerial decisions are not inviolate. Managerial decisions can be challenged and should be challenged because there is such a thing as industrial democracy in the workplace. We do need some democracy in the workplace, and this is an example—where you come in here and try to trash democracy in the workplace. We are not talking about democracy in the workplace where workers are taking over the plant. We are talking about a bit of democratic right, where a worker can come in and actually talk to their boss about some of their problems. I think that for you to come in here and argue that that right should not be available is just unacceptable. We will oppose it as, I think, we will oppose many of your loopy ideas on industrial democracy and your loopy ideas on how this country should operate based on your view of life. I think we will be in here arguing on many occasions.

To come in and argue that penalty rates should not be available to sectors of our workforce, to us, is unacceptable. To come in and argue that workers should not have the opportunity to sit down and consult with their employer over key issues is unacceptable. Senator Leyonhjelm, your definition of managerial decisions and your definition of bureaucracy do not meet the standard of fairness. They do not meet the standard that is required in a modern society. They do not meet the standard that has been built up over many years—against the opposition of the coalition on some occasions, against the opposition of management on some occasions and against the opposition of business—that actually gives workers some rights on the job in this country. That right has been fought for and won by the trade union movement in this country and then carried through into the workshops and plants around this country.

Senator Leyonhjelm, we do not accept that your definition of managerial decisions and minutiae in the workplace is a proper definition. What you might think of as minutiae is extremely important to many workers in this country. It is not minutiae for a worker to get paid penalty rates—the very issue that you tried to kill the last time you were on your feet in this place, arguing for a two-tier approach on penalty rates in this country. Your definition of bureaucratic meddling is not a definition that we would agree to. Your definition of minutiae in relation to someone being able to sit down and talk about their paid parental leave or unpaid parental leave is just unacceptable.

I suppose it is minutiae if you are a senator and you come here and you do not have to worry about parental leave or penalty rates or a decent base rate of pay. I suppose from your perspective that can be minutiae, but it is not minutiae from Labor’s point of view. It is not minutiae from my point of view—a point of view that understands that workers need decent rates of pay. They need decent conditions. They need their penalty rates to have a decent standard of living in this country. If you describe that as minutiae, then we have a different description. We think your position is so far out of touch as to be absolutely unbelievable. To come in here and argue that bosses should be able to dismiss their employees who are seeking an extension of their unpaid parental leave or who want to talk about their personal position or to try and get their boss to deal with the issues that are important to them shows a complete misunderstanding of what is important to not only the individual worker but also, in reality, the enterprise that those workers are engaged in.
We hear much talk about productivity and we hear talk about improving the productive performance of enterprises around this country. One of the things that improves productive performance in any enterprise is a decent relationship on the job. It is about workers having some decent rights on the job. It is about workers having access to penalty rates. It is about workers having access to a union. It is about workers having a capacity to sit down and talk issues through with their employer. That is what happens in modern economies, Senator Leyonhjelm. That is what happens in the new era—and when I talk about the new era, I am talking about something that has moved on since the 1900s and 1800s, where your views seem firmly planted. What you are proposing not only demonstrates a misunderstanding of how individual workers need to access decent rates of pay, decent conditions and some industrial democracy on the job but it also shows a complete misunderstanding of how productivity improves on the job. By simply sitting down with a worker and dealing with the issue of unpaid parental leave it gives the worker a capacity to understand and negotiate the issues with the boss and gives the boss a satisfied worker who is being looked after on the job. But for you to come in here and simply blow that away by saying that this is managerial decision making that should not be affected just beggars belief.

Managerial decision making is important, but you need checks and balances in the job. You need checks and balances on the workshop floor. You need checks and balances with management. If you did not have checks and balances with management and it was simply their prerogative to do what they liked, then workers' lives in this country would be diminished. Workers' capacity to make any impact on the job from an industrial democracy point of view would be finished. Your idea about managerial decisions being up to the boss and workers not having any capacity to be able to intervene, either on their own behalf or on the collective behalf of workers in the job, is completely out of touch with what makes improved productive workshops and enterprises around this country. Rather than being bureaucratic meddling, what this can do is actually improve productivity on the workshop floors of this country, improve productivity of white-collar workers and even improve middle management productivity and relationships on the workshop floors around this country.

We do not for a minute believe that managerial decisions should not be open to some scrutiny, assessment and input from workers on the job. That is one of the reasons why we oppose this. We oppose this because of your definition of 'bureaucratic meddling'. It is not bureaucratic meddling to have some decent rights at your workplace. It is not bureaucratic meddling to be able to sit down with the boss and talk through the issues that concern you. The days of the employer simply determining everything for every worker on the job in an enterprise are gone, Senator Leyonhjelm. Surely you understand that. Surely you understand that when you clock on or you walk into your factory—for those factories that are left after this dirty, rotten government got rid of the factories around the country—or your workplace that you should be able to exercise some democratic rights. You need some democratic rights in this country.

Senator Leyonhjelm, you are so far removed from reality on industrial relations that you should join the Liberal Party. You would have lots of bedfellows there who do not want penalty rates, industrial democracy or rights for workers and who would do anything to attack working rights in the race to the bottom on wages and conditions in this country. Senator Leyonhjelm, this is where you are at with these amendments. You would sit very happily with
the coalition on the issue of attacking workers' rights. I reckon if you had been here, you would have backed Work Choices 110 per cent because you do not accept rights for workers. You do not accept any industrial democracy. You argue like the coalition does that industrial democracy should not be there and it should be the inviolable rights of the boss.

I know we have a new employment minister whose hero is Margaret Thatcher, but we are not going to go back to Margaret Thatcher. It does not matter what Senator Cash says—Margaret Thatcher is gone.

Progress reported.

MINISTERIAL ARRANGEMENTS

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:00): by leave—I have the honour to inform the Senate that I have been appointed Leader of the Government in the Senate. Senator the Hon. Mathias Cormann has been appointed Deputy Leader of the Government in the Senate. Senator the Hon. Scott Ryan has been appointed Assistant Manager of Government Business. Senator the Hon. Mitch Fifield will continue to serve as Manager of Government Business. I seek leave to have the updated list of the first Turnbull government for incorporation in Hansard.

Leave granted.

The document read as follows—

<table>
<thead>
<tr>
<th>Title</th>
<th>Minister</th>
<th>Other Chamber</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prime Minister</td>
<td>The Hon Malcolm Turnbull MP</td>
<td>Senator the Hon George Brandis QC</td>
</tr>
<tr>
<td>Minister for Indigenous Affairs</td>
<td>Senator the Hon Nigel Scullion</td>
<td>The Hon Malcolm Turnbull MP</td>
</tr>
<tr>
<td>Minister for Women</td>
<td>Senator the Hon Michaelia Cash</td>
<td>The Hon Malcolm Turnbull MP</td>
</tr>
<tr>
<td>Cabinet Secretary</td>
<td>Senator the Hon Arthur Sinodinos AO</td>
<td>The Hon Malcolm Turnbull MP</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister</td>
<td>Senator the Hon Michaelia Cash</td>
<td>The Hon Malcolm Turnbull MP</td>
</tr>
<tr>
<td>Minister for the Public Service</td>
<td>Senator the Hon Mitch Fifield</td>
<td>The Hon Malcolm Turnbull MP</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister</td>
<td>The Hon Michael Keenan MP</td>
<td>Senator the Hon George Brandis QC</td>
</tr>
<tr>
<td>Minister for Digital Government</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister</td>
<td>The Hon Alan Tudge MP</td>
<td></td>
</tr>
<tr>
<td>Assistant Minister to the Prime Minister</td>
<td>Senator the Hon James McGrath</td>
<td></td>
</tr>
<tr>
<td>Assistant Minister for Productivity</td>
<td>The Hon Dr Peter Hendy MP</td>
<td></td>
</tr>
<tr>
<td>Assistant Cabinet Secretary</td>
<td>Senator the Hon Scott Ryan</td>
<td></td>
</tr>
<tr>
<td>Minister for Infrastructure and Regional Development (Deputy Prime Minister)</td>
<td>The Hon Warren Truss MP</td>
<td>Senator the Hon Richard Colbeck</td>
</tr>
<tr>
<td>Minister for Resources, Energy and Northern Australia</td>
<td>The Hon Josh Frydenberg MP</td>
<td>Senator the Hon Arthur Sinodinos</td>
</tr>
<tr>
<td>Minister for Territories, Local Government and Major Projects</td>
<td>The Hon Paul Fletcher MP</td>
<td>Senator the Hon Richard Colbeck</td>
</tr>
<tr>
<td>Assistant Minister to the Deputy</td>
<td>The Hon Michael McCormack</td>
<td></td>
</tr>
<tr>
<td>Title</td>
<td>Minister</td>
<td>Other Chamber</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>-----------------------------------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>Prime Minister</td>
<td>MP</td>
<td></td>
</tr>
<tr>
<td><strong>Minister for Foreign Affairs</strong></td>
<td>The Hon Julie Bishop MP</td>
<td>Senator the Hon George Brandis QC</td>
</tr>
<tr>
<td><strong>Minister for Trade and Investment</strong></td>
<td>The Hon Andrew Robb AO MP</td>
<td>Senator the Hon George Brandis QC</td>
</tr>
<tr>
<td><strong>Minister for International Development and the Pacific</strong></td>
<td>The Hon Steven Ciobo MP</td>
<td>Senator the Hon George Brandis QC</td>
</tr>
<tr>
<td><strong>Minister for Tourism and International Education</strong></td>
<td>Senator the Hon Richard Colbeck</td>
<td>The Hon Andrew Robb AO MP</td>
</tr>
<tr>
<td><strong>Minister Assisting the Minister for Trade and Investment</strong></td>
<td>Senator the Hon Richard Colbeck</td>
<td></td>
</tr>
<tr>
<td><strong>Attorney-General</strong></td>
<td>Senator the Hon George Brandis QC</td>
<td>The Hon Michael Keenan MP</td>
</tr>
<tr>
<td><strong>Minister for Justice</strong></td>
<td>The Hon Michael Keenan MP</td>
<td>Senator the Hon George Brandis QC</td>
</tr>
<tr>
<td><strong>Assistant Minister for Multicultural Affairs</strong></td>
<td>Senator the Hon Concetta Fierravanti-Wells</td>
<td></td>
</tr>
<tr>
<td><strong>Treasurer</strong></td>
<td>The Hon Scott Morrison MP</td>
<td>Senator the Hon Mathias Cormann</td>
</tr>
<tr>
<td><strong>Minister for Small Business</strong></td>
<td>The Hon Kelly O’Dwyer MP</td>
<td>Senator the Hon Mathias Cormann</td>
</tr>
<tr>
<td><strong>Assistant Treasurer</strong></td>
<td>The Hon Kelly O’Dwyer MP</td>
<td>Senator the Hon Mathias Cormann</td>
</tr>
<tr>
<td><strong>Assistant Minister to the Treasurer</strong></td>
<td>The Hon Alex Hawke MP</td>
<td></td>
</tr>
<tr>
<td><strong>Minister for Finance</strong></td>
<td>Senator the Hon Mathias Cormann</td>
<td>The Hon Scott Morrison MP</td>
</tr>
<tr>
<td><strong>Special Minister of State</strong></td>
<td>The Hon Mal Brough MP</td>
<td>Senator the Hon Mathias Cormann</td>
</tr>
<tr>
<td><strong>Minister for Agriculture and Water Resources</strong></td>
<td>The Hon Barnaby Joyce MP</td>
<td>Senator the Hon Richard Colbeck</td>
</tr>
<tr>
<td><strong>Assistant Minister for Agriculture and Water Resources</strong></td>
<td>Senator the Hon Anne Ruston</td>
<td></td>
</tr>
<tr>
<td><strong>Minister for Industry, Innovation and Science</strong></td>
<td>The Hon Christopher Pyne MP</td>
<td>Senator the Hon Arthur Sinodinos</td>
</tr>
<tr>
<td><strong>Minister for Resources, Energy and Northern Australia</strong></td>
<td>The Hon Josh Frydenberg MP</td>
<td>Senator the Hon Nigel Scullion</td>
</tr>
<tr>
<td><strong>Assistant Minister for Science</strong></td>
<td>The Hon Karen Andrews MP</td>
<td></td>
</tr>
<tr>
<td><strong>Assistant Minister for Innovation</strong></td>
<td>The Hon Wyatt Roy MP</td>
<td></td>
</tr>
<tr>
<td><strong>Minister for Immigration and Border Protection</strong></td>
<td>The Hon Peter Dutton MP</td>
<td>Senator the Hon Michaelia Cash</td>
</tr>
<tr>
<td><strong>Assistant Minister for Multicultural Affairs</strong></td>
<td>Senator the Hon Concetta Fierravanti-Wells</td>
<td></td>
</tr>
<tr>
<td><strong>Minister for the Environment</strong></td>
<td>The Hon Greg Hunt MP</td>
<td>Senator the Hon Simon Birmingham</td>
</tr>
<tr>
<td><strong>Minister for Cities and the Built Environment</strong></td>
<td>The Hon Jamie Briggs MP</td>
<td>Senator the Hon Simon Birmingham</td>
</tr>
<tr>
<td><strong>Minister for Health</strong></td>
<td>The Hon Sussan Ley MP</td>
<td>Senator the Hon Fiona Nash</td>
</tr>
</tbody>
</table>
Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:01): by leave—Firstly, I congratulate Senator Brandis and congratulate too, in his absence, Senator Cormann, on being appointed to the leader and deputy leader positions. It is a great honour to hold any position in this parliament but particularly a leadership position. I also congratulate all of those opposite who were promoted in the context of the new ministerial arrangements. On behalf of the opposition, I also acknowledge the service of Senator Abetz, who held a leadership position for many years. Senator Abetz and I are about as far apart politically as we could be, but he has always dealt with me professionally and courteously, and I wish him and his family well.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:01): by leave—I advise the Senate that Senator Cormann will be absent from question time today. In Senator Cormann's absence, I will represent the Finance, Treasury and Small Business portfolios, and I will also represent the Special Minister of State. Senator Payne will be absent from question time from today until Thursday inclusive. Senator Payne is attending the AUSMIN talks in the United States. In Senator Payne's absence, I will represent the Defence and Veterans' Affairs portfolios as
well as the Minister for Defence, Materiel and Science and the Minister Assisting the Prime Minister for the Centenary of Anzac. Senator Fifield will represent the Human Services portfolio.

QUESTIONS WITHOUT NOTICE
Murray-Darling Basin

Senator Wong (South Australia—Leader of the Opposition in the Senate) (14:02): My question is to the minister representing the Minister for Agriculture and Water Resources, Senator Colbeck. I refer to Mr Joyce's statement that the allocation of water responsibilities is 'crucial for how the coalition works'. Who has responsibility for water and for the Murray-Darling Basin—the agriculture minister, Mr Joyce, or his assistant minister, Senator Ruston? Can the minister confirm that the revised administrative arrangement orders allocate responsibility for environmental water use to Mr Hunt and not to Mr Joyce?

Senator Colbeck (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (14:03): I thank Senator Wong for the question.

Senator Kim Carr: You are not looking very sincere there.

The President: Order!

Senator Colbeck: Well, I do welcome the opportunity to take a question, Senator.

Senator Kim Carr: How about an answer then!

The President: Order on my left!

Senator Colbeck: I have spent a lot of time in the chamber and I look forward to the opportunity. The allocation of responsibilities for water across the two portfolios is clearly laid out in the ministerial orders that have been provided by the government through the Governor-General. Within the actual agricultural portfolio, there are still negotiations being conducted between Minister Joyce and his assistant minister in relation to the overall specifics of the allocation of the portfolio, as there are in my portfolio, because the letter from the Prime Minister in respect of that has not yet been provided.

We will deliver the plan on time, as has been proposed. The operations of the Murray-Darling are in very good hands, between the Minister for the Environment and the Minister for Agriculture and Water Resources. The allocation is very, very clear in the ministerial orders and the responsibilities within the portfolios will be in accordance with the charter letters provided by the Prime Minister.

Senator Wong (South Australia—Leader of the Opposition in the Senate) (14:05): Mr President, I ask a supplementary question. I refer to Mr Pasin, a South Australian Liberal, who said:

The National Party don't have significant interest in the lower end of the river system.

Is he correct?

Senator Colbeck (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (14:05): I believe that the National Party and the Liberal Party are concerned about the proper allocation and the health of the Murray-Darling Basin and the whole system. There is no question about that. That is why
Minister Joyce is so passionate about his role in the management of the Murray-Darling system. In my view, there is no differential between the National Party and the Liberal Party in this space. We are a very, very contented coalition. We are working very closely together and, as I said in my previous answer, the objectives of the Murray-Darling Basin Plan will be delivered in full and on time.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:06): Mr President, I ask a further supplementary question. Is Mr Joyce committed to keeping the Murray mouth open nine years out of 10?

Senator COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (14:06): We are committed to delivering on the plan. That is what the plan says.

Trans-Pacific Partnership Agreement

Senator LINDGREN (Queensland) (14:07): My question is to the Cabinet Secretary, representing the Minister for Trade and Investment. Can the Cabinet Secretary inform the Senate about the recent Trans-Pacific Partnership, finalised by the Turnbull government?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:07): I thank Senator Lindgren for this important question. A senator from the great—

Opposition senators interjecting—

The PRESIDENT: On my left!

Senator Cameron: She's to your left!

Senator SINODINOS: She has moved! She is going up, from the great state of Queensland.

Firstly, let me congratulate the Minister for Trade and Investment, Mr Robb, for achieving such a positive outcome for all Australians. Andrew Robb has done a great job with three free trade agreements—with Japan, Korea and China—and now the crowning achievement, the Trans-Pacific Partnership, which involves 12 nations in a multilateral agreement covering around 40 per cent of the world's economic activity and more than $100 billion of Australia's two-way trade. It is the biggest such deal in 20 years, the biggest since the Uruguay Round, which shows that this coalition, under both Tony Abbott and Malcolm Turnbull, has been committed to the future prosperity of and closer relations with our regional partners.

Along with the Korea, China and Japan free trade agreements, this agreement will ensure that Australia is competitive in key markets as the mining boom winds down and the world's economic centre shifts increasingly to the Asia-Pacific. It covers Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand—

Opposition senators interjecting—

Senator SINODINOS: you can only dream of this over there—Peru, Singapore, the United States and Vietnam. It will slash barriers to Australian exports of goods and services and investment. Ninety-eight per cent of all tariffs will be eliminated, and red tape will be cut across the region.

By boosting trade with a third of our export markets, this government is supporting jobs growth across the agriculture, resources, manufacturing, financial, education, health, transportation, telecommunications, hospitality and professional services sectors. You can
only dream about this! And it provides a framework for future industries: for innovation, for e-commerce, for IT.

Senator LINDGREN (Queensland) (14:09): Mr President, I ask a supplementary question. Will the Cabinet Secretary inform the Senate how the Trans-Pacific Partnership will benefit Australia’s agriculture sector?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:09): The agriculture sector has no greater friend than the coalition. Australia’s farmers and associated industries are in for a billion-dollar boost to their sector. Thanks to the TPP, tariffs will be abolished on a number of our agricultural commodities. Tariffs on beef exported to Canada and Mexico are being eliminated.

The PRESIDENT: Pause the clock.

Senator Whish-Wilson: On a point of order, Mr President: I am not sure how the minister can tell us this when he has not released the text of the agreement yet.

The PRESIDENT: That is a debating point, Senator Whish-Wilson.

Senator SINODINOS: Beef safeguards in the US market will be removed, and there are further significant tariff reductions on beef to Japan. Both wheat and barley tariffs will be eliminated for exports to Canada and Mexico. Quotas will be expanded for rice, barley and wheat exports to Japan. Tariffs—this is of particular interest to Senator Edwards—for wine exports to Mexico, Canada, Peru, Malaysia and Vietnam will be eliminated.

Opposition senators interjecting—

Senator SINODINOS: You don't like this, do you? Seafood tariffs will be abolished for exports to Canada, Peru, Vietnam, Mexico and Japan, and we will have increased access to the US sugar market.

The PRESIDENT: Pause the clock. Senator Dastyari, a point of order?

Senator Dastyari: I note that the minister keeps making reference to a document. Can he actually table the TPP?

The PRESIDENT: That is not a point of order, Senator Dastyari, and the time has now expired for the Cabinet Secretary’s answer.

Senator LINDGREN (Queensland) (14:11): Mr President, I ask a further supplementary question. Is the Cabinet Secretary aware of comments made by business and industry leaders about the Trans-Pacific Partnership?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:11): The Australian community, including our business community, has welcomed the announcement of the TPP. The BCA chief executive, Jennifer Westacott, said:

This is an extraordinary deal for our future prosperity and we've done it on our terms, something Trade Minister Andrew Robb should be congratulated for ...

And she said:

The Trans-Pacific Partnership (TPP) puts Australia firmly in the front seat of the biggest global trade deal in 20 years …

Innes Willox from the AiG said the Trans-Pacific Partnership:

… gives easier access into markets that have been particularly tough nuts to crack.

_____________________

CHAMBER
He said:
We are pleased to see that negotiators have included mechanisms to address non-tariff barriers within the agreement, ensuring that it is a dynamic and practical tool for ongoing trade access.

The Cattle Council of Australia president, Howard Smith, said:
This agreement signifies a game changing opportunity for Australian beef.

... This rapid growth in market access in the Asia Pacific ... will build an unprecedented opportunity for our farmers, local communities and businesses ...

(Time expired)

Senator Cameron: You'd better do something about climate change!

The PRESIDENT: Order, Senator Cameron. You have a colleague on her feet.

Arts Funding

Senator JACINTA COLLINS (Victoria) (14:13): My question is to the Minister for the Arts, Senator Fifield. I congratulate the new minister, and I ask: does he agree with Nick Cave and 350 other Australian artists who say that the former arts minister, Senator Brandis, 'alienated the vast majority of constituents within the arts landscape through reforms that are not tangibly grounded in any concrete evidence about which funding models work'?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for Arts and Minister Assisting the Prime Minister for Digital Government) (14:13): I am sure that, like every colleague on this side of the chamber, we are big Nick Cave fans—absolutely! In fact, only the other day Michael Cathcart, on his program on ABC Radio National, played an extract of a song to me and asked me to guess who it was, and I said, 'That's Nick Cave.' He said, 'No, it's not.' I said, 'Really?' and it was Nick Cave. Anyway—

Honourable senators interjecting—

The PRESIDENT: Order!

Senator FIFIELD: Mr President, if you don't like Nick Cave, you get into trouble; if you do like Nick—

The PRESIDENT: Order, Minister! Pause the clock.

Senator Moore: Mr President, I rise on a point of order: direct relevance to the question. Despite the minister's clear knowledge of Nick Cave—I know Nick Cave's name was mentioned in the question—the question was much longer than that. If you could draw the attention of the minister to the question.

The PRESIDENT: Senator Moore, I do agree with you. I will draw the minister's attention to the question.

Senator FIFIELD: Thank you, Mr President. No doubt what Senator Collins was alluding to in her question was the National Program for Excellence in the Arts, which was announced in the previous budget. What my colleagues on this side would be aware of is that it was always the intention that there would be a period of consultation about the design of that program and about the guidelines. That consultation has been undertaken by the Ministry for the Arts. There have been something in the order of about 326 submissions received. The
purpose of consultation is to benefit from the input and from the views of those in the sector. I will be taking a look at that input as we look to what the final shape of that program will be.

Can I acknowledge the steadfast and longstanding commitment of the former minister for the arts in this area. I know that he will continue to have a very close interest and involvement in the arts and I look forward to talking to him at great length on an ongoing basis about the arts in Australia.

Senator JACINTA COLLINS (Victoria) (14:16): Mr President, I ask a supplementary question. I refer to the co-convenor of ArtsPeak, Ms Nicole Beyer, who said:

“So they hope you do not speak to Senator Brandis. Will the minister return funding ripped from the Australia Council budget and allocated to what I call Senator Brandis’s ‘personal arts slush fund’?”

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (14:16): I think it is important to note that, in the budget announcement, there were, in addition to the program for excellence, a number of elements which were in fact returning to the Ministry for the Arts programs that had previously been with the Ministry for the Arts. I think there is nothing exceptional about that.

As I indicated, we embarked upon a process of consultation with those in the sector for a deliberate reason in relation to the program for excellence. It was because we wanted to have the benefit of their views, the benefit of their input, and I am currently looking at that input. I am also aware of the Senate inquiry which is underway. Just because a Senate inquiry was born in partisanship and conducted in partisanship, it does not mean that the witnesses who appear before that committee might not have some useful things to say so, obviously, I will be looking at that evidence as well.

Senator JACINTA COLLINS (Victoria) (14:17): Mr President, I rise to ask a final supplementary question. As for further input, I refer again to Ms Beyer, who said:

“I think Brandis was a terrible arts minister; I think history will show that clearly.”

Is the reason that you, Minister, now hold this portfolio that Senator Brandis was a terrible arts minister who alienated his key stakeholders?

The PRESIDENT: Senator Collins, you are bordering there on a reflection on a parliamentarian but I will allow that through on this occasion.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (14:18): The straightforward and direct answer to Senator Collins' question is 'no'. The reason that the arts rests with myself under Prime Minister Turnbull’s administration is because the Prime Minister has a view, which I think has been a longstanding view, that communications and the arts have many synergies and sit well together. I think it is a good rationale that the one minister has responsibility for content issues, responsibility for copyright issues. There are a lot of synergies in having communications and the arts together and it would be quite wrong to see a reflection on anyone who has held responsibility in this area before.
Trans-Pacific Partnership Agreement

Senator REYNOLDS (Western Australia) (14:19): My question is to the Minister for Training and Education, Senator Birmingham. Will the minister advise the Senate how the Trans-Pacific Partnership provides a strong platform to grow jobs and build global research and education networks.

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:19): I thank Senator Reynolds for her question. Senator Reynolds is from the state for Western Australia, which, pretty much like every other Australian state, is a world leader when it comes to the provision of high-quality education services that are valued not just in Australia but by students from around the world in terms of their access to those education services. The Trans-Pacific Partnership Agreement seeks to follow the government's strong work to date in strengthening our international education markets and providing greater opportunity for schools, universities, vocational education and training providers and English language service providers to all continue to grow the international education market, our third-largest export market and our largest services export product overall. And there were important wins in the Trans-Pacific Partnership for education services with guaranteed access to most TPP markets, where there are significant new opportunities for online learning; for universities and vocational institutions to expand into that online learning space. There will be opportunities to offer a wider range of courses, particularly to Vietnamese students, including in new and emerging technical disciplines and there will be opportunities to seek to establish or expand campuses or institutions by Australian universities or vocational providers with commitments under the TPP for Brunei, Japan, Malaysia, Mexico, Peru and Vietnam that lock in openness and access for those providers.

Similarly, there will be greater opportunities in the school education space for international school services operated by Australian providers to have greater access in these TPP countries, all of which are actually delivering opportunities for us to grow a key export market that improves our education services in Australia and that grows more jobs and wealth for all Australians. (Time expired)

Senator REYNOLDS (Western Australia) (14:21): Mr President, I rise to ask a supplementary question. Will the minister also inform the Senate of the benefits to the international education sector of the Trans-Pacific Partnership as well as the government's other recently concluded free-trade agreements?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:22): The Trans-Pacific Partnership Agreement does of course build upon the agreements we have in place now with China, with Korea and with Japan, as well as prior FTAs—all of which improve market access for Australian businesses across a suite of products, including international education.

Not only is there extra access for universities and vocational institutions specifically, but teachers, academics and other staff directly benefit from these agreements as well. Under the Trans-Pacific Partnership Agreement, universities and vocational education providers will be able to transfer faculty and other staff to offshore campuses for extended periods. Independent Australian education professionals who are seeking contracts to work at overseas institutions will have guaranteed access with streamlined visa arrangements and longer periods of stay,
including in countries like Vietnam, Malaysia and Mexico. It is a win not just for the institutions but for the academics and educators working within them as well.

**Senator REYNOLDS** (Western Australia) (14:23): Mr President, I ask a further supplementary question. Will the minister also update the Senate on any risks to these benefits?

**Senator BIRMINGHAM** (South Australia—Minister for Education and Training) (14:23): The benefits are widely recognised. They are recognised not just by industry associations and organisations, as Senator Sinodinos indicated before, but also by training organisations, such as Navitas Australia, the largest ASX listed education provider, which said that all of these agreements will drive the 'deeper engagement' that is needed to deliver our target for increased growth in terms of international student numbers. They said:

You can’t attract students if you’re not engaged with the countries they are coming from, and this is one mechanism that will allow the industry to do that.

That engagement is under threat, and it is under threat from those opposite who want to talk down the benefits of these trade agreements at present, who want to run scare campaigns about these trade agreements, and who are running misleading campaigns in terms of the benefits stemming from the TPP, from the China, Japan and Korea FTAs. All of this gives us clear evidence that we can create more jobs and more opportunities in the future. Yet the Labor Party are driven by their union mates, by the Greens and by others into a scare campaign, it seems, rather than backing jobs and opportunity for Australia’s educational institutions — *(Time expired)*

**Asylum Seekers**

**Senator DI NATALE** (Victoria—Leader of the Australian Greens) (14:24): My question is to Senator Brandis, the Minister representing the Prime Minister. I refer to the recent actions of the doctors at the Royal Children's Hospital in Melbourne who have taken a brave stand against the inhumane and bipartisan policy of detaining children and their families in detention centres. Australian doctors have been placed by this government in an untenable position. By simply protecting the interests of their patients and doing their jobs, they are now regarded as criminals. My question is a straightforward one. Minister, do you believe that these doctors are acting in the best interests of their patients? If not, what expert medical opinion do you base your response on?

**Senator BRANDIS** (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:25): I do not offer expert medical opinions because I have no expertise to offer expert medical opinions. I would always hope that medical professionals would act in accordance with their best professional judgement. But, from the media reports that I have seen of the action at the Royal Children's Hospital in Melbourne, the medical staff concerned seem to me to be making a political rather than a clinical point.

Senator Di Natale, you want children out of detention; so do we. We have done something about it. Senator Di Natale, may I tell you that there are today 1,800 fewer children in detention than there were when the coalition government was elected a little more than two years ago. Fewer than 200 children remain in detention; almost 2,000 children were in
detention under the policies that you supported. So, Senator Di Natale, I understand your concern as a medical professional yourself—

The PRESIDENT: Pause the clock. Senator Di Natale, a point of order?

Senator Di Natale: I would just ask Senator Brandis to reflect on the statement he just made; that the Greens 'supported a policy of having children in detention'—

The PRESIDENT: That is not a point of order.

Senator Di Natale: I suspect that is misleading the parliament and he might want to reframe his statement.

The PRESIDENT: That is a debating point. If you feel you have been misrepresented, there are opportunities to raise that at a different point in the program. Senator Brandis, you have the call.

Senator BRANDIS: I simply make the point to you, Senator Di Natale, that there are now fewer than 200 children in detention. When the coalition was elected, little more than two years ago, there were almost 2,000 children in detention. The regional processing framework, which was the policy of the previous Labor government as well as the coalition government, has been an essential element in deterrence, in persuading people not to undertake the perilous and treacherous voyage by sea which saw more than 1,000 lives lost, many of them children.

Senator DI NATALE (Victoria—Leader of the Australian Greens) (14:27): Mr President, I ask a supplementary question. We now learn today that the government has once again had to bring another asylum seeker, a woman known as 'Abyan,' who was brutally raped to Australia for medical treatment. Can the minister confirm firstly if this is the case? Secondly, does this government intend to send her back to Nauru, where she will no doubt be faced with the men who violently assaulted her and have not yet been brought to justice?

The PRESIDENT: Just before I call the Attorney-General: that supplementary question does not directly relate to the primary question. I will allow the minister to answer what part of the question he deems he would like to answer. I call the Attorney-General.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:28): Senator Di Natale, I have seen a media report to that effect. I have not verified the report, so I will ask the Minister for Immigration and Border Protection whether in fact what you have put to me is the case.

Senator Di Natale: A point of order on that. The second part of my question was whether the government intends to return her to Nauru, and that was not answered.

The PRESIDENT: I did indicate to the minister that he could answer what portion of that question he wished to. It was not strictly a supplementary question to the primary question. Senator Brandis, do you have anything further to add to your answer?

Senator BRANDIS: No.

Senator DI NATALE (Victoria—Leader of the Australian Greens) (14:29): Mr President, I seek a further supplementary question. Given that it is very clear now that we cannot provide appropriate or adequate medical care to women like Abyan or to the many children who are now in Nauru, will this government now commit to supporting the long-held Greens position that it is not appropriate—and simply untenable—to keep children and their families in detention centres where they are being harmed?
Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:29): Senator Di Natale, as you would no doubt be aware the government of Nauru has announced that the boat processing facility on Nauru will become an open centre and that, as I understand the position, is occurring this week. That being the case, there is nobody on Nauru in detention. Those people have sought refuge and—as you would know, Senator Di Natale, because I know you follow this area of policy very closely—a party seeking refuge does not have the choice of the ultimate place of refuge, but what they seek is refuge from the place to which they are fleeing. Nobody suggests that the nation of Nauru is a nation from which people themselves need to seek refuge, so these people are being catered for by the government of Nauru—(Time expired)

Employment

Senator EDWARDS (South Australia) (14:30): My question is to the Minister For Employment, Senator Cash. Will the minister inform the Senate how a diversified, open and trading economy can promote growth and jobs, and what is the government doing to deliver on those outcomes?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:31): I thank Senator Edwards for his question. Like those on this side of the chamber, we are delighted to be part of a government that is focusing on restoring the economy to what it used to be under the former Howard government and, at the same time, ensuring that we create jobs. In terms of job creation under this government, since coming to office over 300,000 jobs have been created. And the good news for Australians is that more Australians are in work than ever before. In terms of full-time employment and part-time employment, they are both at record highs.

In terms of what the government has done to facilitate job creation, the first thing that we did was, of course, we removed unnecessary taxation burdens like Labor's carbon tax and mining tax because we on this side of the chamber know that they were weapons, quite literally, of mass destruction when it came to creating jobs in Australia. We have also, as Senator Sinodinos has articulated, been responsible for signing up not one, not two but three landmark free trade agreements with our Asian neighbours—China, Japan and Korean. In terms of the job creation potential that those free trade agreements give us, we are looking at almost 9,000 jobs per year, and we can create up to 178,000 jobs by the time those agreements come into full force in 2035. This is a government that knows that job creation needs to be at the forefront of our policy agenda and that is exactly what we look at when we are implementing policy.

Senator EDWARDS (South Australia) (14:33): Mr President, I ask a supplementary question. Can the minister advise the Senate what measures the government is implementing to get more Australians into work?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:33): Again, what we are focused on, on this side of the chamber, is looking at how we can remove any barriers which would prevent Australians from getting into work or returning to work, because we know that this is vital to Australia's productive capacity and to restoring our economy. That is why we
have invested $3.5 billion over the next five years on child care assistance. What this will do is provide a childcare system that is simpler, more flexible and more affordable and it will help get more Australians into work. Of course, in my portfolio as the Minister for Women, this is a very, very important measure and has great potential to get women back into the workforce.

In terms of our commitment to job seekers, who are looking to become job ready, we are looking to better support them and find work for them and that is being delivered through our jobactive program. The first three months of jobactive have seen more than 69,000 job placements being recorded—(Time expired)

Senator EDWARDS (South Australia) (14:34): Mr President, I ask a further supplementary question. Will the minister advise the Senate what benefits the China-Australia Free Trade Agreement will have for Australian workers?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:34): Again, it appears to be a fundamental difference between those of us on this side of the chamber and those on the other side of the chamber—and in particular the shadow trade minister, Minister Wong—because we understand that when you are committed to jobs and when you are committed to growth, you should support agreements such as the China free trade agreement. Those opposite though continue to run the scare campaigns that the CFMEU themselves are running.

If we look at job creation potential under the China free trade agreement, the dairy industry alone says that the China FTA will create between 600 and 700 jobs in its first year alone. Other industries such as beef, horticulture and wine will see strong job gains. Then we have a look at the Financial Services Council, which says that the China agreement could result in the creation of 10,000 new jobs by 2030 in the financial services alone. If job creation itself is not enough, that is a reason to support the China free trade agreement—(Time expired)

Donations to Political Parties

Senator RHIANNON (New South Wales) (14:35): I ask my question to the Minister representing the Special Minister of State, Senator Cormann. Considering the High Court decision handed down last week upholding the New South Wales law banning developer donations makes reference to a subtle form of corruption where, according to the High Court, office holders will decide issues not on the merits or desires of their constituencies but according to the wishes of those who have made large financial contributions. Considering the High Court unequivocally determined that political donations can be limited in size and banned from particular industries, will the government restore public confidence in our democratic institutions and legislate to end the corrupting influence of political donations?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:36): I will take that question because Senator Cormann is on his way back from Peru at the moment as a matter of fact. I am not going to comment on a High Court decision, but what I will say to you on the subject more broadly of political donations is this: it lies ill from one who represents a political party in this chamber that was the beneficiary of the largest single political donation in Australian history, from Wotif's Mr Graeme Wood. It was a donation of, I believe—what was it, Senator Colbeck?—$1.6 million. You cannot walk both sides of the street. You cannot pose as a
champion for integrity and the process of transparency in political donations on the one hand and then trouser the biggest political donation in Australian political history. So I think, frankly, one must take with a very large grain of salt anything that the Australian Greens have to say about the integrity of the donation system.

I can also inform you, since you are interested, that there were no changes to the donations system in the six years of the Labor government. Occasionally we do have discussions in our system about the appropriate levels of thresholds of disclosure. We have seen some state premiers recently express different views about whether political donations should be raised at the Council of Australian Governments meeting. I will leave any potential discussions to be had by the Prime Minister, the premiers and the chief ministers in the COAG forum rather than taking advice on that topic from the Australian Greens. (Time expired)

Senator RHIANNON (New South Wales) (14:38): Mr President, I ask a supplementary question. Following on from my question—

Opposition senators interjecting—

The PRESIDENT: Order on my left! Senator Rhiannon, you can start again.

Senator RHIANNON: Thank you. To follow on from your response, Senator: is the leaking of the letter that New South Wales Premier has written to the federal government where he requests coordinated national reform of election funding laws that need to be uniform a positive sign that sections of the Liberal Party support uniform national electoral funding laws?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:39): You say leaking. I am aware that Mr James Massola wrote an article—'Donation reform on the menu for state leaders'—which refers to a letter from Mr Mike Baird and a proposal which he put to the former Prime Minister that a national system of donation disclosure laws be put in place. Mr Baird and Mr Andrews have asked that the matter, as I said in answer to your primary question, be discussed at the next COAG meeting in December. The Turnbull government has not responded at this stage to that matter, but we in the Liberal Party—we in the coalition—take these issues very seriously. We take very seriously the importance of transparency. We take very seriously the importance of strict compliance with Commonwealth Electoral Act laws and we will keep the Commonwealth Electoral Act under review. (Time expired)

Senator RHIANNON (New South Wales) (14:40): Mr President, I ask a further supplementary question. As you have said, you take these issues seriously. As it is on the public record, the political donations banned in New South Wales were funnelled through the federal Liberal Party channels to sidestep New South Wales laws and 11 New South Wales and federal Liberal MPs resigned or stood aside following corruption inquiries. Will these reforms be in place before the next federal election? If you are serious about it, will they be in place before the next federal election?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:41): As I told you, two state premiers—one from my side of politics and one from the Labor side of politics—have asked for this matter to be listed for discussion at the December meeting of COAG. That no doubt
will take place. As for what transpires after the matter has been discussed at COAG: we will await the discussion at COAG.

**Infrastructure**

**Senator CANAVAN** (Queensland—Nationals Whip in the Senate) (14:41): My question is to Senator Colbeck, the Minister representing the Minister for Infrastructure and Regional Development. Will the minister update the Senate on the announcement made by the government yesterday with regard to public transport in my home state of Queensland?

**Senator COLBECK** (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (14:41): Thank you for the question. As Senator Canavan said, yesterday the Prime Minister made an announcement that the government was committing up to $95 million toward stage 2 of the Gold Coast rail. In visiting the Gold Coast recently and seeing the strength of advocacy from local members in that area and from local councils and tourism operators, it was very evident to see the importance of that project, particularly in the lead-up to the Commonwealth Games, which is coming up in a few years. That project is supported by all levels of government and will support more than 1,000 jobs during its construction, which is obviously also important to local employment in the region.

As our cities become more densely populated, public transport infrastructure will play an important role in helping to alleviate congestion and boost productivity through improved connectivity. Stage 2 of the Gold Coast light rail will include a 7.3-kilometre extension from the Gold Coast University Hospital to the existing heavy rail network, new stations to be built at Parkwood and Oakwood East and a heavy/light rail interchange to be constructed at Helensvale.

This announcement will see stage 2 constructed in time for the 2018 Commonwealth Games, as I indicated earlier, and construction is to commence early next year. It is expected that the project will not only provide improved transport connectivity during the games but in the longer term provide improved transport connections between Queensland's two largest cities: Brisbane and the Gold Coast.

**Senator CANAVAN** (Queensland—Nationals Whip in the Senate) (14:43): Mr President, I ask a supplementary question. Can the minister further update the Senate on the importance of extending the Gold Coast light rail to stage 2 and its benefits to the south-east corner of Queensland?

**Senator COLBECK** (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (14:44): Public transport infrastructure such as stage 2 of the Gold Coast light rail is critical to the development of our cities and to linking our local communities. The Queensland government prioritised this project to the federal government, and we have agreed to provide funding to help it up and running. Stage 2 will allow people to get onto a train in Brisbane and with one change get all the way down to Surfers Paradise on the Gold Coast. This will also benefit more than 100,000 domestic and international visitors attending the Commonwealth Games in 2018, with stage 2 of the project connecting five competition venues and nine events to the accommodation and public transport interchanges.
Senator CANAVAN (Queensland—Nationals Whip in the Senate) (14:45): Mr President, I ask a further supplementary question. Will the minister also outline how this project continues the coalition government’s record of delivering important infrastructure projects throughout the country?

Senator COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (14:45): Like Senator Canavan, I am very proud of the record that this government has in respect of infrastructure spending and development in this country. It is a very important part of the overall economic process of the country. This government is delivering $50 billion in infrastructure. That is $12 billion more than Labor promised when they were in government in 2013. The recent Infrastructure Australia audit has highlighted the challenges of urban congestion and the importance of public transport. This government is committed to the right infrastructure in the right place at the right time. As the Prime Minister said yesterday:

The reality is that you should assess the merit of infrastructure on its merits and not favour one road over rail or rail over road.

(Time expired)

Environment Protection and Biodiversity Conservation Act 1999

Senator SINGH (Tasmania) (14:46): My question is to the Attorney-General, Senator Brandis. I refer to the Attorney-General’s proposed changes to the Environment Protection and Biodiversity Conservation Act, and criticism from the National Farmers Federation president, Mr Brent Finlay, who says:

Limiting the test of legal standing to landholders who are subject to immediate impacts is ... not sufficient as the effects of some major projects can be felt beyond the immediate vicinity of neighbouring farms, which implies that broader standing is warranted.

Does the minister agree?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:47): No, I do not. I know Mr Finlay—I know Mr Brent Finlay quite well and I have a very high regard for him—but on this occasion I do not agree. Might I remind you, Senator Singh, that all the government proposes to do by reform of section 487 of the EPBC Act is to restore the traditional common law position. As you, Senator Singh, know the traditional common law position, which applies across the entire gamut of Commonwealth law, is that a person with a direct or an indirect interest has standing to approach the courts and there is a body of legal principles that have been developed by the courts over many, many years that define very clearly what constitutes a direct or indirect interest.

Uniquely, section 487 of the EPBC Act says you do not have to have an interest; you do not have to have a direct or an indirect interest in a particular decision in order to challenge a ministerial decision in court. All you have to do is be somebody who, within the previous two years anywhere in Australia, has participated in some form of environmental or conservation related activity. You have asked me this question, or a like question, before and I quoted to you from the vigilante litigants’ charter in which those who are determined to try and crash important development projects in Australia have announced their intention to use the court in a vexatious way—not in order to achieve a legitimate litigation outcome, but in order to
achieve a political outcome. That particular abuse of the system is what the government has decided to stop.

Senator SINGH (Tasmania) (14:49): Mr President, I ask a supplementary question. Does the Attorney-General agree with the Law Council of Australia, which says that the EPBC Act: … had operated effectively, had not opened the floodgates to litigation, and should be maintained.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:49): Senator Singh, you should visit Central Queensland.

Senator Canavan: Hear, hear!

Senator BRANDIS: Finely represented by Senator Matt Canavan, a citizen of the great city of Rockhampton. You should visit Central Queensland before you ask questions like that, and you should see the despair in the faces of people in that part of Australia, because the Adani project at the Galilee Basin—

Senator Singh: Changing the whole law for one project!

Senator BRANDIS: Do not make light of it, Senator Singh! A project that was to Central Queensland what the Olympic Dam was going to be to South Australia has been brought, at least temporarily, to a holt by vigilante litigants with no interest in Central Queensland, no interest in the economy or the prosperity of Central Queensland and no interest in jobs in Central Queensland because of an abuse of process facilitated by a bad section.

Senator SINGH (Tasmania) (14:50): Mr President, I ask a further supplementary question. I think I know the answer to this by now from your previous answers, but I would like to get it on the record. Do you, Attorney-General, stand by your commitment to amend these provisions of the EPBC Act to prevent Australians engaging in, as you quote, vigilante litigation to stop important economic projects.

The PRESIDENT: We have been sailing very close to the wind with this question about anticipating matters on the Notice Paper. That was a little bit too close there, Senator Singh, but if the Attorney can couch his answer in such a way that we do not impinge on that standing order—

Senator Wong: The question was about the Attorney's commitment.

The PRESIDENT: It was, but it did go into some specifics about the act.

Senator Ian Macdonald: You're not arguing with the President are you?

The PRESIDENT: Order on my right! The Attorney-General is aware of the standing orders and I think the Attorney-General might be able to answer that question with that in mind.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:51): It is the government's intention to proceed with the reform of the EPBC Act along the lines I have indicated.

Indigenous Health

Senator SESELJA (Australian Capital Territory) (14:51): My question is to the Minister for Rural Health, Senator Nash. Will the minister update the Senate on the government's
actions towards tackling the high rates of smoking in Aboriginal and Torres Strait Islander communities?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (14:52): I thank the senator for his question. The government recognises the significant impact smoking has on health outcomes and the higher rate of smoking among Aboriginal and Torres Strait Islander people is of particular concern. We are redesigning the tackling indigenous smoking program to ensure its delivery is based on the most up-to-date evidence and is delivered in the most appropriate, effective and efficient way. The redesigned program follows a University of Canberra review of the old program. The new program is based on the review and on discussion with experts on tobacco control in Aboriginal and Torres Strait Islander communities.

We are funding $116.8 million over the next three years. That funding will be provided for regional activities which will reduce the number of people taking up smoking and will encourage and support people to quit. Grant funding will be provided for regional tobacco control activities, national support for workforce development, performance monitoring and evaluation and leadership and coordination. Because local knowledge is always best, service providers will make decisions on how they tackle smoking in their regions. New intensive tobacco control approaches will also be trialled through a number of pilot projects in communities with very high rates of smoking. Funding will continue for enhancements to quit lines and training for front-line health and community workers who help Aboriginal and Torres Strait Islanders smokers.

Existing grants under the program have been extended until December while the program redesign takes place. Current and former service providers will be invited to apply for a new targeted grant round to deliver the new grant program. It is important that service providers in the new program will be able to choose methods to reduce tobacco use within their region within an evidence based framework.

Senator SESELJA (Australian Capital Territory) (14:54): Mr President, I ask a supplementary question. Can the minister advise the Senate what other measures the government is implementing to tackle smoking in Indigenous communities?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (14:54): I am pleased to announce that the government will provide funding of $10 million from the National Tobacco Campaign to target Aboriginal and Torres Strait Islander communities. According to the 2012-13 Aboriginal and Torres Strait Islander Health Survey, 42 per cent of Indigenous Australians over the age of 15 smoke on a daily basis. Tobacco smoking is responsible for around one in five deaths among Aboriginal and Torres Strait Islander people. As part of the process associated with preparing advertising and promotional materials, we will ensure that the campaign complements the rollout of the revised tackling Indigenous smoking campaign.

It is expected that once planning and concept testing is completed, a range of media and promotion activities will commence in the first half of 2016. Tobacco smoking is the most preventable cause of ill health and early death among Aboriginal and Torres Strait Islander people and it is important we have a range of targeted programs to address this issue.
Senator SESELJA (Australian Capital Territory) (14:55): Mr President, I ask a further supplementary question. Will the minister inform the Senate how these investments build upon existing efforts to close the gap in health outcomes for Aboriginal and Torres Strait Islander people?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (14:55): This government is committed to closing the gap and achieving health equality between Aboriginal and Torres Strait Islander and non-Indigenous Australians. We recognise that good health is both a key enabler and an outcome which supports children to go to school, adults to lead productive working lives and to build strong and resilient communities. In addition—

The PRESIDENT: Thank you, Minister, although I believe the clock might not have been set. We will allow you to conclude your answer, Minister.

Senator NASH: Thank you, Mr President. In addition to the smoking prevention programs, key investments over the next three years include $1.4 billion to the Aboriginal Community Controlled Health Services for primary and preventative care, $154.5 million to New Directions: Mothers and Babies, for child and maternal health services, $62.6 million to the Nurse-Family Partnership Program, to provide targeted support to high-need Indigenous Australians, and $3.9 million for free influenza vaccinations under the National Immunisation Program for Aboriginal and Torres Strait Islander children aged six months to less than five years. Improving Indigenous health is a priority for the government and all healthcare providers both within ACCHOs and in the mainstream system, ensuring continuity of care for clients and services is important and a key investment in closing the gap.

Australian Water Holdings

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:56): My question is to the Cabinet Secretary, Senator Sinodinos. I refer to the minister's public statement on 21 September 2015 that he is confident he will not be the subject of any 'adverse findings' following the Independent Commission Against Corruption investigation into Australian Water Holdings known as 'Operation Credo'. Has the minister provided an assurance to the Prime Minister that he will not be the subject of adverse findings by the Independent Commission Against Corruption?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:57): What I have said to the Prime Minister privately is what I have said publicly.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:57): Mr President, I ask a supplementary question. Can the minister explain to the Senate on what basis he has provided an assurance to the Prime Minister that the minister would not be the subject of adverse findings by the Independent Commission Against Corruption?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:58): Based on an encyclopaedic knowledge of the proceedings.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:58): Mr President, I ask a further supplementary question.

Senator Cameron: You lost your memory!

The PRESIDENT: Senator Cameron, your leader is on her feet.
Senator WONG: I assume on that basis 'I do not recall' will not be part of the explanation. Will the minister now do what he failed to do when Assistant Treasurer and provide to this chamber a full and frank statement about his involvement with Australian Water Holdings?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:58): If and when the final reports are released, I will be happy to provide any further elaboration to the chamber. It will be a fascinating statement.

Defence Procurement

Senator McKENZIE (Victoria) (14:58): My question is to the Leader of the Government in the Senate, representing the Minister for Defence. Can the minister advise the Senate what the $1.3 million agreement to produce Hawkei protected vehicles means for Australia?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:59): Thank you, Senator McKenzie, for that very important question. As you know, Senator McKenzie, the Turnbull government is serious about making Australia more safe and secure. There is no higher priority than the protection of the nation. So last Monday the Prime Minister and the Minister for Defence announced that the government will purchase 1,100 locally built Hawkei protected vehicles and over 1,000 trailers to strengthen the defence forces' capabilities for a contract value of $1.3 billion.

The agreement with Thales Australia is in addition to providing the improved protected mobility vehicles for the ADF which will pioneer a next-generation communications management system. The government is investing in the skills and knowledge base of the defence industry to help secure Australia's future. Innovation and technology are among the factors that will be critical to Defence's sustained success. The Hawkei was chosen after a careful assessment of the ADF's needs, a competitive tender and a rigorous testing process. From 2019 the Hawkei will progressively replace the ageing Land Rover Perentie vehicle which has been the backbone of Army's land operations for many years. The agreement is good news for Australian technology and good news for Australian advanced manufacturing. This is a major enhancement of ADF capabilities and will help consolidate Australia's position as a world leader in military transport technology.

Senator McKENZIE (Victoria) (15:00): Mr President, I ask a supplementary question. It was considered to be great news in Bendigo in Victoria; I can tell you that, Minister. Can the minister provide more information about how these vehicles will improve our Defence Force capabilities?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (15:01): First and foremost, the Hawkei will improve the capability of the ADF and deliver the best possible protection for our soldiers. In the face of increasing risks on the modern battlefield, it is essential that the men and women of our armed services are provided with the best equipment so that they can do their jobs. The Hawkei was judged to have the best balance of protection, mobility and survivability and it will enable our soldiers to operate in high-risk areas. The Hawkei will protect our soldiers from blasts and ballistic threats, including threats from improvised explosive devices. The Hawkei is the only protected mobility vehicle in the ADF that can be
transported by ADF helicopters. That is important because it adds to the operational and tactical flexibility of the forces which use them.

**Senator McKENZIE** (Victoria) (15:02): Mr President, I have a further supplementary question. Can the minister advise the Senate whether this agreement will create more jobs for regional Australians, particularly in my home state of Victoria?

**Senator BRANDIS** (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (15:02): I alluded earlier to the fact that this agreement will not only improve the ADF's capabilities and benefit Australia's technology future but also create jobs for Australians and, in particular—and I know, Senator McKenzie, how proud you are of this—jobs in regional Victoria. The agreement with Thales will create 170 new jobs in Bendigo and another 60 jobs elsewhere in Victoria. That is very significant for the Bendigo region. Production is expected to commence in early 2016 as production of the Bushmaster winds down. That will allow the highly skilled Bendigo workforce to be at full production rate for the Hawkei in 2018.

I ask that further questions be placed on the Notice Paper.

**QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS**

**Murray-Darling Basin**

**Senator GALLACHER** (South Australia) (15:03): I move:

That the Senate take note of the answer given by the Minister for Tourism and International Education (Senator Colbeck) to a question without notice asked by the Leader of the Opposition in the Senate (Senator Wong) today relating to the allocation of ministerial responsibility for water.

I think the answer was really instructive in a bizarre sort of way because, bereft of any knowledge, information or clarity, Senator Colbeck had to stumble and mumble his way through a couple of minutes of prevarication. That is quite normal, I suppose, on that side of the chamber. The really interesting matter before us is what is seriously happening with the Murray-Darling Basin Plan and the plan that this new government under the honourable Prime Minister Malcolm Turnbull has.

We know very clearly that there is a lot at stake here. I just want to put on the record what is at stake. James Horne, the inaugural chair of the Murray-Darling Basin Officials Committee, in 2009 said:

... merging the two portfolios could have several important implications.

Horne said the job of implementing the Murray-Darling Basin Plan would fall to Joyce as Agriculture Minister, which would be "anything but straightforward".

"It involves ensuring adherence to the new, reduced sustainable irrigation limits that are already agreed but not yet implemented," Horne said.

"It also involves implementing water planning in a comprehensive way that has never been seen before in the Basin. This planning is a key element in ensuring an end to the environmental degradation seen in many areas of the Basin in recent decades."

That basically describes the situation we have.

We know that there was a deal done. In order to get ongoing support for this government, the Hon. Malcolm Turnbull had to make an accommodation with the Nationals, and we are now struggling to find out what has actually happened. Who will have responsibility for
water? Will it be the Hon. Barnaby Joyce, the former senator? Most of us who have been here a short while would have enjoyed his contributions here in the chamber. But that contribution in this chamber would not have given you any great confidence, particularly as a South Australian, that we were going to see the Murray flow and enjoy nine out of 10 years of water flowing out into the sea without the continual years of dredging.

The Hon. Barnaby Joyce is now in the House of Representatives as the member for New England, Tony Windsor's old seat. He will take an agricultural view. I have no doubt about that. It will be to support farmers. It will be to support use of water. It will not be an environmental view. The silent partner in this agreement is the environment. I have no confidence that this minister will take an environmental view at all.

There was some hope with the announcement of Senator Ruston as having responsibility for water that perhaps she would get a guernsey in how it would be managed and that South Australia and those further down the river from the Hon. Barnaby Joyce's electorate would enjoy some representation. We know that there was a water minister in South Australia, a Nationals water minister, who took a very, very keen interest in water usage, the environment and the degradation that had occurred over many, many decades. We had some hope, but the fine print has not been sorted out.

If you ask the Parliamentary Library who has responsibility for which area, they will tell you that it has not been sorted out yet. It is not on the website, and there is usually a confidential exchange of charter letters which are generally not made public.

The public in South Australia will take a very keen interest in this matter. Several Liberal MPs have already put their concerns on the public record. All of the Labor team will put their concerns very fully on the record, including in every electorate of South Australia, to make sure that we do get what we need: the three S's—social sustainability, economic sustainability and environmental sustainability. Thank you.

Senator CANAVAN (Queensland—Nationals Whip in the Senate) (15:08): I am very proud to be part of a coalition that takes a balanced view on all of these issues—on issues of water and the environment. I believe the coalition has a great history and record of approaching issues in a balanced way that recognises that there are a number of trade-offs from time to time between environmental concerns and the need to support local communities and jobs, to maintain families on farms and our access to cheap and affordable food—something that we have always benefited from except for the very early times of the first settlers when they nearly starved to death.

We are lucky in this nation to have that access, and that requires a balanced approach. That approach, I think we should agree, should be based on the national interest, not on particular parochial interests of any individual state or any individual region. The Murray-Darling Basin Plan should be about managing the Murray-Darling for the entire nation, not for individual regions.

When individual senators want to speak only about concerns in their own area of the country, that is the very type of behaviour that caused us to have the problems in the Murray-Darling in the first place. We have had to take the kinds of actions and major policy departures from what we had before for the Murray-Darling, because individual states managed the system separately from each other and did not work together to coordinate.
I want to see a process that manages this system as a nation. I want to see a process that does not set Queenslanders against South Australians, New South Wales against Victorians or indeed environmentalists against farmers. I think the problem with the Labor Party is that they have no balance in this area. Some of them believe that every farmer is an environmental bandit who wakes up in the morning, trying to work out how they can destroy and despoil the wonderful environment we all enjoy here in this country. Nothing could be further from the truth, because it is our farmers and our farming communities who live in this environment. They are the ones who live on the river. They are the ones who rely on the river flowing all the time and who have the greatest interest of all in our nation to make sure the river remains healthy.

There is a great degree of vitriol and insinuation about the new minister for water resources, Barnaby Joyce. But you can say that he has actually lived on the Murray-Darling. He used to live on the Balonne River in St George. He now lives in New England in the Gwydir catchment in the Murray-Darling Basin. He understands the system and he was also shadow minister for water for more than three years during the time when the Murray-Darling Basin Plan was agreed to—and it had to be agreed to by both parties to get through this chamber. It was a disallowable instrument and it could have been disallowed by either side of this chamber but it was supported by the coalition government. It was put forward by the Labor Party and supported with Barnaby Joyce as the shadow minister for water, so I am sure that he more than anyone else in the coalition will make sure it comes to fruition.

When the Labor Party started this process when they were in government, they got it wrong. Initially, they got it terribly wrong in 2010 when they released the Murray-Darling Basin Plan calling for 6,700 gigalitres to be reduced in usage in the basin, which caused great consternation. It was an incredibly unbalanced approach—even they would admit that now. They eventually implemented a plan that called for a reduction of 2,750 gigalitres—less than half the initial proposal.

That was a much more sensible process. That was a much more sensible plan. Our job now is to make sure we implement water reform, implementing a triple bottom line in a way which protects the environment absolutely but also protects farming communities, jobs and our ability to grow food and create wealth for our nation. Many of the issues that go to the implementation of the plan go to very detailed considerations in those catchments and areas.

Just recently we had a Senate committee in one of these catchments—in St George, the most important irrigation community in the Murray-Darling system Queensland. Those complex details were very stark and, unfortunately, there were no representatives from the Labor Party or the Greens at those hearings to hear those things in detail; however, those are the kinds of issues and complexities that could be dealt with considerably better, I think, with an agriculture minister in charge of water going forward.

Senator McALLISTER (New South Wales) (15:13): I also rise to take note of answers to Senator Wong's question to Senator Colbeck. I am glad that Senator Canavan has formed such a clear view about what is necessary in relation to the Murray-Darling Basin, because it is not at all clear to anybody else that that kind of clarity is enjoyed across the government benches. We all woke up this morning to reports on the front page of *The Australian* indicating that there is in fact significant disarray and disagreement within the coalition about who exactly is
in charge of water. Is it Senator Ruston? Is it Senator Joyce or is it indeed Senator Hunt? Or do all of them share some role in implementation—

Senator Brandis: Senator Hunt—you have promoted him!

Senator McALLISTER: I am sorry, Minister Hunt—or is it in fact something that is shared by all three of them? We are not clear. What is more alarming, of course, is that we are not at all clear about the overall direction that is intended by the government in relation to these matters. That is much, much more important.

The question was asked today about whether the National Party is in fact capable of taking the interests of South Australians seriously in relation to water, or of taking the responsibility for the environment. Unhappily, the experience over many years has been that members of the National Party have consistently shown themselves unwilling to truly consider a triple bottom line.

I want to make it clear that I do not believe that this represents the position of many country Australians. In fact, in previous roles I have had the good fortune to meet with farmers across New South Wales who were extremely concerned about the health of the environment in their area, caused by the overextraction of water resources and the consequential ecological impacts that occur on the floodplains and wetlands around New South Wales rivers. I know that those people were good farming people. They were the sort of people that many people on the National Party benches might expect to vote for them year after year. But those people were destined to be disappointed if they looked to their National Party representatives for a serious, science-based approach to the problems that were besetting the river system in the Murray-Darling Basin.

A point, too, is that on the Liberal side there are plenty of people in the regions, in the towns and in our big cities who also look to the Liberal Party for leadership on questions of the environment. Again, sadly, they are routinely disappointed because the Liberal Party, tethered to their National Party cousins, are completely unable to take seriously the consequences of ongoing environmental degradation.

So ultimately, of course, it is left to the Labor Party to take responsibility for the big environmental decisions in this country. We have seen it in forestry and in marine conservation, and we saw it again when it came to the Murray-Darling Basin where, ultimately, responsibility for forming a plan that could be accepted across communities once again fell to Labor.

You might have expected, having reached a final settlement on a question that had bedevilled the Federation since our commencement, that the National Party might have been pleased to support such a plan. But no—what did they do? I point to Barnaby Joyce in particular. Minister Joyce spent years undermining Labor's approach to Basin Plan implementation. He was critical of water buybacks and he advocated moving water across the continent. He never really accepted in any foundational way that the system had been overallocated, that mechanisms did need to be put in place to recover water for the environment and that unless we addressed that in a serious and consequential way there would be no ongoing sustainability or economic viability of basin communities.

Now, as part of a deal with Prime Minister Turnbull, they have demanded that these responsibilities be transferred to the National Party. They are apparently upset that even
components of the administration of the plan be left with the Department of the Environment, when—if we think about it—the allocation of environmental water should be undertaken by an environment department with expertise in the environmental assets that this water is supposed to be protecting and enhancing. More than that, what we see is a situation where—once again—the Liberal Party and the National Party are completely unable to resolve their underlying philosophical differences about how the environment ought to be protected. They are unable to resolve at a personnel level the differences within their government and it will be to the very great loss of the environment in this country. (Time expired)

Senator IAN MACDONALD (Queensland) (15:18): With regret, I say that I have not heard such uninformed drivel for a long period of time, talking about issues of which the former speaker absolutely has no knowledge. What we are debating today is the answer to the question of who is in charge of water. The answer is clearly this: it is the coalition government that is in charge of water, as it has always been. Mr Deputy President, if you look back in history, every single major environmental initiative for Australia has been done by a coalition government. Whether it be saving the Great Barrier Reef, saving Fraser Island or saving Antarctica—any significant environmental issue—these are all issues introduced under coalition governments.

When it comes to water, the coalition government understands water, irrigation and the environmental necessity of water and flows at various periods of time. It was, of course, the coalition government that undertook some of the major water projects—I was going to say 'of our time'—perhaps of my time but not of many others. The last major dam water storages in Australia—the Fairbairn Dam near Emerald and the Ord River Dam up in the Northern Territory-Western Australian border area—are initiatives of coalition governments which were criticised at the time but which have been proved to be major assets to Australia. If you have a look at the Fairbairn Dam around Emerald you see the wealth that is created from that water storage initiative by farmers there, producing billions of dollars of export money for Australia. The Ord River Dam—whilst it has taken some time to become absolutely productive—is hitting its straps at the current time. In addition, for those on the other side who claim to be environmentally aware, the Ord River Dam—an artificial dam—has created a Ramsar wetland in the Ord River area. For those who do not understand, a Ramsar wetland is a wetland of international environmental significance. It has been created because of and by the building of the Ord River Dam more than 50 years ago.

Coalition governments over the years have understood the Murray-Darling Basin and they know what is right in managing a very difficult water supply area. The question was whether it is Mr Joyce or someone else who is in charge of water policy. The government is in charge of water policy, and Mr Joyce is certainly part of the government—as are Mr Turnbull, Senator Brandis, Senator Colbeck and Senator Ruston. The government will make decisions on these issues in Australia's interest. Some criticisms have been made about Mr Joyce and his involvement with water. Mr Joyce chaired a government committee that looked at water issues, water storage and the environmental sustainability of water storage across Australia, so he is well qualified to deal with issues relating to water.

I point out again that both the white paper Developing Northern Australia and the Agricultural Competitiveness white paper make substantial reference to the necessity for dams and water storage and do so in a way that understands the environmental consequences
of water storage. Those initiatives, as outlined in both of the white papers I mentioned, will mean the creation in the years ahead of productive parts of our country similar to those that grew up around the Fairbairn Dam in Emerald, the Burdekin Dam in Ayr and Home Hill, where I came from, and around the Ord River dam. Mr Joyce and all of the government are significantly in charge of water in our country. *(Time expired)*

**Senator McEWEN** (South Australia—Opposition Whip in the Senate) (15:23): I too would like to take note of the answer given by Senator Colbeck to the excellent question from South Australian senator, Senator Wong, about allocation of responsibilities for the water portfolio under this new look but same-old-policies coalition government.

South Australians have every reason to be extremely concerned about the brawling that is going on in the coalition party room between the Nationals and the Liberals about who is going to end up with responsibility for water, and in particular for the Murray-Darling Basin Plan and its implementation. South Australians know that giving that responsibility to Mr Barnaby Joyce, who clearly wants it, will be a disaster for South Australia because Mr Joyce, the agriculture minister, has always made it clear that he has no insight into or interest in the downstream plight of the river and the communities along it.

If I remember rightly, Mr Joyce at one time told South Australians that if they were concerned about the lack of water and the poor quality of water in the lower reaches of the river where we live in South Australia, then they should move up north to where the water was. Of course, he backtracked from that pretty quickly when he realised what a dreadful thing that was to say to the Riverland communities in South Australia. Nevertheless, he said it and, therefore, you would have to think he actually believes it. Now we are talking about that man, Mr Joyce, being responsible for the River Murray and for the Murray-Darling Basin Plan that is so important to my community in South Australia.

My fellow South Australians in this place should agree that the state that is most affected by the overallocation of the river is South Australia, and yet South Australia also happens to be the one state where the National Party has no representatives and so the National Party in the federal parliament could not care less about South Australia. We do not have federal Nationals in South Australia, but we do have Liberals though, and some of those Liberals have been very, very concerned about this impasse on who is going to get responsibility ultimately for the Murray-Darling Basin Plan. Mr Pasin, the Liberal member for the seat of Barker, has already expressed his concerns. He said that he was very nervous about Mr Joyce having control of water. He said:

> The National Party don't have significant interest in the lower end of the river system …

Of course, he was right. Mr Pasin is not often right, but he was right in that particular regard, because we know that the Nationals do not care about South Australia.

At least Senator Ruston, the other coalition member angling to get control of the water portfolio, is a South Australian. She certainly understands the importance of the Murray-Darling Basin Plan to South Australia and she comes from the Riverland. If you are going to give the water portfolio and the Murray-Darling Basin Plan to a member of the coalition, then she would probably be the person who would have the most experience to deal with it. But of course that is a sensible decision, and we do not see sensible decisions from this current government, particularly when it comes to managing the environment and precious water resources.
What we have going on is this unseemly brawl that I understand has not been resolved yet. Mr Joyce has written to Mr Turnbull stating his claim for what he thinks should be the case—that is, that he should have control of water and that Senator Ruston, the assistant minister, should have responsibility for agriculture and wine. I do not know what Mr Joyce has got against agriculture or horticulture and wine, but obviously he does not want to be troubled with those other industries that are also important to my home state, particularly wine. That is what he said to Mr Turnbull. Mr Turnbull has not responded to him yet, as far as I understand. There are some negotiations going on that Senator Colbeck alluded to in his pathetic attempt at an answer to the question from Senator Wong today.

I hope the people of South Australia are paying careful attention to the brawling that is going on in this coalition government. We might have a new Prime Minister, but we have the same old policies and the same old fights between the Nats and their coalition partners. *(Time expired)*

Question agreed to.

**Asylum Seekers**

**Senator DI NATALE** (Victoria—Leader of the Australian Greens) (15:29): I move:

That the Senate take note of the answer given by the Attorney-General (Senator Brandis) to a question without notice asked by Senator Di Natale today relating to asylum seeker children.

On the weekend the brave doctors, nurses and other health professionals at the Melbourne Royal Children's Hospital gathered together to say that it is not in the interests of their patients, young children, to return to detention centres in Nauru. They spoke with one voice. They made an assessment that their obligation was to their patients in front of them. Senator Brandis, in his contribution, indicated that he thought they were making a political statement. I can tell you that if you are looking after somebody who is suffering from severe trauma, who is experiencing distressing mental ill health—symptoms of anxiety, depression and suicidal thoughts—and you as a physician are being asked to return that individual to the circumstances which created those conditions, that is not a political statement. That is a statement that you make in your professional capacity: 'It is not appropriate for me, as a treating physician, as a health professional, to return that individual to the circumstances that have created so much harm.'

The detention centres that we have established, both offshore and within Australia, are mental illness factories. They are systematic conditions that contribute to the huge harms that we are now seeing many, many children experiencing in medical care right across the country. As a health professional, it is your ethical responsibility—you have a duty of care—to ensure that those individuals are not exposed to the conditions which have created the trauma for which you are treating them. In fact, today we have had a contribution by many esteemed health professionals, including a former Australian of the Year, Patrick McGorry; the College of Mental Health Nurses; Maternal, Child and Family Health Nurses Australia; the Public Health Association; the Australian Nursing and Midwifery Federation. They have spoken up today and have said directly to the Prime Minister in an open letter that this cannot continue—that in the interests of their patients we must end this cruel and arbitrary policy of mandatory detention of young children and their families.
The good news is that we know the Prime Minister has talked about this. I quote from his response to a Human Rights Commission report, *The forgotten children: national inquiry into children in immigration detention*:

The bottom line is this: one child in detention is one child too many. Everyone is anguished by having children locked up in detention.

He is absolutely right. One child in detention is one child too many. He made those comments before he was Prime Minister of this country. Now, as the Prime Minister of this nation, he has the capacity to do something about it. He can show some leadership and demonstrate that we have actually changed the Prime Minister for a reason, not just to fulfil Mr Turnbull's personal ambition to become Prime Minister but to have a Prime Minister with a purpose. If he is going to genuinely change the direction of this country, why not start right now by ending the mandatory detention of young children and their families?

We have, for goodness sake, young children with marks around their necks because they are attempting to self-harm using implements in those detention centres. We have people, kids, being treated because their hair is falling out because of the stress and trauma that they are experiencing. We heard today of one young child saying, 'What if I killed myself—would that guarantee access for my family to this country?' We are putting children in a position where they need to ask those sorts of questions. What has this government done to this nation when children are asking those sorts of questions? It must stop. The health professionals of this country say it must stop; now it is up to the Prime Minister.

Question agreed to.

**CONDOLENCES**

**Whan, Mr Robert Bruce, AM**

The PRESIDENT (15:34): It is with deep regret that I inform the Senate of the death on 4 October this year of Robert (Bob) Bruce Whan AM, a member of the House of Representatives for the division of Eden-Monaro, New South Wales, from 1972 to 1975.

**PRIVILEGE**

The PRESIDENT (15:34): Since late June, I have received correspondence from senators on two occasions raising matters of privilege under standing order 81. Both of them relate to unauthorised disclosure of draft committee reports.

As all senators are aware, the unauthorised disclosure of committee proceedings may be dealt with by the Senate as a contempt and, as such, is a very serious matter. The Privileges Committee has inquired into numerous instances of possible unauthorised disclosure. As a result of the committee's work the Senate agreed to resolutions in both 1996 and 2007. These resolutions were to provide committees with a process to follow in inquiring into unauthorised disclosures and, secondly, to ensure that the Senate's contempt jurisdiction was exercised only in relation to those matters where it was necessary to provide reasonable protection for the Senate and its committees and for senators against improper acts tending substantially to obstruct them in the performance of their functions.

The first matter raised with me was raised by Senators McKenzie, Peris and Siewert. That related to the unauthorised disclosure of the draft final report of the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, as revealed by an
article by Sarah Martin, published in The Australian newspaper on the day the report was tabled. As the committee ceased to exist on tabling of the final report, it was not possible for the committee to undertake the preliminary investigations required by the resolutions that I have mentioned with a view to establishing whether the unauthorised disclosure was of a type that should have been raised as a matter of privilege following consultations with the Privileges Committee. Nor was it possible for me to conclude at that stage that precedence should or should not be granted to a motion to refer the matter to the Privileges Committee.

In view of the apparent gap in the resolutions and the observations made by the Privileges Committee in its 152nd report involving the unauthorised disclosure of the draft final report of the Select Committee on Electricity Prices, I considered that the spirit of the resolutions could be best adhered to if I asked the Privileges Committee whether it would agree to undertake the preliminary investigations envisaged by those resolutions and form a conclusion about whether the matter was one that warranted being raised as a matter of privilege.

After making the request, I received correspondence from the editor of The Australian newspaper, Mr Clive Mathieson, acknowledging that an error had been made by Ms Martin, apologising for any inconvenience and distress caused to the reconciliation committee and assuring me that there was no intention to undermine or obstruct its work. I thanked Mr Mathieson for his assurances and forwarded the correspondence to the Privileges Committee.

I have now received a response from the Chair of the Privileges Committee, Senator Collins, in which the committee outlines the steps it took to inquire into the matter and the reasoning by which it arrived at the conclusion that the unauthorised disclosure of the draft final report of the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples was not one that it would assess as warranting further investigation in accordance with the principles set out in the relevant Senate resolutions. The committee also made some pertinent observations about the operation of the 2007 resolution and recommended that I draw the 1996 and 2007 resolutions to the attention of all senators and committees.

I am happy to accept this recommendation and will be writing to all committees shortly. I will also ask the Deputy President to raise this matter at the next chairs’ committee meeting. In the meantime, I draw the attention of all senators to the resolutions and to the report of the Privileges Committee and related correspondence, which I now table.

In particular, I draw senators’ attention to the following comments by the Privileges Committee:

It is important to note that any unauthorised disclosure is contrary to the standing orders of the Senate and poses a risk of interference with the work of committees. The Privileges Committee has always been highly critical of breaches of confidentiality in committee processes, and of the betrayal of trust among committee members this often involves. Whatever effect an unauthorised disclosure has on the work of a particular committee, it also has the potential to inflict broader damage on the integrity of committee processes and the authority and credibility of committees more generally. An assessment that a particular disclosure does not warrant further investigation as a contempt does not absolve senators, members and media representatives from observing the confidentiality requirements attaching to the work of parliamentary committees.
Finally, I did refer to a second matter in my opening remarks. The second matter was raised by Senator Edwards and concerned the unauthorised disclosure of the draft interim report of the Economics References Committee on corporate tax avoidance. As the Economics References Committee had not yet undertaken the preliminary inquiries required by the resolutions, I have indicated to Senator Edwards that I could not at this stage grant precedence to a motion to refer it to the Privileges Committee. I thank senators.

Senator JACINTA COLLINS (Victoria) (15:40): by leave—As Chair of the Senate Privileges Committee, I thank you for reminding senators and others about the Senate's resolutions on unauthorised disclosure. Under those resolutions, the question whether an unauthorised disclosure should be investigated as a possible contempt turns on an assessment of the harm which might flow from it. They seek primarily to reserve the Senate's contempt powers for matters involving substantial obstruction to Senate and committee processes.

Regardless of whether this threshold is met, however—as you have stressed—unauthorised disclosures are contrary to standing orders. They undermine the authority and integrity of the Senate committee system, which have traditionally been amongst its strengths. An assessment that a particular disclosure does not warrant further investigation does not absolve senators, members and media representatives from observing the confidentiality requirements attached to the work of parliamentary committees.

The harm that can flow from leaking confidential material will not always be apparent to those who publish it. The consequences may seem trivial in some instances, involving embarrassment or frustration among committee members, but they can also be severe. This is particularly the case where committees have decided to take evidence in camera for the protection of witnesses or others, or where disclosure would be harmful to the national interest. If the Senate cannot protect its sources in such circumstances, there is no doubt this will also have a chilling effect on the work of its committees. The Privileges Committee examined these matters in detail in its 122nd report.

Turning to the matter on which you sought the committee's views, the committee acknowledges the frustrations of members of the former joint select committee and their disappointment that the apparent disclosure undercut the consensus that they had achieved. However, their assessment of the harm occasioned by the apparent unauthorised disclosure does not approach the threshold of substantial interference provided in the 2007 resolution. The committee also notes the apology provided by the journalist concerned and by her editor. In those circumstances, for the reasons set out in the document you have just tabled, the committee concluded that the matter did not warrant further investigation.

But I draw senators' attention to the discussion in that document about the Senate's current approach to unauthorised disclosure. It is for individual committees in the first instance to investigate their concerns and, where necessary, to instil discipline upon their members. Those committees are invariably best placed to assess the circumstances of, and the harm occasioned by, such disclosures. Moreover, it is for individual senators to ensure and account for the integrity of their own actions. To that end, I encourage all senators to familiarise themselves with the requirements and rationale of the relevant Senate resolutions.

The PRESIDENT: Thank you, Senator Collins. Thank you for your assistance in relation to that matter. I do commend your remarks to all senators and trust they will read the Hansard recording of that.
Senator IAN MACDONALD (Queensland) (15:44): by leave—As Deputy Chair of the Privileges Committee, I really just wanted to say what you have already just said—that is, I do thank Senator Collins for the assiduous work she put into this particular issue, as she does with most things dealing with the Privileges Committee, which she chairs. Thank you, Mr President, for your report. I might just say what is obvious to any of those of us who have been around this place for a long time. Most of us who have been here for a while have a fair idea of where leaks to the media of information from the committee are coming from. There is sort of a rule of thumb that you can work out whom those leaks might benefit, so senators who do indulge in that disclosure of committee reports are well-known to their Senate colleagues. That, in itself, should be a reason why this practice does not continue. As you have done, Mr President, I want to acknowledge the chair's work on the Privileges Committee.

NOTICES
Withdrawal

Senator WILLIAMS (New South Wales) (15:45): I give notice of my intention, at the giving of notices on the next sitting day, to withdraw business of the Senate notice of motion No. 1 standing in my name, for 13 sitting days after today, for the disallowance of the Migration Regulations 1994: Specification of Occupations a Person or Body, a Country or Countries 2015 IMMI 15/8108. I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator WILLIAMS: The Senate Regulations and Ordinances Committee has been making inquiries in relation to this instrument. Based on information received from the minister, the committee has concluded its examination of this matter. The committee's final report on this matter is contained in Delegated Legislation Monitor No. 12 of 2015.

Presentation

Senator Moore to move:

That the Senate—
(a) notes that:
   (i) Sunday, 11 October, is internationally recognised as the Day of the Girl,
   (ii) Day of the Girl has worked to assist girls all over the world in issues such as sexual assault, child marriage and education, and
   (iii) in 2015 the Day of the Girl's theme was adolescent girls;
(b) congratulates all those involved in bringing awareness to the needs of women and girls by launching and maintaining this movement; and
(c) acknowledges the need for the ongoing development and support of women and girls in all areas across the world.

Senators Moore and Siewert to move:

That the Senate—
(a) notes that:
   (i) National Carers Week 2015 will run from Sunday, 11 October, until Saturday, 17 October, to recognise and celebrate the outstanding contribution unpaid carers make to our nation,
(ii) carers in Australia make an enormous contribution to our communities and our national economy,
(iii) in 2015, it is estimated that nearly 2.9 million Australians will provide more than 1.9 billion hours of informal care and unpaid care, and
(iv) the replacement value of informal care would be $60.3 billion, equivalent to 3.8 per cent of gross domestic product and 60 per cent of the health and social work industry; and
(b) congratulates Carers Australia for its strong advocacy and support for those providing care and support to family members and friends who have a disability, mental illness, chronic condition, terminal illness, and alcohol or other drug issue, or who are frail and aged.

Senator Moore to move:
That the Senate—
(a) notes that:
   (i) BUSHkids, is the Royal Queensland Bush Children's Health Scheme, which has provided and continues to provide the children of rural Queensland with physical and mental health assistance since 1935, and
   (ii) Thursday, 22 October 2015 is BUSHkids Thanksgiving, and celebrates 80 years of the BUSHkids service; and
(b) congratulates BUSHkids for the dedication and commitment of the many people involved who provide to families across regional Queensland through this pioneering health scheme.

Senator Carr to move:
That there be laid on the table by the Minister for Education and Training, by no later than 3.30 pm on Wednesday, 14 October 2015:
(a) any reports delivered under the Nous Group contract, 'Assessment of Stakeholder Views—Higher Education', listed on the Austender website (contract number CN3277481); and
(b) all other documentation related to the contract, including any correspondence between the Nous Group and the Minister or his department.

Senator Macdonald to move:
That the Senate:
(a) notes that the North Queensland Cowboys Rugby League Team won its first ever National Rugby League Grand Final;
(b) congratulates Cowboys co-captain Johnathon Thurston on:
   (i) his leadership,
   (ii) his award of a record fourth Dally M Player of the Year Medal, and
   (iii) winning the Clive Churchill Player of the Grand Final Medal and the Provan Summons Fans Choice Medal as the Best Player of the Year; and
(c) urges the Government to continue to support excellence in sport and the identification of role models.

Senator Lazarus to move:
That the Senate—
(a) congratulates the North Queensland Cowboys on winning the 2015 National Rugby League Grand Final and Johnathan Thurston on winning the 2015 Clive Churchill Medal;
(b) recognises the positive impact of the win for the North Queensland region which is being impacted by drought and other social and economic challenges;
(c) acknowledges the important work of the North Queensland Cowboys in supporting and promoting the region; and
(d) calls on the Government to immediately commit the funds necessary to build a new multi-purpose sporting venue in Townsville to accommodate North Queensland Cowboys home games and other local, state, national and international sporting and recreational events.

Senator Wang to move:

Senators Rhiannon and Bilyk to move:
That the Senate—
(a) notes that:
   (i) the United Nations (UN) summit for the adoption of the post-2015 development agenda took place from 25 September to 27 September 2015;
   (ii) the Sustainable Development Goals build on the achievements of the Millennium Development Goals, which have:
      (A) reduced the number of people in absolute poverty,
      (B) reduced child mortality,
      (C) increased the number of children in school, and
      (D) increased access to clean water and sanitation, and
   (iii) the Sustainable Development Goals were endorsed by all members of the UN as objectives for all countries to meet, and achieving these will require policy and financial commitments from all countries; and
(b) calls on the Government to:
   (i) endorse the Sustainable Development Goals as a blueprint to end extreme poverty; and
   (ii) adopt the Sustainable Development Goals as a framework for Australia's aid program, and work with other countries to support these Goals which includes contributing Australia's fair share internationally to achieve their targets.

Senator McEwen to move:
That the Senate—
(a) notes that:
   (i) World Food Day 2015, held on 16 October, will mark the 70th anniversary of the establishment of the United Nations Food and Agriculture Organization, and that the theme for the day is 'Social protection and agriculture: breaking the cycle of rural poverty',
   (ii) malnutrition contributes to 3 million of the 6 million deaths of children under age 5 each year,
   (iii) in addition, 162 million children around the world suffer from stunting, which is an indicator of chronic under-nutrition, and affects the physical and mental development of children,
   (iv) the estimated economic benefits of action to improve nutrition outweigh the additional costs by up to 18 to 1,
   (v) Australia and other international donors invest less than 1 per cent of development assistance in specific nutrition investments, in spite of the toll of malnutrition, and
   (vi) achieving Goal 2 of the Sustainable Development Goals, 'End hunger, achieve food security and improved nutrition and promote sustainable agriculture', will require increased investment in nutrition;
(b) recognises:

(i) the Australian Government has included nutrition as a priority investment in its Health for Development Strategy released in June 2015,

(ii) the next global Nutrition for Growth Summit, due to take place in Rio de Janeiro in 2016, is a significant opportunity for international donors, national governments and non-government partners to commit additional resources to reducing malnutrition, and

(iii) the Nutrition for Growth Summit provides an occasion for Australia to back its priority for nutrition to improve health outcomes with a commitment of additional resources; and

(c) calls on the Australian Government to ensure Australia has ministerial level representation and makes a commitment of new funding for nutrition at the Nutrition for Growth Summit in 2016.

Senator Lazarus to move:

That the Senate—

(a) notes the range of issues currently being experienced across the country in relation to the operation of UBER, including allegations of acts of violence and intimidation against UBER drivers by members of the taxi industry in Queensland;

(b) acknowledges the important role of competition, change and disruption in forging new industries and creating new services;

(c) further notes the impact of UBER and other ride-sharing services on the viability of the taxi industry and the stakeholders involved in the taxi industry, including owners, administrators, drivers and others directly and indirectly employed by the industry;

(d) urges the Government to consider the opportunity for all transport services, including the taxi industry and ride-sharing services, to have a legitimate and legal role in Australia; and

(e) calls on the Government to show leadership and urgently address the taxi and ride-sharing issue by working with state and territory governments to develop a national approach which:

(i) puts the needs of the people of Australia first,

(ii) improves the quality, safety, effectiveness and efficiency of taxi and ride-sharing services across Australia,

(iii) creates a framework to enable the operation of taxi and ride-sharing services on a level playing field basis, including regulation, fee introductions and fee modifications,

(iv) recognises the financial investment of taxi industry stakeholders, and any potential losses associated by a national approach,

(v) proposes amendments to policy, legislation and administrative instruments and mechanisms across relevant levels and areas of government to facilitate the adoption of the framework,

(vi) is developed in consultation with all taxi industry, ride-sharing service providers and other stakeholders, and

(vii) aims to resolve the issues being experienced across the country, and reduce the tension and concern being felt by many involved.

Senator Fifield: to move:

That consideration of the business before the Senate on Tuesday, 13 October 2015, be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable Senator Simms to make his first speech without any question before the chair.
Senator Canavan to move:

That the Senate notes:

(a) the approval of Port Alma as a live cattle export facility;
(b) the benefits of providing new export options to producers and the cattle industry in central Queensland;
(c) that in 2014-15, the live cattle export industry contributed $1.4 billion to Australia's economy; and
(d) that lowering transport costs, by providing local export options in addition to the highly important processing industry, will deliver better returns to central Queensland cattle producers by giving access to more markets.

Senator Siewert to move:

That the Senate—

(a) notes that:

(i) the week beginning 11 October 2015 is Anti-Poverty Week,
(ii) the main aims of Anti-Poverty Week are to strengthen public understanding, and encourage research, discussion and action to address these problems, and
(iii) poverty and severe hardship affect more than a million Australians;
(b) acknowledges the very important work undertaken by a large number of organisations across Australia in providing crucial services, such as food-banks, housing, social services, counselling and legal support among others, which make an invaluable contribution to Australian society;
(c) calls on the Government to:

(i) increase Newstart and Youth Allowance payments by at least $50 a week,
(ii) provide adequate support to people struggling with poverty, including young people accessing income support,
(iii) provide appropriate support to service delivery agencies, including stable and adequate funding, and
(iv) develop a national anti-poverty plan with clear targets and measures to address poverty in Australia.

Senators Xenophon, Lazarus, Muir and Whish Wilson to move:

That the Senate—

(a) notes that:

(i) on 6 October 2015, 12 Pacific-rim countries signed the Trans-Pacific Partnership Agreement,
(ii) to date the text of the Agreement has not been made public, and
(iii) on 24 June 2015 the Productivity Commission released its Trade and Assistance Review 2013-14, which stated 'the emerging and growing potential for trade preferences to impose net costs on the community presents a compelling case for the final text of an agreement to be rigorously analysed before signing'; and
(b) calls on the Government to refer the text of the Agreement to the Productivity Commission for a full-scale review prior to the Agreement's implementing legislation being introduced into the House of Representatives and the Senate.

Senator Rice to move:

That the Senate—

(a) notes that:
(i) Australia suffered a severe underfunding of public transport under the Abbott Government,
(ii) the former Prime Minister, Mr Abbott, labelled the 2014 Victorian election as a 'referendum on
the East West Link', and that there was a change of government in Victoria because of that election, and
(iii) the Turnbull Government has this week [11 October to 17 October 2015] labelled the East West
Link toll road as 'indispensable and inevitable', and included it in a publicly-released list of their priority
infrastructure projects for Victoria; and
(b) calls on the Government to withdraw the allocation of federal funding set aside for East West Link
and to reallocate this funding to the Melbourne Metro Rail project.

BUSINESS

Rearrangement

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (15:47): I move:

That the following general business orders of the day be considered on Thursday, 15 October 2015
under consideration of private senators' bills:
No. 44 Racial Discrimination Amendment Bill 2014
Commonwealth Grants Commission Amendment (GST Distribution) Bill 2015, subject to
introduction.

Question agreed to.

Leave of Absence

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (15:47): by leave—I move:

That leave of absence be granted to the following senators on account of ministerial business:
(a) Senator Cormann for today; and
(b) Senator Payne from 12 October to 15 October 2015

Question agreed to.

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:48): by leave—I move:

That leave of absence be granted to the following senators:
(a) Senator Bilyk and Brown for today, for personal reasons;
(b) Senator Conroy from 12 to 15 October 2015, on account of parliamentary business; and
(c) Senator Ketter for 12 and 13 October 2015, for personal reasons.

Question agreed to.

NOTICES

Postponement

The following items of business were postponed:
Business of the Senate notice of motion no. 1 standing in the name of Senator Rice for 13 October
2015, proposing a reference to the Education and Employment References Committee, postponed till 15
October 2015.
General business notice of motion no. 674 standing in the name of Senator Rice for 13 October 2015, proposing the introduction of the Automotive Transformation Scheme Amendment (Sustainable Jobs in the Auto Component Industry) Bill 2015, postponed till 15 October 2015.

General business notice of motion no. 876 standing in the name of Senator Dastyari for today, proposing an order for the production of documents by the Minister representing the Treasurer, postponed till 13 October 2015.

**COMMITTEES**

**Economics Legislation Committee**

**Environment and Communications Legislation Committee**

**Reporting Date**

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

Economics Legislation Committee—Foreign Acquisitions and Takeovers Legislation Amendment Bill 2015 and related bills—extended from 12 October to 14 October 2015.

Environment and Communications Legislation Committee—Environment Protection and Biodiversity Conservation Amendment (Standing) Bill 2015—extended from 12 October 2015 to the second last sitting day in February 2016.

**The DEPUTY PRESIDENT** (15:49): I remind senators that the question may be put on any of those proposals at the request of any senator. There being none, we will move on.

**Rural and Regional Affairs and Transport Legislation Committee**

**Reporting Date**

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

Rural and Regional Affairs and Transport Legislation Committee—Shipping Legislation Amendment Bill 2015—extended from 12 October to 19 October 2015.

Senator STERLE (Western Australia) (15:49): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator STERLE: It would not matter when this Rural and Regional Affairs and Transport Legislation Committee report hit the Senate, because the Shipping Legislation Amendment Bill 2015 is one of the worst pieces of legislation out. There is no way that we should be supporting this bill. It is doing away with Australian jobs, and I, therefore, do not support the extension of the reporting date.

The committee did have a hearing into this. For those listening out there—and I hope that the crossbenchers are really across this—this piece of legislation will see the wiping out of 1,200 Australian maritime jobs. We are an island nation. We have the fifth largest sea-bearing transport in the world. That mob over there want to deregister Australian ships. That is what this legislation will do. They want to do away with Australian jobs. There will be foreign seafarers on these vessels. It is a terrible piece of legislation, and I hope that the crossbenchers are well and truly across what the government are proposing to do, with this legislation.

The DEPUTY PRESIDENT: The question is that the Senate Rural and Regional Affairs and Transport Legislation Committee inquiry into the Shipping Legislation Amendment Bill 2015 be extended from 12 October until 19 October 2015.
The Senate divided. [15:55]
(The Deputy President—Senator Marshall)

Ayes ......................30
Noes ......................32
Majority ...............2

AYES
Abetz, E
Bernardi, C
Bushby, DC (teller)
Cash, MC
Day, RJ
Fawcett, DJ
Fifield, MP
Johnston, D
Lindgren, JM
McGrath, J
Nash, F
Ronaldson, M
Scullion, NG
Sinodinos, A
Wang, Z

NOES
Bullock, JW
Carr, KJ
Dastyari, S
Gallacher, AM
Hanson-Young, SC
Lazarus, GP
Ludlam, S
McAllister, J
McKim, NJ
Moore, CM
Peris, N
Rhiannon, L
Sievert, R
Singh, LM
Urquhart, AE
Whish-Wilson, PS

PAIRS
Brandis, GH
Cormann, M
O’Sullivan, B
Payne, MA
Ryan, SM

Bilyk, CL
Conroy, SM
Ketter, CR
Brown, CL
Wong, P

Question negatived.
MOTIONS

Environment

 Senator SIEWERT (Western Australia—Australian Greens Whip) (15:58): I move:

That the Senate—

(a) notes:

(i) the release of the World Wide Fund for Nature report Living Blue Planet Report: Species, habitats and human well being,

(ii) That the report found that:

(A) 29 per cent of marine fisheries are overfished and that marine species are under increasing threat around the globe, including around one in four species of sharks, rays and skates are threatened with extinction,

(B) key habitats, including coral reefs, sea grasses and mangroves, are declining, and

(C) by increasing the marine protected area coverage to 30 per cent, up to US$920 billion could be generated between 2015 and 2050, and

(iii) the Government's suspension of the marine protected areas with the 'redevelopment' of marine protected area management plans; and

(b) calls on the Government to:

(i) re instate the marine protected areas management plans and marine protected areas, and

(ii) consider the solutions outlined in the report.

 Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for Arts and Minister Assisting the Prime Minister for Digital Government) (15:58): Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

 Senator FIFIELD: The coalition oppose this motion. We are 100 per cent committed to a network of marine parks. Through the Commonwealth Marine Reserves Review process, we have run over 170 consultations nationwide to ensure that when we do implement marine management plans they appropriately balance conservation, recreation, commercial and Indigenous needs. Labor should have tried consulting with the communities who depend on the marine environment when they were in government.

 The Australian fisheries management framework is second to none. The recent ABARES fishery status reports show that no solely Commonwealth managed fisheries is subject to over-fishing. This is a significant milestone, highlighting that we should be proud of our exceptionally well-managed fisheries.

 Senator SIEWERT (Western Australia—Australian Greens Whip) (15:54): Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

 Senator SIEWERT: As I am sure the coalition generally does know, there was an extensive amount of consultation carried out on the world-leading biodiversity marine protected area system that was in place until about two months after the Abbott government came to power, when it effectively got rid of our marine reserves by suspending the management plans. The news that came out just at the end of last week that 38 per cent of the world's coral reefs will be subject to coral bleaching, of which five to 10 per cent will be permanently dead, highlights yet again the importance of making sure that we have the
world's best marine protected system to give our coral reefs the best chance they can have to survive climate change.

The DEPUTY PRESIDENT: Thank you, Senator Siewert. Again, I remind senators that statements by leave to motions during discovery of formal business should not amount to a de facto debate on the motion. The question is that general business notice of motion No. 879 be agreed to.

Question agreed to.

Perth Freight Link

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (16:01): I move:

That the Senate—

(a) notes

(i) that a Supreme Court action was lodged on Thursday, 10 September 2015, against the approval given by the Western Australian Minister for Environment (Mr Jacob) to the Roe 8 extension Stage 1 of the Perth Freight Link, and includes significant new revelations of bias and conflict of interest on the Environment Protection Authority board, potentially tainting the entire assessment process,

(ii) the opposition to this project by over 30 separate residents' and community groups, at least 3 local councils, and almost 15 000 individuals via petitions since 2008,

(iii) the well documented flaws in the federal environmental assessment process, including flawed surveys of the iconic Black Cockatoo, and

(iv) the failure of the Government to release key documents to inform public evaluation of this project; and

(b) calls on the Minister representing the Minister for Infrastructure and Regional Development:

(i) to reprioritise $925 million in federal funding allocated to this project to actual solutions to Perth's freight task, including investment in freight rail and the Outer Harbour, and

(ii) to urgently request That the federal assessment be delayed until such time as the judicial review in the Supreme Court has been completed.

I seek leave, without debating the issue, to make a brief statement.

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

Senator LUDLAM: I thank the Senate. Under the chairmanship of Senator Sterle and with quite good representation of Western Australian senators and others, earlier last week the Rural and Regional Affairs and Transport Committee sat in Perth and heard evidence from one very strong side of the argument that the Perth Freight Link should simply not be funded. The state government was given an opportunity to put their side of the case and they refused to show up. What the inquiry has established once and for all is that the Perth Freight Link should be set aside, and that there are strong counter proposals for how to deal with growing freight movements in the Perth metropolitan area.

This motion does nothing more than call on the minister to reprioritise the funding that former Prime Minister Abbott put into this project, sight unseen and without the state government even knowing where the project should go, and put that funding into actual solutions to Perth's freight task. I thank the Senate for giving it consideration.

---

CHAMBER
Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (16:02): I seek leave to make a short statement.

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

Senator FIFIELD: The $1.5 billion Perth Freight Link is a good project that will provide a world-class freight connection between Perth's strategic industrial areas and Fremantle port. It will also service any future outer harbour to the south. A summary business case is publicly available. It shows, overall, that the Perth Freight Link has a BCR of 2.8 and will deliver benefits of more than $3.9 billion to WA.

Infrastructure Australia has confirmed that the Perth Freight Link is the infrastructure solution that Western Australia needs to drive economic growth and boost the productive capacity of Perth's transport network. The project is expected to create 2,400 construction jobs, save around 10 minutes in travel time and save freight vehicles up to $8.15 per trip from Kwinana Freeway to Fremantle. It will also reduce traffic congestion on local arterial roads by removing 65,000 vehicles a day from the surrounding road network. The project is undergoing extensive and rigorous environmental approval processes.

The DEPUTY PRESIDENT: The question is that general business notice of motion No. 878 be agreed to.

The Senate divided. [16:07]

(The Deputy President—Senator Marshall)

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

AYES

Bullock, JW  
Carr, KJ  
Dastyari, S  
Gallacher, AM  
Hanson-Young, SC  
Lazarus, GP  
Ludlam, S  
McAllister, J  
McKim, NJ  
Moore, CM  
Peris, N  
Rhiannon, L  
Siewert, R  
Sterle, G  
Waters, LJ  

Cameron, DN  
Collins, JMA  
Di Natale, R  
Gallagher, KR  
Lambie, J  
Lines, S  
Ludwig, JW  
McEwen, A (teller)  
McLucas, J  
O'Neil, DM  
Polley, H  
Rice, J  
Simms, RA  
Uqaharti, AE  
Whish-Wilson, PS

NOES

Abetz, E  
Bernardi, C  
Bushby, DC (teller)  
Cash, MC  
Day, RJ  

Back, CJ  
Birmingham, SJ  
Canavan, MJ  
Colbeck, R  
Edwards, S
Trade with China

Senator CANAVAN (Queensland—Nationals Whip in the Senate) (16:10): I move:

That the Senate notes that:

(a) Australia’s export of coal to China is worth approximately $9.3 billion per year;
(b) China currently imposes a tariff of 3 per cent on these coking coal exports and a 6 per cent tariff on thermal coal exports;
(c) the signing of the China Australia Free Trade Agreement will eliminate the 3 per cent coking coal tariff immediately, and the 6 per cent tariff on thermal coal within 2 years;
(d) the elimination of these tariffs will save Australia’s coal industry around $380 million per year leading to more jobs for Australians in an industry which already directly employs 54,000 people; and
(e) the displacement of poorer quality coal from other countries with Australian coal will reduce global emissions significantly.

Question agreed to.

COMMITTEES

Legal and Constitutional Affairs References Committee
Reference

Senator HANSON-YOUNG (South Australia) (16:11): I, and also on behalf of Senator Gallacher, move:

That, noting the sovereignty of the Republic of Nauru and Papua New Guinea, and within the limits of Australia’s sovereignty, the following matters be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 31 December 2016:

(a) conditions and treatment of asylum seekers and refugees at the regional processing centres in the Republic of Nauru and Papua New Guinea;
(b) transparency and accountability mechanisms that apply to the regional processing centres in the Republic of Nauru and Papua New Guinea;

(c) implementation of recommendations of the Moss Review in relation to the regional processing centre in the Republic of Nauru;

(d) the extent to which the Australian-funded regional processing centres in the Republic of Nauru and Papua New Guinea are operating in compliance with Australian and international legal obligations;

(e) the extent to which contracts associated with the operation of offshore processing centres are:

(i) delivering value for money consistent with the definition contained in the Commonwealth procurement rules,

(ii) meeting the terms of their contracts, and

(iii) delivering services which meet Australian standards; and

(f) any other related matter.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (16:11): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator FIFIELD: The Senate inquiry into Nauru handed down its report around a month ago. The government, as it has already stated, is considering the report and will table its response in the Senate. Any notice seeking to establish an inquiry into substantially the same matters should only be established following a response from the government. If another inquiry is needed, it only illustrates that Labor and the Greens did not use the previous inquiry to best advantage. The Department of Immigration and Border Protection gave evidence three times to the Nauru committee; it also provided two submissions. There is no issue which was not covered by the previous inquiry that would necessitate another inquiry. The reporting date makes apparent the true intention of Labor and the Greens, which is to have a long and drawn-out inquiry as a stunt. The willingness of Labor and the Greens to use asylum seekers to perpetuate their particular approach is, I think, clear to everyone.

The DEPUTY PRESIDENT: The question is that business of the Senate notice of motion No. 1 be agreed to.

The Senate divided. [16:14]

(The Deputy President—Senator Marshall)

Ayes ................. 28
Noes .................. 26
Majority .............. 2

AYES

Bullock, JW 
Carr, KJ 
Dastyari, S 
Gallagher, KR 
Lambie, J 
Lines, S 
Ludwig, JW 
McEwen, A (teller) 
McLucas, J 

Cameron, DN 
Collins, JMA 
Gallacher, AM 
Hanson-Young, SC 
Lazarus, GP 
Ludlam, S 
McAllister, J 
McKim, NJ 
Moore, CM 

CHAMBER
Question agreed to.

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

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator MUIR: I rise to make a short statement in relation to the motion in the names of Senators Hanson-Young and Gallacher. I share concerns around transparency and accountability of our offshore detention and regional processing centres, but I also note that recently we have had changes in the operations and certain commitments in relation to processing of refugee claims in Nauru. At this time, it is my intent not to support the motion as I want to give the new leadership of the government time to respond to the report from the most recent inquiry and to begin the implementation of any policy changes as a result. I acknowledge that there have been some very serious concerns raised; however, I am willing to give the government time to respond. I want to make it very clear though that I am prepared to reconsider this position if I am not satisfied with the government's response to the report.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for
Digital Government) (16:17): I think in relation to the last vote there may have been a number of senators who did not make it into the chamber. I think it was a one-minute division, and it might be good to recommit that vote to ensure that the will of the Senate is reflected.

The DEPUTY PRESIDENT: Senator Fifield is asking for leave to have the vote recommitted. Is leave granted?

Leave granted.

The DEPUTY PRESIDENT: We will now put the question again. The question is that business of the Senate notice of motion No. 1 be agreed to.

The Senate divided. [16:23]

(The Deputy President—Senator Marshall)

<table>
<thead>
<tr>
<th>Ayes</th>
<th>Noes</th>
<th>Majority</th>
</tr>
</thead>
<tbody>
<tr>
<td>32</td>
<td>30</td>
<td>2</td>
</tr>
</tbody>
</table>

AYES

<table>
<thead>
<tr>
<th>Senator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bullock, JW</td>
</tr>
<tr>
<td>Cameron, DN</td>
</tr>
<tr>
<td>Carr, KJ</td>
</tr>
<tr>
<td>Collins, JMA</td>
</tr>
<tr>
<td>Dastyari, S</td>
</tr>
<tr>
<td>Di Natale, R</td>
</tr>
<tr>
<td>Gallagher, AM</td>
</tr>
<tr>
<td>Gallagher, KR</td>
</tr>
<tr>
<td>Hansson-Young, SC</td>
</tr>
<tr>
<td>Lambie, J</td>
</tr>
<tr>
<td>Lazarus, GP</td>
</tr>
<tr>
<td>Lines, S</td>
</tr>
<tr>
<td>Ludlam, S</td>
</tr>
<tr>
<td>Ludwig, JW</td>
</tr>
<tr>
<td>Madigan, JI</td>
</tr>
<tr>
<td>McAllister, J</td>
</tr>
<tr>
<td>McEwen, A (teller)</td>
</tr>
<tr>
<td>McKim, NJ</td>
</tr>
<tr>
<td>McLucas, J</td>
</tr>
<tr>
<td>Moore, CM</td>
</tr>
<tr>
<td>O'Neill, DM</td>
</tr>
<tr>
<td>Peris, N</td>
</tr>
<tr>
<td>Polley, H</td>
</tr>
<tr>
<td>Rihiannon, L</td>
</tr>
<tr>
<td>Rice, J</td>
</tr>
<tr>
<td>Siert, R</td>
</tr>
<tr>
<td>Simms, RA</td>
</tr>
<tr>
<td>Sterle, G</td>
</tr>
<tr>
<td>Uqahurt, AE</td>
</tr>
<tr>
<td>Waters, LJ</td>
</tr>
<tr>
<td>Whish-Wilson, PS</td>
</tr>
<tr>
<td>Xenophon, N</td>
</tr>
</tbody>
</table>

NOES

<table>
<thead>
<tr>
<th>Senator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz, E</td>
</tr>
<tr>
<td>Back, CJ</td>
</tr>
<tr>
<td>Bernardi, C</td>
</tr>
<tr>
<td>Birmingham, SJ</td>
</tr>
<tr>
<td>Bushby, DC (teller)</td>
</tr>
<tr>
<td>Canavan, MJ</td>
</tr>
<tr>
<td>Cash, MC</td>
</tr>
<tr>
<td>Colbeck, R</td>
</tr>
<tr>
<td>Day, RJ</td>
</tr>
<tr>
<td>Edwards, S</td>
</tr>
<tr>
<td>Fawcett, DJ</td>
</tr>
<tr>
<td>Fierravanti-Wells, C</td>
</tr>
<tr>
<td>Fifield, MP</td>
</tr>
<tr>
<td>Heffernan, W</td>
</tr>
<tr>
<td>Johnston, D</td>
</tr>
<tr>
<td>Leyonhjelm, DE</td>
</tr>
<tr>
<td>Lindgren, JM</td>
</tr>
<tr>
<td>Macdonald, ID</td>
</tr>
<tr>
<td>McGrath, J</td>
</tr>
<tr>
<td>McKenzie, B</td>
</tr>
<tr>
<td>Muir, R</td>
</tr>
<tr>
<td>Nash, F</td>
</tr>
<tr>
<td>Reynolds, L</td>
</tr>
<tr>
<td>Ronaldson, M</td>
</tr>
<tr>
<td>Ruston, A</td>
</tr>
<tr>
<td>Scullion, NG</td>
</tr>
<tr>
<td>Seselja, Z</td>
</tr>
<tr>
<td>Smith, D</td>
</tr>
<tr>
<td>Wang, Z</td>
</tr>
<tr>
<td>Williams, JR</td>
</tr>
</tbody>
</table>
Question agreed to.

MATTERS OF PUBLIC IMPORTANCE

Workplace Relations

The DEPUTY PRESIDENT (16:25): The President has 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 Turnbull Liberal Government's attack on penalty rates.

Is the proposal supported?

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

The DEPUTY PRESIDENT: The proposal is supported. I understand that mutual 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 LUDWIG (Queensland) (16:25): I rise to speak on this matter of public importance. It is important to let Australian people know that the Turnbull Liberal government, or coalition—although I think he has cut them out—wants to cut and ultimately abolish penalty rates. This is the latest guise of the Liberals' unrelenting attack on workers' pay and conditions. They could not get away with the wholesale attack on penalty rates and conditions which they called Work Choices, so they have narrowed it down to having an argument over penalty rates, for now.

This is, I think, the first step in their systematic attempt at weakening protections and conditions for workers in this country, and you can hear that in the words they speak, in what the Liberals have said. On 3AW just last week, Mr Turnbull said:

… I think over time you will see a move to a more flexible workplace, the transition to that …

Host Neil Mitchell interjected:

… it's a 7-day economy isn't it?

Mr Turnbull agreed:

Of course it is …

The Treasurer, Mr Morrison, said:

… we need the flexibility in our system to ensure we have this agile and innovative economy.

The new Minister for Resources, Energy and Northern Australia, Mr Frydenberg, said:
Malcolm Turnbull is absolutely right to point to industrial relations as one area where it does cost business and ultimately it does cost jobs.

When he was asked if the government needed to look at cutting penalty rates, he continued: … this an area we need to look at because if it means more jobs and changing there, that … could be good for the economy.

This is a softening-up by the government. They are softening us up using the guise of flexibility, using the guise of, 'Let's have innovation,' to attack penalty rates and conditions. They failed with Work Choices to convince people, and they will fail again.

As you can tell from these quotes, the coalition are—I will grant them that—more nuanced after the Work Choices fiasco, but it remains the same song. It is an attempt to cut people's wages and conditions, but they remain as determined as ever. Australians should also notice the use of the word 'flexibility'. As I have said, at the top of the coalition government's vocabulary at the moment is 'flexibility'. They use it to try to convince us that flexibility is what is lacking—that, if only you were taking less money home for working on weekends, this would create a jobs bonanza suddenly. Well, it will not. It will not change a thing other than driving wages down. Under Mr Turnbull and the Liberals, 'flexibility' simply means cuts—cuts to youth wages, cuts to penalty rates and cuts to conditions of employment. People's earning less money does not create more jobs; it takes money out of the economy. The attack on penalty rates is just another mutation of the Liberals' extreme industrial relations agenda of completely getting rid of penalty rates for workers.

People depend on penalty rates. If you look at wages growth, it has flatlined and is at about a 20-year low. Unemployment is up to 6.2 per cent, and recently research has shown that, if the incentives provided by penalty rates were removed, people simply would not work the unsociable hours that some of these jobs require. Business confidence is down and consumer confidence is down, not because of penalty rates, not because of the payment to workers but because the Turnbull Liberal government's policies are driving down our economy. We should be encouraging people to get into the labour market, not putting up roadblocks. This is simply an attack on the lowest-paid workers in this country.

The extra money people earn for working on the weekends or on public holidays, which they give up instead of spending time with their families, pays for that after-school sport, pays for the dinner out with the family, pays for going to see a movie and pays for unexpected bills or for child care. The point is that weekends are not the same as weekdays. While it has become more common for many young people especially to work over weekends, that does not mean these hours have become any less unsociable. If it was true that weekends were the same as weekdays then Western Australia would change its trading hours and would allow shops to open on Saturdays and Sundays but the Liberal government over there has remained pretty steadfastly opposed to that for a long time, as you know. While some of these people are working, they miss family birthdays, important occasions, and leisure time with their partners and children. It is completely fair that if you are going to give up this time on the weekend then a penalty rate should be paid for that time. The Liberals simply do not understand the everyday reality of Australian workers and their families.

I think the Liberals live in an ivory tower. They live in this da-da land where they think that people should be paid less, that the economy will boom and that ultimately business will prosper. It is completely untrue. It is an equation that simply does not add up. Cutting the
disposable income of Australian workers does not improve our economy, it does not grow the pie and it does not bring about more jobs. We only have to look at the United States to see the driving down of wages, with a minimum wage of $7.25, has not created prosperity; it has in fact created an enormous gap in equality. Using the example of workers in the United States, it is important to note one of them, Mr Gassan, never made it to his son's graduation in the US because he was a manager at Dunkin' Donuts. Gassan was working overtime at Dunkin' Donuts the day his son became a high school graduate. It is about making workers work for seven days, about not giving them opportunity and about driving them into the dirt. This is where the coalition want to go. They do not want to recognise that people should be paid fairly.

Recently President Obama announced that he will be raising the overtime salary threshold from $23,000 to $50,000 because even the United States recognise driving down overtime and penalty rates does not encourage growth in the economy. President Obama said:
If you work longer, you work harder, you should get paid for it.
That is what Labor believes and that is why we will continue to fight for it.

The Turnbull Liberal government is determined to pursue the same old path of unfairness—cruel cuts and attacks on workers which have become a hallmark of the conservative movement—but Labor will not support this attack, the erosion of workers' conditions or, in particular, cuts to penalty rates. You only have to go to that example I gave in the United States where Mr Gassan, a salaried employee not being paid overtime who regularly works 75 hours a week without receiving a dime in overtime payment. His employer would call on him to cover shifts and work extra hours and, unlike the employees on an hourly rate, did not have to pay him overtime because he was a salaried employee. This is where the Liberals want to run.

But what was Mr Gassan's salary? It was $23,600 a year, below which all workers are eligible for overtime. And because he was a manager, his employer classified him as an executive and thus exempted him from overtime payment. He missed his kids' activities, their parent-teacher conferences and their sports games. I think the call on the other side is: let's go there; let's adopt that path, not grow the economy, not improve wages and conditions, not ensure there is true flexibility in the labour market but let's drive it down to give the bosses the flexibility they demand.

Cutting penalty rates does not create more jobs, it does not grow a bigger pie but what it does do is simply put the whip in the boss's hand. What we have in Australia is a well regulated system, a system that provides fairness to those who are employed in it and fairness to those employers who also want to work within it. You only have to look at the example of 7-Eleven—(Time expired)

Senator BACK (Western Australia) (16:35): A prime example of the 87-87 rule is being played out this afternoon. Eighty-seven per cent of private sector workers are not in unions and 87 per cent of Labor members and Senators are. But before you go, Senator Ludwig, do not worry too much about Mr Gassan; I remember Dr Back actually working at the races on Boxing Day without getting penalties on the day that his son was born, having dropped his wife off to King Edward Hospital on the way.
What we have here is simply a circumstance of scare mongering. The only risk to penalty rates in this country to my awareness is the current Leader of the Opposition, Mr Shorten, and I will come to that in a few minutes time. There is no suggestion about penalty rates being dealt with by the coalition because, as we all know and as Senator Ludwig himself well knows, they are set by the Fair Work Commission, not by the government of the day.

If I can draw attention then to some of the comments by the Labor opposition on penalty rates only this year, the shadow minister for employment, Mr O'Connor, had an interview with the ABC where he said:

There are particular provisions in each award or agreement that I think should be reviewed and I'm not suggesting for a moment that there aren't provisions, including penalty rates, that shouldn't be looked at....

The shadow Assistant Treasurer, Mr Leigh, in January made the comment to an ABC journalist:

I am always up for an evidence based discussion.

But if Senator Ludwig wants to draw attention to the abolition of penalty rates, he need go no further than Mr Shorten, his leader in the other place. As national secretary of the AWU, Mr Shorten led the union into an agreement with Clean Event, which—listen to this—removed all penalty rates for low-paid cleaners with—and Senator Nash will be interested in this—no compensation. Clean Event paid the AWU—as of course was played out in the royal commission; the one we were told was unnecessary this morning—$25,000 a year and provided lists of all of the employees so that the union could add it to their membership. So, if people want to talk about the possibility of penalty rates being abolished, go no further than Mr Shorten himself.

What might have been his motives for doing that? Well, he might have been seeking more job security for those low-paid workers. He might be hoping that they might get more hours of employment. He might also have been thinking about the financial health of the union—and indeed his own advancement into a political career, where we see him today.

This week Dr John Falzon, the CEO of St Vincent de Paul, will present an oration in Anti-Poverty Week. The title he has chosen is 'Sick with worry'. The St Vincent de Paul report finds that people's desire to participate in employment shines through. That is very much the basis of the coalition government's thrust in examining the level of penalty rates. It is Mr Shorten who destroys penalty rates for low-paid workers. What the coalition is about is looking at penalty rates themselves, particularly Sundays and public holidays.

In big business we have a circumstance in which many employees are employed under enterprise bargaining agreements. We have the individual flexibility agreements, brought in by the previous Labor government and now being vehemently opposed. So in larger businesses there are always opportunities for negotiation for full-time workers. What we are talking about here of course is the people who do not work full-time during the week: students who can only work of a weekend; stay-at-home parents who can only get the opportunity to have their children, for example, looked after on a weekend; or indeed casual employees who may want weekend work. These are very much the people about whom we are speaking.

I can talk about the opportunities for employment of youth in the hospitality industry in all of Australia's states, but I will focus on Western Australia where—as Senator Ludwig does
not seem to understand—we actually do work on Saturdays and Sundays. The hospitality industry—restaurants and catering—is telling us that they can immediately create between 40,000 and 55,000 new jobs across Australia if we can get some level of sensibility around penalty rates—time and a half on Saturdays, going through to time and a half on Sundays and public holidays; not the extra 75 per cent on Sundays or the extra 150 per cent on the Monday of public holidays.

As I have said so often in this place: why is it that on the Monday morning of Anzac Day following the dawn service, you cannot get a coffee? It is not because all the owners of the coffee shops are down at Margaret River; it is because they cannot pay their casual employees $42 an hour to wash dishes. Domino's cannot pay a kid $42 an hour to deliver pizzas. It simply is not possible. But restaurants and cafes in this country employ 200,000 Australians—they are the largest employer in the tourism industry—and the sector has said that they can improve 43 per cent in the 15 to 24 age group, and 16 per cent across all sectors. That is the level of increase in employment that is possible.

Restaurant and Catering Australia indicate that in that industry an extra 51,000 jobs and an extra 64,500 additional hours of work could be generated through weekend pay reform. This is the result of a recent survey in that industry: 54 per cent of businesses which were surveyed which are now closed on Sundays and public holidays would open if there was a rationalisation of penalty rates; 52 per cent of businesses would take on more staff, particularly in rural, remote and regional areas.

Let's look at the hospitality, catering and tourism industries. One million Chinese are now coming into our country. What is the single complaint that is coming back through the tourism sector? It is lack of services and lack of facilities being open on weekends. If we are going to enjoy the benefits of tourism, and the inbound tourism trade particularly, we have simply got to rationalise these circumstances.

The point I very strongly want to make in this debate is this: it is the Fair Work Commission that determines penalty rates. The review that is currently underway is a review initiated by the last Labor government into penalty rates. What we want is: more jobs, more shifts and more choice. But the simple fact of the matter is that if someone has to pay an unskilled young person $42 an hour to wash dishes in a coffee shop on a public holiday, that business will not open. We know that very well. We are not talking about the big end of town; we are talking about the small operators who are the engine room of this country when it comes to employment prospects for those who otherwise would not be employed.

Senator RICE (Victoria) (16:43): I am very pleased to be speaking today on the Turnbull Liberal government's attack on penalty rates. This is a critical issue for our society. This week is national Anti-Poverty Week. It is a time to take stock of how we are going as the country of a fair go. You only have to look at this government's attacks on penalty rates, which have just been continued in the contribution by Senator Back, to see the challenges we face.

The poverty line is $400 a week for a single adult. A report by the Australian Council of Social Services has found that there are over 2.5 million Australians living in poverty. Penalty rates are an absolutely vital tool, preventing millions more Australians falling below this line.

Take, for example, a single woman in her 50s, who has a part-time textiles job on the minimum wage. Without penalty rates, her income hovers just above the poverty line. She is
absolutely struggling to get by. Or take, for example, the young person who has moved to the city for university. With youth allowance at absolutely rock bottom, with student allowance at absolutely rock bottom, and with housing costs so high that it is a struggle to find money to pay the rent, working at a cafe on weekends and being paid penalty rates is the only way for that young person to survive. Think of the single parent who has been forced back into the workforce because they cannot survive on the parenting allowance, being able to earn penalty rates on weekends is the difference between their kids having food on the table and shoes on their feet. Being able to earn penalty rates is absolutely the difference between them having to spend all of their time working or at least having some time to spend with their family.

I ask the government, in their push to reduce penalty rates, to do some serious research. Go out there and talk to the people who are at the coalface of this issue. Ask the wait staff at those cafes and restaurants—which in fact are open on Sundays—the difference that penalty rates make to their lives. There are cafes, restaurants, businesses open on Sundays all over the country. Talk to the students who are working there serving them their coffee, and ask them what would it matter to them and how would it change their life if the penalty rates were not being paid. They would tell you that it is the difference between being able to pay the rent or being homeless. It is the difference between being able to afford to put food on the table versus being able to only eat two-minute noodles. It is the difference of having some time to study; to be able to survive working 20 hours a week instead of having to work 40 hours a week. This is the reality of what penalty rates mean.

I ask the government to do some research, to talk to the student counsellors at uni. Talk to them as they are struggling to work with students who are at risk of dropping out of their studies, who want to be able to study but know that they have got to earn an income to be able to do that. If they were not able to receive penalty rates the equation would not add up.

Penalty rates prevent these people from falling into the poverty cycle. They allow Australians to pay the rent, to stay in study and to have enough to eat. They are compensation for the impacts that they have on the rights of people at work, the time away from friends and family, the disadvantage of not being able to access nine to five services and the stress that night shift puts on people. These are real disadvantages and penalty rates account for this. Yet this government—the party of Work Choices—wants to destroy this safety net. We have a Prime Minister talking of the seven-day economy. This is a myth. It is pure fiction rolled out by people who invariably have the benefit of more normal hours. We all know we are in a seven-day economy when this parliament regularly sits on weekends. A seven-day economy does not mean a seven-day working week. The important parts of the weekend should be preserved. And if you have to work on weekends, you should be paid properly for it because working on weekends means missing out on catching up with friends or watching your kids play sport.

We also realise that penalty rates are not an extravagance. They are a right not a privilege. They are not something to be spent on private school fees but something that is absolutely necessary for people to get by and survive.

Senator LINES (Western Australia) (16:48): It is Anti-Poverty Week this week, not that you would notice in the Australian parliament as the government continues its attack on ordinary Australians. Since the new management took over there has been no reversal of
policies which hurt Australians. In fact, the rhetoric on cutting penalty rates has increased under the Turnbull government.

Anglicare’s report today, *Who is being left behind* states:

It's pretty hard to make a difference when the larger wheels of government policy, political ideology and economic forces are all stacked up to go the other way.

Under its new management, it is the same old, same old in terms of their direction. Despite election night promises when the old management promised the Australian people, 'We will not leave anyone behind,' we know that whoever is running the Liberal Party and their compliant mates in the National Party, Australians have seen broken promise after broken promise, and many Australians have been left behind as a direct result of the policies of this now Turnbull government. As these attacks on penalty rates have increased, Mr Turnbull, the new Prime Minister, has led the charge. No matter how many selfies he takes using public transport, the real truth is that the Prime Minister and his party are completely out of touch with ordinary working Australians who rely on penalty rates to supplement their low incomes.

Despite the PM's assertion that we live in a seven-day economy, the facts do not support that. None of our government institutions are open on weekends and all of our major sporting events and grand finals are held on weekends. It is when Australians enjoy leisure time and enjoy time with their families. Remember when the old Prime Minister said to weekend workers, 'If you don't want to work on weekends then you don't have to.' Now the new Prime Minister is saying we live in a seven-day economy. The government wants to create a two-tiered system for weekend workers, where it would seem that some workers are more entitled to penalty rates than others.

As the recent Productivity Commission report suggested, some workers—emergency service workers and some of our health workers—should get a penalty because it recognises that working weekends takes those workers away from their families. Of course, that report ignores the thousands of other workers in retail, in hospitality, in aged care, in disability services, cleaning and security workers and many more who work weekends and miss out on family time, but do not rate a mention and do not deserve a penalty rate according to the government. It is okay for their penalty rates to be cut or completely abolished. There are 4.5 million Australians who rely on penalty rates. It makes up between 30 and 50 per cent of a worker's pay. Many weekend workers are low paid.

Recently, at Labor’s Fair Work Taskforce inquiry in Perth we heard from three Western Australian workers. One was aged-care worker, Judith, whose base hourly rate is $20.50. Obviously, Judith relies on her penalty rates to boost her very low pay. Without it, she told the inquiry, the family would have to sell their house or let their private health insurance go and forgo their very meagre family holidays.

In Western Australia, we have had this experiment with losing weekend penalty rates before under another Liberal government, which interestingly, like the Howard government, lost office because it went too far with harsh industrial relations law. The Court government experimented with individual workplace agreements, and for the first time in Western Australian history these agreements were able to absolutely undercut the award. What did we see over the six or seven years that these individual contracts were in force? We saw women workers’ wages fall way behind. They are now 26 times more behind average male weekly earnings. Western Australia is a stand-out in terms of women being particularly low paid. We
saw hospitality workers lose their weekend penalties. We saw aged-care workers, childcare workers, security officers and cleaners—all of the areas where the government thinks it is okay to take penalty rates—lose their weekend penalties.

I heard Senator Back say before that somehow this is going to create more jobs. From the Parliamentary Library's research into what happened in Western Australia I can tell you it made not one scrap of difference to the unemployment rates in Western Australia. Despite the meagre 25 or 50 per cent—or even 100 per cent that penalty rate workers lost in Western Australia as their penalty rates were completely abolished under another Liberal government—the unemployment rate remained the same, so the profits simply went into the bosses' pockets. They did not create employment.

And what is this employment that the Turnbull government thinks will be created by saving 50 per cent on a weekend penalty? More low-paid jobs and more workers who will need the support of a government that is also intent on cutting family tax benefits and making pensions line up with CPI—a government that has done nothing but cut all of those safety net benefits. That is what the government is going to do if it intends to go ahead with cutting penalty rates. If it is successful—and the Western Australian experiment was quite the opposite; it did not create more jobs. And that is a fact. That is not a survey by their boss, John Hart, from the Restaurant & Catering Industry Association—not a survey from their friend that somehow says thousands of new jobs will be magically created. This is fact, not fiction. This happened in Western Australia. One of the team in my office got a flat rate as a chef in 1998 for $13 an hour for Friday work, Saturday work and Sunday work.

When the Gallop Labor government came in and abolished individual contracts, she then started to get a penalty. And what happened? The number of workers in the kitchen remained exactly the same. Even when the boss was paying her $13 an hour there were not more workers in the kitchen. Then, when it got converted back to the award rate and she got the penalty she was entitled to, the staff remained the same. What has happened to that employer? Since then, that employer now has three top-class restaurants in Western Australia and a cafe, so obviously they never had a problem with paying penalties. The penalties that were not paid to Claire when she was there as a chef simply went into their pocket. So it is a myth to suggest that abolishing penalty rates creates more employment. The facts are there in Western Australia: not one single job was created.

I do not know where this other thought bubble of creating tax credits comes from. We know that in the UK that is another failed experiment. We know that the Turnbull government wants to remain joined at the hip to the mother country, but the reality is that tax credits in the UK have failed. Of course, we know the government can put in place schemes like tax credits and indeed can take them away. The only sure thing that workers have got is to keep their penalty rates and to make sure that employers and not our tax system continue to fund penalty rates. This is another failed Turnbull government scheme.

Senator McKENZIE (Victoria) (16:56): I also rise today to speak on the matter of public importance—and it is a matter of public importance, especially for those of us out in regional Australia—about regional jobs. This is about how we can actually get more young people in particular employed right across regional Australia. If you look at regional Australia, you see it is not made up of big business. It is not made up of big public service. Its local economies are made up of small businesses, and with these issues around penalty rates it does not matter
whether I am in Bendigo, Wangaratta or Wodonga. It does not matter where I am across regional Victoria; when I am talking to small businesses in retail and to small business owners who are farmers, they all bring this issue up.

But first I want to state the fact that the whole attack line has absolutely no basis in fact. ‘The Turnbull Liberal government’s attack on penalty rates’—I would really seek Senator Moore’s guidance on where she has seen any evidence that the Turnbull government is attacking penalty rates in any way. If she is referring to the government’s decision to refer a number of matters, including penalty rates, to the Productivity Commission for examination and independent analysis, I am not sure how she can call that an attack on penalty rates.

Once again I think Labor descends into the only playbook it has. Thank goodness they are not running the Wallabies over at the world cup, because they have only got one play: the scare campaign. When confronted with an issue, problem or policy challenge, where does Bill Shorten run while his whole team stands behind him even though they know it is a poor strategy, particularly with respect to ChAFTA? He goes to the scare campaign. Instead of having an intelligent, articulate conversation within the public arena, we choose to go to the lowest common denominator, and that is fear. I would rather have a conversation around evidence, which I think we will be able to have once the Productivity Commission brings down its report. Rather than run pointless MPIs such as the one before us today that we are forced to debate, we could actually have a sensible conversation.

Instead Labor prefers the old battle lines and tired union rhetoric and ignores the fact that we do more for job creation and industry growth from the coalition side than Labor's backbenchers and branch stackers can think up. They are more worried about getting their union juice through untraceable means than truly putting their members or any other Australians first.

We cannot be attacking penalty rates when we have left that for other, independent areas to assess. We have made a very clear distinction. The way penalty rates are set is not going to be changed. I remind the Senate that the last and only time in Australian history that penalty rates were lowered was following the review of the fair work laws—a review which Labor commenced with their Minister for Workplace Relations: Minister Shorten. Don't let the facts or the 21st century get in the way of a good old-fashioned scare campaign.

Whilst this is obviously before other institutions, I do have some comments to make, particularly from a regional Australia perspective, on the issue of penalty rates. Despite the claims of those opposite, I do have some comments to make, particularly from a regional Australia perspective, on the issue of penalty rates. Despite the claims of those opposite, as the daughter of a small business owner and as somebody who is out in communities talking to small businesses constantly, I know that penalty rates do make a difference with regard to when businesses open, who they put on and whether they have a casualised or a permanent part-time workforce. These are the decisions that small business owners are making every single day, so when others talk about how it does not have an impact on employment that is simply incorrect because there is an opportunity loss for small businesses who choose not to employ as a result of the impost of penalty rates.

I am going to mention a few instances. The pig industry: you cannot tell me that a pig needs less care or any different type of care on a Saturday and a Sunday than it does on a Monday. A pig does not get dressed up to go to church; a pig does not have kids to look after. Yet to look after a pig—to see to it and tend to its welfare—Saturday and Sunday work is deemed overtime and outside usual working hours. I do not think that there are 'usual working
hours’ if you are looking after pigs, other than that they probably sleep at night. Pig care does not actually follow a weekly timetable. The consequence of penalty rates and the three-hour minimum engagement is that one hour of work on a Saturday attracts 4½ hours pay, one hour on a Sunday attracts six hours pay and one hour on a public holiday—like the Andrews’ government with their latest grand final eve ‘everyone can clock off early for a long weekend’ holiday in my home state of Victoria—attracts 7½ hours additional pay. The National Farmers Federation stated:

On a Sunday, the combined effect of these provisions for one hour’s work is equivalent to $100 per hour.

You cannot tell me that has no effect on an employer’s capacity to pay more and more to additional staff, to reinvest in their business and to grow regional jobs. Dairy farmers are stretching themselves and choosing to undertake the extra work themselves rather than incur the extra costs. We have small business owners that are working themselves to the bone, never having a weekend off, never having a public holiday and never getting to their children’s sports events because they cannot afford to replace their own working hours with staff.

Look at the tourism industry across regional Australia. The iconic tourist attractions in this country are based in regional areas. Look at the Great Barrier Reef and Uluru; in my home state there is the Great Ocean Road, the wine regions of the Yarra Valley and Rutherglen, the Prom—right in the heart of Victoria. These are iconic tourism industries. You cannot tell me that they do not get their best trade on a Saturday and Sunday when public service workers from Melbourne head out into the regions to have a taste of what we get every day—that is, a fabulous community to live in, some wonderful industries and some fabulous local product. For those tourism industries to keep their cellar doors open is incredibly hard. Not if you are big like Seppelt, not if you are a massive employer, but if you are a small business or a small wine producer, then keeping that cellar door open and paying those penalty rates is absolutely difficult.

I spoke to Gerald Taylor recently—he used to own Taylor’s seafood restaurant down on Phillip Island—and I asked him about penalty rates. He said: ‘Bridget, it killed us. It was not worth opening.’ If you talk to those people who are living below the poverty line or on the poverty line or just above the poverty line, Senator Rice, and ask them if they would like three hours work on a Sunday at 20 bucks an hour or at 45 bucks an hour or nothing, I tell you what: they will take the 20 bucks an hour every time because that will put money in their pockets, allow them to care for their children and put food on the table. That is the reality; otherwise we keep the 45 bucks an hour and they do not get anything. They do not get anything because small business is not putting it on.

Another regional industry with high employment is the racing industry. Here is a fun fact for the Senate: currently, on a Sunday if you want to shovel out a stall of a racehorse you will attract $40 an hour. That is 40 bucks an hour on a Sunday to shovel out a horse stall. There is no bachelor degree for that one—you just need strong muscles and probably a nose peg—but 40 bucks an hour is a pretty nice take home pay. It is sending these industries broke. It means the racing industry either compromises on the welfare of its animals or it ceases to employ people and shuts down in local communities—an absolute indictment.
I think we should be looking at penalty rates because I want to see more regional Australians employed. Job creation in the regions should be at the forefront of our minds. Given the peaks and troughs of harvest and picking—I think of the great Goulburn Valley in the Shepparton area—the fruit does not wait until a Monday and you do not get any more money for it at market if it is picked on a Monday or a Sunday—not at all. This is the reality that people live with in regional Australia every day as they are seeking to grow and develop their business, as they are seeking to grow our local economies across regional Australia. You cannot tell me Greens, as you seek for the regional Australia vote, and you cannot tell me Labor, as you pretend to be a fan of the workers as long as they are working in the public service or as long as they working in the cities—these people need jobs. Our local communities need industry, they need to keep employing. Our harvests do not wait for Sunday or Monday. We need to get the crop off and we do not get any more money on the global market or the domestic market based on when it is harvested. I have so much more to say about this issue. Like he did with ChAFTA and the TPP, Bill 'Scare Campaign' Shorten must stop. Find another play and actually wait for evidence rather than stir up fear. (Time expired).

Senator DAY (South Australia) (17:06): We hear a lot in this place about what employers want and we hear a lot about what unions want, but what about what the unemployed want? They want a job. My home state of South Australia now has the worst unemployment in the nation. My question is: who is going in to bat for the unemployed? They have no voice. We have a voice. Unions have a voice. Employers and business have a voice, but who is there to speak up, to judge fairly and to defend the rights of the poor, the needy and the unemployed? Who will release them from this regulation prison? They cannot escape. They are told, 'We have to lock you up in this regulation prison for your own good because you might be exploited if we let you out.'

These regulations make it illegal for the unemployed to work on terms and conditions which suit them. I ask: why should it be illegal for an unemployed person to say to a cafe owner, 'I'm unemployed. I'm getting five dollars an hour. I see you're closed on Sundays. Can I work for you for $20 an hour?' That would be illegal. This is 2015. We are in the area of Uber, Netflix, Spotify and Tesla. It is high time we let the unemployed out of the regulation prison and into the 21st century.

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (17:08): In recent times, we have seen the Liberals lining up to attack Australian workers and their penalty rates. Mr Andrew Nikolic, Mr Wyatt Roy, Mr George Christensen, Senator Edwards and Senator Seselja are just a few of the slew of Liberals who have lined up to take a shot at dragging down the pay of some of Australia's poorest workers. We have also learnt in recent weeks that the transfer to a new leader has in no way quenched the Liberals' thirst for reducing the working conditions of ordinary Australians. Clearly, change at the top has not resulted in a change of direction when it comes to slashing wages for some of Australia's lowest paid workers.

Employment minister Senator Cash has said she wants the debate to be opened up again. Cabinet member Mr Josh Frydenberg said that penalty rates are costing jobs. And now Prime Minister Turnbull himself seems to have caved in to the pressure in his party by admitting that penalty rate cuts are likely.
Worse, Mr Turnbull has said that the job of the government is to persuade workers that they are not going to be worse off. Notice the key word here is 'persuade', not 'ensure'. Penalty rates are a key feature of Australian workplace arrangements in many industries. They recognise that those who are forced or who choose to work on weekends make a big sacrifice in terms of time with their family and friends. They help to keep the system fair and they help millions of Australians to make ends meet. The hard-working Australians who rely on penalty rates are among the lowest paid in the country. Without penalty rates, millions of Australians would be forced into poverty or forced to find work in another sector.

Like it or not, the Monday-to-Friday working week is still a key feature of our society and of our culture. When the Grand Final is held on a Tuesday, when people regularly get married on Wednesdays and when parliament sits on a Sunday, then you can talk to me about our seven-day-a-week economy. Until then, it is as plain as day that our weekends matter. And it is clear that the Liberal members' call to cut penalty rates on the basis of a supposed seven-day economy ring very hollow indeed.

Weekends are special and those who work on them should be adequately compensated. Those who work unsociable or long hours sacrifice a lot in terms of time with family and friends. Let us not forget that the people who rely on penalty rates already earn among the lowest wages in the country. At the minimum wage without penalty rates there is barely a dollar left over for many Australian workers. If penalty rates are ripped away by this government, hundreds of thousands of Australians will not be able to meet their basic living costs and many of them will be forced into serious debt just to survive.

According to the Australian Bureau of Statistics, the average weekly wage for retail workers was $553.70 a week in 2014. For workers in accommodation and food services, this figure was even lower at $519.20 a week. Without penalty rates, millions of workers in these industries simply will not be able to make ends meet. Perhaps it is easy for Liberal MPs and ministers in this place on a minimum of around $200,000 a year to forget what it is like living from pay cheque to pay cheque or, worse, from meal to meal. Many who work full time will be stretched to the limit.

Let us not forget that many people who rely on penalty rates do not work full-time. Whether they have children or other caring responsibilities or just are not able to secure full-time work, these people will be pushed to brink. It is important to remember that a huge number of Australians who rely on penalty rates to survive are students. Without penalty rates, without a liveable income, many would be faced with a simple but devastating choice: find a job that pays enough for survival or quit studying.

Given our high unemployment rate, the first option might very well be impossible. Education may be the thing that has to give. Clearly, this is not an outcome that we in this place want to encourage. Clearly, we need to encourage our brightest young minds to achieve the very greatest things they can for themselves and for our country and clearly, we do not want to starve their potential. Cabinet Minister Josh Frydenberg recently made the claim that penalty rates are costing jobs and that their removal would create a jobs boost. Quite frankly, this argument shows a very limited understanding of basic economic theory. Certainly, if penalty rates were removed there would be more money in employers' pockets. No one is disputing that. But the suggestion that this would lead to job creation completely ignores the demand side of the equation.
A basic reality of business is that job creation is driven by consumer demand for products and services. Only a foolish business owner would take on extra staff if there was no work for them to do. And demand is heavily impacted by how much money consumers are able to part with. There is absolutely no reason to think that removing penalty rates would magically increase consumer demand or create extra customers with more money.

In fact, a reduction in penalty rates is likely to have exactly the opposite effect, especially in regional communities. By slashing wages, you very effectively reduce disposable income. By reducing the take-home pay of as many as 4½ million Australians who rely on penalty rates, you would force a pretty serious hit on the total disposable income available to be spent on products and services. In areas where many people are reliant on penalty rates, a reduction in disposable income can only affect the ability of these individuals to spend money in their local communities. While they probably will not be able to cut back on the basics like food, rent and bills, the first thing to go would be discretionary spending at— you guessed it—local retail and hospitality outlets.

In fact, the McKell Institute has done some very interesting work on the economy-level impacts of cutting penalty rates. In a recent discussion paper, the institute found that even a partial abolition of penalty rates in the retail and hospitality sectors would see workers in rural New South Wales losing between $118 million and $220 million each year. This works out to be a hit to disposable income—and thus to local economies in rural New South Wales—in the order of between $53 million and $106 million every year. And now it seems the Turnbull government want to levy this pain on regional economies across the country.

Economists understand that solid wage growth is a hallmark of a healthy economy. Sadly, Australian wage growth has flatlined. Only one with a very feeble grasp of basic economics would respond to this problem by further slashing the income of millions of Australians. If Mr Turnbull could see past the ideology that drives his Liberal puppet masters, he would recognise that cutting penalty rates would be bad for workers, bad for business, bad for regional economies and bad for Australia as a whole because of the lack of income and disposable income at the forefront of the regional communities that rely on it to survive.

Senator IAN MACDONALD (Queensland) (17:16): Having just returned from 10 days driving around the north and the north-west of Queensland, seeing communities in drought and seeing property owners working 23 hours a day just to try to save stock with no income at all for the year, it makes me physically sick to hear the speeches from Labor members, scripted by the unions, about penalty rates and business.

First of all, I have to be clear: the government does not deal with penalty rates. Penalty rates are a matter for the Fair Work Commission to determine, not the government. But the government has asked the Productivity Commission to undertake a review of the workplace relations system to ensure fair work laws for everyone. Everyone in this country needs a job. The more the Labor Party and the unions price Australians out of jobs the greater will be the unemployment and the more difficult it will be for an average Australian family to have a wage earner.

Thanks to Labor policies of years ago, the mining industry in Australia is on its knees. You have just heard that in my state Glencore is sacking another 550-odd workers, people who should have had good jobs, people who should have been supported by the union movement and the Labor Party but who over the years of the Rudd-Gillard-Rudd government were
abandoned by the unions as the government imposed restrictions on mining companies that sent mining investment overseas.

As I said, where I have been, Australian families work 23 hours a day with no thought of penalty rates, with no thought of any income at all. They are just trying to keep cattle alive. I hate to come here and hear the bleating of union hacks about how important penalty rates are.

I also spend a lot of time in the Cairns-Townsville region, where tourism is a very, very big industry. Young people will tell you what they want is a job in the industry. They do not want to have triple time for Sunday work because, for many young people, Saturday and Sunday are exactly the same as Wednesday and Thursday. They can go surfing or swimming on any day of the week and those things, in fact, mean little. But what they do want is the certainty of a job. Under Labor's proposals, that is becoming less and less certain.

If any of the Labor senators would ever get out of their central city offices they would see that there are a lot of jobs available in Queensland. But do you know who is taking them? It is foreign backpackers. Why? It is because employers cannot get Australian young people to do those jobs. So the backpackers come in and they think it is pretty wonderful. They get the job, they get the pay and they even get the penalty rates.

The whole system is really such that we as Australians have to look at our productivity. We have to wake up to ourselves. We cannot rely on Australia's natural resources to let us do what we want to do. Penalty rates should be part of the mix that the Productivity Commission looks into.

I heard the previous speaker asking a question on where the additional jobs will come from if penalty rates were scrapped. As I have before many times in this place, I will tell you where a lot of the jobs would come from. Small business owners, particularly in the hospitality industry, because there are a lot of people around them demanding their services, as well as working a normal five-day week will work 10 hours on Saturday and Sunday. They will bring in family members, perhaps. They themselves, in order to have an afternoon off or an afternoon sleep, would bring in employees. They would bring in young people to do the work if they did not have to pay them what they see as outrageous penalty rates in the hospitality industry on the weekends and at night.

I think most Australians understand that if you have got people working in the hospitality industry at midnight and going through until two o'clock at night, then of course they do deserve something additional. But working on Saturday and Sunday really does not demand the sorts of penalty rates that are currently being paid, particularly to young people in the hospitality industry.

I am not here today to give the formula or make suggestions on how these things should happen. That is a matter for people much better qualified than I am, and that is why the government has asked the independent Productivity Commission to undertake a review of the workplace relations system to ensure that fair work laws work fairly for everybody.

There is a lot of opportunity for additional employment, if the cost of employing people, particularly in the hospitality industry on weekends and in the early evenings, is not prohibitive. It would mean people in small business would be able to get some sort of a break from a job which in many instances involves them working 20 hours a day with, I might add,
no penalty rates at all. They are simply small business people who earn what they can and produce something positive for society. 

(Time expired)

Senator MADIGAN (Victoria) (17:23): Penalty rates are again in the spotlight. Our Prime Minister has questioned the reason for their existence, putting it down to a freak result of history. The fact of the matter is penalty rates provide recognition of the work undertaken at otherwise inconvenient times, whether it is for work undertaken on a Saturday or a Sunday when many family and community functions are held or on a public holiday when one is missing out on quality time with those whom they are closest to.

Mamamia News has done a fantastic job in summarising quite succinctly the reason why we pay penalty rates. They say:
Most people work weekends for money, not love, slogging it out on a day they would prefer to spend with their families to pay the bills. They are the ones who will be taking a pay cut.
Penalty rates protect the sanctity of our weekends because our lives are more than just our jobs, and being compensated with extra pay for working unsociable and unpopular hours is widely considered fair game.
In summary, penalty rates are paid to Australians who are generally on lower, less stable incomes. Penalty rates are generally paid to Australians for doing their best to get ahead in life. It is for these reasons that I will not support the undermining of penalty rates now or in the future. Thank you.

Senator LEYONHJELM (New South Wales) (17:25): Today's topic is the Turnbull Liberal government's attack on penalty rates. I take umbrage at this. The Turnbull Liberal government has not attacked penalty rates; I have. On behalf of the Liberal Democrats, I introduced a bill to abolish weekend penalty rates for small businesses. It was co-sponsored by Senator Day. The government has done nothing.

Similarly, the Council of Small Business, the Liberal Party cheer squad, that pretends to represent small business has done nothing. The council has even attacked my bill, saying, 'Weekends are still weekends' and medium sized businesses would see my bill as unfair.

If you are a small business that wants real representation, I suggest you dump your membership of the council and join the Liberal Democrats or, worst case, Family First.

The ACTING DEPUTY PRESIDENT (Senator Gallacher): Order! The time for the discussion has expired.

DOCUMENTS

NBN Co

Order for the Production of Documents

Senator RUSTON (South Australia—Deputy Government Whip in the Senate and Assistant Minister for Agriculture and Water Resources) (17:26): I table a document relating to the order for production of documents concerning the NBN Co Ltd and the Department of Veterans' Affairs.
COMMITTEES
Intelligence and Security Committee
Report
Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (17:27): On behalf of the Parliamentary Joint Committee on Intelligence and Security, I present a report relating to the re-listing of certain groups as terrorist organisations. I seek leave to move a motion in relation to the report.
Leave granted.
Senator FAWCETT: I move:
That the Senate take note of the report.
Senator FAWCETT: I seek leave to continue my remarks later.
Leave granted; debate adjourned.

Intelligence and Security Committee
Report
Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (17:27): On behalf of the Parliamentary Joint Committee on Intelligence and Security, I present the annual report on committee activities. I seek leave to move a motion in relation to the report.
Leave granted.
Senator FAWCETT: I move:
That the Senate take note of the report.
Senator FAWCETT: I seek leave to continue my remarks later.
Leave granted; debate adjourned.

Regulations and Ordinances Committee
Delegated Legislation Monitor
Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (17:27): On behalf of Senator Williams, I present the Delegated Legislation Monitor No. 12 of 2015 of the Senate Standing Committee on Regulations and Ordinances.
Ordered that the document be printed.

COMMITTEES
Membership
The ACTING DEPUTY PRESIDENT (Senator Gallacher): The President has received letters requesting changes in the membership of committees.

Senator RUSTON (South Australia—Deputy Government Whip in the Senate and Assistant Minister for Agriculture and Water Resources) (17:27): by leave—I move:
That senators be discharged from and appointed to committees in accordance with the documents circulated in the chamber.
Question agreed to.
BILLS

Statute Law Revision Bill (No. 2) 2015

First Reading

Bills received from the House of Representatives.

Senator RUSTON (South Australia—Deputy Government Whip in the Senate and Assistant Minister for Agriculture and Water Resources) (17:28): 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 RUSTON (South Australia—Deputy Government Whip in the Senate and Assistant Minister for Agriculture and Water Resources) (17:29): 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—


This bill continues the Government’s efforts to streamline the statute book by removing over 850 amending or repealing acts enacted between 1980 and 1989. This builds on the two previous Amending Acts Repeal Bills the Government introduced over the previous Repeal Days which together repealed over 1700 amending acts made between 1901 and 1979.

The bill repeals each act mentioned in its Schedule. In all cases, the repeal of these acts will not impact on existing arrangements or make any change to the substance of the law.

These acts are no longer required as the amendments and repeals that they provide for have already occurred.

If any application, saving or transitional provision is included in one of those acts, any ongoing operation of the provision will be preserved. The acts do not contain any other substantive provisions that are not already spent.

Repealing these acts will reduce the regulatory burden and make accessing the law simpler and faster for businesses and individuals. It will make the statute book easier to use by reducing the time it takes to locate current laws.

At present, the acts proposed to be repealed in this bill form part of the current law and it is not clear to everyone whether the acts have force in and of themselves.

Repealing these acts will remove confusion about the status of these laws. It will also facilitate the publication of consolidated versions of acts by the Commonwealth and by private publishers of legislation.
People with a specific interest in the legislation can continue to access these acts as they will remain publicly available on ComLaw as historical records.

The Weights and Measures (National Standards) Amendment Act 1984 is an example of an act that is clearly out of date but is still on the statute book. This act repealed the Metric Conversion Act 1970, which brought the metric system of measurement into use across Australia. It also established the Metric Conversion Board to oversee this change. By the mid-1970s, most Australian industries were using metric units and by the 1980s the transition away from the old imperial units was complete. The Weights and Measures (National Standards) Amendment Act 1984 has done its work and can be removed from the statute book.

Other acts being repealed by this bill amend principal acts which have already been repealed. For instance, over 60 Sales Tax Amendment Acts were enacted between 1980 and 1989. These acts amended principal sales tax acts which were repealed in 2006, as they had become inoperative following the introduction of the Goods and Services Tax in 2000.

There are numerous other items contained in schedule 1 of the bill which amend a principal act multiple times over the decade and are no longer necessary.

Amending acts enacted after 1989 will be repealed at the Spring Repeal Day.

The Statute Law Revision Bill (No. 2) 2015 is part of the Government's 2015 Autumn Repeal Day package.

The bill continues the work of repealing spent or redundant legislation and correcting minor errors in the Commonwealth statute book. By removing obsolete provisions and correcting outdated terminology, the bill makes improvements to the acts it amends without making substantive changes to the law.

The bill improves accuracy and useability of Commonwealth legislation, thereby reducing the burden of regulatory compliance for individuals and businesses.

Schedules 1 and 2 to the bill correct technical errors, remove redundant text and renumber text within principle acts, as well as amending acts and regulations.

Correcting these legislative provisions helps to make the law easier to understand and use.

Schedule 3 to the bill makes amendments to make clear, on the face of Commonwealth acts, that the Crown in right of the Australian Capital Territory and the Northern Territory is bound by those acts. It also modernises the form of associated provisions about whether the Crown is liable to be prosecuted for an offence.

These changes clarify the intended operation of Commonwealth legislation.

Schedule 4 to the bill updates indexation provisions by replacing the term "reference base" with the term "index preference period". This is in accordance with current terminology preferences of the Australian Bureau of Statistics. The Schedule also removes gender specific language. These changes improve the relevance and inclusiveness of the provisions amended.

Schedules 5 and 6 of the bill repeal spent or obsolete provisions and acts. For example:

- The Administrative Decisions (Judicial Review) Act 1977 contains references to the Australian Honey Board, Australian Meat and Live-stock Corporation, Australian Wheat Board and Australian Wool Corporation. As these bodies have ceased, references to them are redundant and can be repealed.
• The *G20 (Safety and Security) Complementary Act 2014* provides it ceases to have effect at the end of 18 November 2014, at the latest. As that date has now passed, this act is spent and can be removed from the statute book.

Debate adjourned.

**Omnibus Repeal Day (Autumn 2015) Bill 2015**

**First Reading**

Bill received from the House of Representatives.

**Senator RUSTON** (South Australia—Deputy Government Whip in the Senate and Assistant Minister for Agriculture and Water Resources) (17:29): I move:

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

Question agreed to.

Bill read a first time.

**Second Reading**

**Senator RUSTON** (South Australia—Deputy Government Whip in the Senate and Assistant Minister for Agriculture and Water Resources) (17:30): I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

Today is another important milestone in this government's commitment to reduce the regulatory burden faced by businesses, community organisations, families and individuals.

Earlier today I tabled the government's inaugural Annual Deregulation Report for 2014. The report provided an important opportunity for us to report to the parliament on our efforts to turn the tide on Commonwealth regulation.

Much has been achieved to reduce red tape but there remains much to do.

An important element of this government's red tape commitment is to dedicate parliamentary sitting days for the repeal of regulation. These Repeal Days are for the purpose of repealing counterproductive, unnecessary or redundant legislation, and consequently, removing associated regulations.

These Repeal Days also allow us to remove the redundant or obsolete items of legislation that we do not use and do not need anymore.

Allowing spent and redundant acts to remain in force on the Commonwealth's statute book makes it harder for businesses, community organisations, families and individuals to find out about the regulations that matter to them.

Instead of being able to quickly and easily find and access the regulations they need to comply with, they have to sift through outdated, unnecessary regulations to determine whether they still apply.

Through the work of all ministers, this government has made significant progress in cleaning up the statute book.
In 2014, the government introduced the Autumn and Spring Omnibus Repeal Day Bills, the Amending Acts 1901 to 1969 Repeal Bill, the Amending Acts 1970 to 1979 Repeal Bill, and the Statute Law Revision Bills (No.1 and No.2).

To date and subject to the approval by the parliament, these bills, together with the bulk repeal of regulations introduced by the Attorney-General, will repeal over 10,000 legislative instruments and over 1,800 acts of parliament.

Regulation should only remain in force for as long as necessary. It should be easily accessible and continue to deliver on policy outcomes. This is not about removing protections. This is rather, the application of common sense.

Today the Omnibus Repeal Day (Autumn 2015) Bill, which is before the House, with the Statute Law Revision Bill (No. 2) 2015 and the Amending Acts 1980 to 1989 Repeal Bill 2015 will further clean up the Commonwealth's statute books, by repealing Acts and amending unnecessary and outdated provisions.

The Spent and Redundant Instruments Repeal Regulation 2015 is also part of the government's 2015 Autumn Repeal Day package. The Regulation repeals 160 spent and redundant legislative instruments from across government, as well as, repealing provisions from other legislative instruments. Repeal of the instruments will reduce red tape, deliver clearer laws and make accessing the law simpler for both businesses and individuals.

Subject to the parliament, these bills will collectively repeal over 890 Commonwealth acts.

The Omnibus Repeal Day (Autumn 2015) Bill, alone, will amend or repeal 14 Acts across portfolios, some of which are spent and redundant or have remained on the Commonwealth statute books long beyond the date of fulfilling their purpose. Other acts being amended or repealed, have provisions that have been superseded by other legislation years ago.

The Omnibus Bill will also make a number of amendments to legislation to reduce complexity and reduce compliance costs.

The Omnibus Bill proposes a number of sensible overdue changes. Some examples of these changes are in:

- **Repeal of the Meat Export Charge Act 1984 and the Meat Inspection Arrangements Act 1964**, both of which are now redundant. The inspection of meat and meat products for export was overhauled in 2011. The Commonwealth no longer employs any domestic state meat inspectors and cost recovery arrangements are now set out under the Australian Export Meat Inspection System, with fees being collected under other Commonwealth legislation. This begs the question as to why this redundant regulation needs to remain on the statute books.

- **And the repeal of the Primary Industry Councils Act 1991.** At present, no industry councils are established by this act and none have been established under this act for over a decade. Two councils were previously established under the act but are now ceased—the Grains Industry Council (established in 1991 and ceased in 1999) and the Australian Pig Industry Council (established in 1993 and ceased in 1998). We can repeal this act because the original purpose of industry councils is now being fulfilled by other mechanisms.

In addition, the Omnibus bill contains one particular measure that will result in over $41 million in deregulatory savings. Proposed amendments to the *Health and Other Services
(Compensation) Act 1995 will remove the requirement for compensation recipients to separately submit a statutory declaration when submitting a claim for benefits provided under Commonwealth programmes for Medicare, nursing home, residential care and home care services.

The requirement for a separate statutory declaration to be signed and witnessed for every compensation claim results in a process that could take several hours per claim in correspondence and phone calls through legal representatives to obtain a valid declaration. Basically in these cases, it is already an offence to provide false or misleading information to the Commonwealth, so having separate statutory declarations is unnecessary.

This amendment will reduce the regulatory burden on both compensation payers and around 50,000 claimants per year and allow automation of certain compensation recovery procedures for the government. Compensation recipients will save time by being able to declare that the information provided is true and correct using the existing forms.

In this case, the legislation is the responsibility of the Department of Health but the services are delivered by the Department of Human Services. This is a fine example of how departments and portfolios are collaborating on cross-portfolio reforms to reduce red tape, and of the government's resolve to find meaningful reductions in regulatory burden regardless of whether or not they sit within existing organisational boundaries.

As part of the Omnibus Bill, the government will also remove acts that are now inoperative. Inoperative acts expand the volume of the law without achieving any policy goal and can therefore be repealed.

For example, the statute books do not need to include the International Monetary Agreements Act 1959. The act, which relates to former increases in Australia's quota in the International Monetary Fund and to past increases in the capital stock of the International Bank for Reconstruction and Development, has long served its purpose and can be removed from the stock of Commonwealth regulation.

The Omnibus bill also abolishes a number of advisory groups and statutory bodies that no longer are justified.

For example, the Environment Protection and Biodiversity Conservation Act 1999 will be amended to end the Biological Diversity Advisory Committee. Membership of this committee lapsed in 2007. The Minister for the Environment is able to use a range of other existing mechanisms, including through the department, stakeholder consultation, scientific input, the Threatened Species Commissioner, the Indigenous Advisory Committee and the Threatened Species Scientific Committee to achieve the relevant advisory end.

Through our commitment to dedicated parliamentary repeal days and bills such as the Omnibus Repeal Day Bill, the Amending Acts 1980 to 1989 Bill 2015 and the Statute Law Revision Bill (No.2) 2015, this government is taking decisive action to reduce red tape.

These are a fundamental part of the government's red tape commitment.

I look forward to working with the parliament to ensure that these reforms are passed for the benefit of the Australian community.
Last but not least, I thank the Office of Parliamentary Counsel and others for the significant time and effort that went into preparing this important bill which allows the government's third Repeal Day to be possible.

With this, I commend the Omnibus Repeal Day (Autumn 2015) Bill to the House.

Debate adjourned.

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

**COMMITTEES**

**Membership**

Message received from the House of Representatives notifying the Senate of the appointment of members to joint committees.

**Rural and Regional Affairs and Transport Legislation Committee**

**Community Affairs Legislation Committee**

**Economics Legislation Committee**

**Report**

*Senator FAWCETT* (South Australia—Deputy Government Whip in the Senate) (17:31): Pursuant to order and at the request of the chairs of the respective committees, I present reports on legislation as listed at item 20 on today's Order of Business, together with the *Hansard* records of proceedings and documents presented to the committees.

Ordered that the reports be printed.

**BILLS**

**Fair Work Amendment Bill 2014**

**In Committee**

Debate resumed.

*The CHAIRMAN:* The committee is considering the Fair Work Amendment Bill 2014, and it is considering Senator Leyonhjelm's amendments (2) and (3) on sheet 7557.

*Senator LEYONHJELM* (New South Wales) (17:32): Prior to adjourning the debate on this we heard from Senator Cameron. Senator Cameron was responding to the amendments which I moved—which are quite little amendments—which basically said that the government should not intrude into the process of negotiating an extension to paid parental leave between an employer and an employee. In the course of his opposition to my amendment he engaged in a fairly broad-ranging attack on me and my values—or what he assumes my values to be. So I think it is probably fairly appropriate that I respond, at least partially, in kind.

His first point was that politicians on $200,000 a year were not qualified or entitled to talk about people on penalty rates. I guess the point there is that I was not always a politician. In fact, Senator Cameron has been a politician for a great deal longer than I, and earning $200,000 a year at the expense of taxpayers for many years, during which time I was earning in the private sector, working for a living. He also implies that one can only be compassionate about low-income people if you are poor or if you are in favour of spending other people's money. Clearly, that is not an appropriate argument.
When we are getting into subjects like appropriateness, he used words which I thought were interesting. He used the word 'unacceptable', then he used the word 'obnoxious' and then he used the word 'fairness'. I do not take any of those personally, but I have to say—and, Senator Cameron, I am delighted that you have joined us; it really would be a waste of my breath to return fire without having somebody to aim at—I am an excellent judge of what is acceptable and unacceptable, I am an excellent judge of what is obnoxious and I am an excellent judge of fairness. In fact, I think I am probably the best judge of those things that I know. In fact, I have never met anybody else who I think is a better judge than me of what is unacceptable, obnoxious or fair. Perhaps you might disagree with me, Senator Cameron, but let's agree to differ.

When it gets to the question of fairness, the question is: what is fair? Should we worry about those people with jobs or should we worry about people who do not have jobs? What is fair about being unemployed? It is very unfair if you cannot get a job because those who have a job are too busy grabbing all of the goodies for themselves. That is what I think the current penalty rates regime does and what the Fair Work Act does. I do not think that Senator Cameron cares about people who do not have a job, and I think that is unacceptable.

He also discussed democracy in the workplace. What a peculiar concept. Do we vote for the boss in the workplace? No, we do not. Do we elect our shareholders, whose money owns the company? No, we do not. There is no such thing as democracy in the workplace.

Senator Cameron also suggested that my thinking was from a past era. Let me tell you, Senator Cameron, class warfare is not the new era. The new era is when the government leaves the workplace to the employer and the employee. It does not legislate how to deal with a little matter, such as the subject of my amendments, which we are in the process of considering, relating to an extension in unpaid parental leave and whether the law should say, 'You must have a formal discussion.'

Finally, Senator Cameron, I am very worried that you attributed all of those qualities of Margaret Thatcher to Senator Cash. Margaret Thatcher is also one of my heroes, and I wonder why you have not compared her to me. Is it because I am not female—which would make you sexist—or is it just simple hair discrimination? I wonder what it could be?

Senator CAMERON (New South Wales) (17:37): I find that contribution absolutely bizarre. To say that workers on $30,000 a year—casual workers, seasonal workers and workers who get access to penalty rates—are 'grabbing all the goodies' displays how out of touch Senator Leyonhjelm is from real life. It shows how out of touch this senator is and how bizarre his contributions in this place are on these issues.

The working poor in this country do it tough. They rely on their penalty rates. They rely on their unions to get them a decent lifestyle. They are not in the privileged position that you are, Senator Leyonhjelm, with $200,000 as your base salary. They are not in the privileged position of being able to come here and pontificate on some bizarre views that they might have about any issue, as you do on a regular basis. They are out there battling to put food on the table. To accuse me of not caring for people who do not have a job—nobody who knows me, nobody who knows the Labor Party, nobody who knows our principles would argue anything other than the fact that the position you are trying to adopt is to create a crazy argument over nothing.
This is a serious issue. People who do not have a job are in a very difficult position. I challenge you to put your record of voting since you have been in this place against mine in relation to looking after people who do not have a job. Your record is to attack people who are unfortunate enough not to have a job. Your record is to support the coalition in ripping away the welfare and the support people get from government. That has been your track record since you have been here. How dare you say that I do not care about people who do not have a job, when your track record is out there for everyone to see.

I have news for you: there is such a thing as democracy at work, and the people that deliver democracy at work are the trade union movement in this country. I did it for 27 years as a trade union official—delivering democracy and making sure that the managerial prerogative was subject to checks and balances. That has been my work for 27 years. I am not sure what yours has been, but that is what I have been doing. I have been out there looking after poorly paid workers and the unemployed in all of my political activity over the years—far more than you have demonstrated at any time in your contributions to this chamber. There is such a thing as democracy at work. Yours is a view that harks back to a time when you simply got the employer to tell workers what to do and the employer had complete control over workers when they got on the job. That is an old-fashioned position.

I do not know where class warfare comes into the argument that there should be some rights at work and some legislation to support workers to get a fair go when they go to work. The United States has limited rights, but there are still legislated rights for workers and for bargaining. That is why we have an International Labour Organization. That is why we sign off on ILO conventions, because it is important that there are legislated rights at work. If you simply left it, as your bizarre approach would, to the employer and the employee, then we know where the power would be in that relationship. The power is with the boss; it is with the employer. The employee will end up in a disadvantaged position. That is the history of leaving things to employers and employees.

You only have to go back and look at Work Choices, where individual agreements became the flavour of the day under the coalition. I am not sure if you were a member of the Liberal Party then, but that was the Liberal Party's position. When everything was left between the employer and the employee, what did we see? We saw penalty rates disappear. We saw employers forcing workers into contracts that were take-it-or-leave-it, sign-or-resign contracts. We saw penalty rates go. We saw leave loading go. We saw rates increase by 2c an hour and penalty rates disappear. If you are a union official, you know what it is like when an employer and an employee sit across the table. In fact, there are a lot times when you do not even sit across the table, you are simply given a take-it-or-leave-it proposition. That is the position that workers find themselves in.

If it is class warfare to say that that is unacceptable and that workers should have rights when they go on a job, that workers should be properly paid and that they should get decent penalty rates, then I plead guilty to class warfare. I plead guilty because that is everything I stand for: decent rights at work, some democracy at work and some capacity to make changes for the rights of workers on the job. I have no problem with that. If that is your definition of class warfare, that is fine by me. That is your definition and, as with most of the stuff I hear from you in here, it comes from an ideological position that is at the margins of acceptable thinking in this country. That is where you are, Senator Leyonhjelm—at the margins of
acceptable thinking. You will always be at the margins. That is why you are sitting where you are. You are here more by accident than anything, but you are here and we have to deal with it. The Liberal Party say you are not here legitimately. I would not say that; you were elected here. The Liberal Party say that you are here because of the name of your party, and that is how you scraped in. That is fine—you are here and we have to deal with that issue. But do not come here telling the working poor in this country that they are grabbing all the goodies and telling senators here, who have fought all of their lives for a decent society, that they do not care whether people have jobs or not and that we do not care about people who do not have jobs. If you actually cared about people who do not have jobs, your voting record in this place would have been much different since you have been here. It would have been much, much different.

I do not know about Margaret Thatcher being your hero; that does not surprise me one bit. Some people have good heroes and some people have bad heroes. You are simply in the group that have got the bad heroes—with Margaret Thatcher. It is nothing about your sex and it is nothing about whether you are bald—it has nothing to do with that at all; it is about the ideology that underpins it.

Your ideology has been made clear: it is simply that the employer in a relationship with an employee who should have total rights to make determinations. They should have the total right to tell workers exactly how they should behave, exactly what they should do and exactly what the terms and conditions of employment should be. That has not been the case in this country for many, many years, not since the master-servant relationship disappeared. You seem to want to go back to that. I think you are at the fringes of politics in this country. You are certainly at the fringes in terms of your ideology on these things.

You do make a good partner for the Liberals, who actually agree with many of the issues that you are proposing. They, too, are getting more and more at the fringe. There is going to be a test for Senator Cash in her new position as Minister for Employment and whether she will go down the Margaret Thatcher road and try to destroy society as a cohesive thing or whether she will sit down and try to negotiate with the opposition in the national interest on a range of industrial relations matters, and we are open to that.

It is not a matter of your sex and it is not a matter of anything else. You indicated that you support Margaret Thatcher. That is fine—we know there are lots of Thatcherites in here. The public have to understand that at the next election there are people in this chamber who would want to take us back to the worst aspects of class warfare in the UK, to the worst examples of power and privilege, diminishing the rights of ordinary working people, as Thatcher did—and you are in there. That is where you are at. You have made that clear. There is no point in coming and telling me that I do not care about people who do not have a job. As I said, my record would leave yours for dead any day.

You have come here and said clearly where you are. You are to the right of even the Liberal Party on many issues. You have an argument that the individual should have the individual right to negotiate with another individual. I do not agree that that is in the best interests of industrial relations in this country. There is always going to be a role for collective bargaining, there is always going to be a role for legislation that protects workers rights and there is always going to be a role for legislation that tries to even up the imbalance that is
there between employers and employees. There always has to be that role; it always has to be there.

There always has to be a right of unions to collectively bargain in the interests of their members, so that we can get some rights in the workplace, so that we do get some democracy in the workplace. And we have this other part of the bill that is coming here too that will destroy collective bargaining on greenfield sites. I am sure you will be putting your hand up there. But I should not pre-empt anything. You should not be that predictable.

Hopefully, you can change your mind on some of these things and vote for collective bargaining, vote for rights for workers on the job and vote for a system that provides decency and fairness when it comes to industrial relations. You might think you are the best person to determine what fairness is. Well, it is a pretty big ego that says, 'I'm the one who can determine fairness.' I think most people would have to sit down and analyse the issues and come up with the arguments about what is in the interests of individual workers and collectives in the workplace. But, given your ego, given your bizarre political underpinnings and given the views that you have on a range of issues, I would not be holding my breath that you would be supporting any positive amendments from the opposition, from any of the crossbench parties or from the Greens here today.

The proposition that you are putting forward will take this country backwards and will take workers backwards. This is simply about saying that workers should have the right to sit down with their employer and, through a legislative process, negotiate and consult and try to reach a determination that is in their interests. But you take the view, it seems to me, that given there is no such thing, in your view, as democracy on the job that people just have to suck it up. I am afraid that legislation has left you behind, public opinion will leave you behind and even the Liberals, I think, will leave you behind on some of this stuff—maybe not too far behind. You are just completely out of touch.

**Senator CASH** (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (17:52): The government will not be supporting the amendments. We consider that the proposed government amendment found in part 1 of schedule 1 of the Fair Work Amendment Bill 2014, which will implement the Fair Work review panel's recommendation 3, provides a sensible and fair improvement to the operation of unpaid parental leave provisions in the Fair Work Act. The government's proposed amendment supports arrangements for balancing work and family commitments without placing an unreasonable burden on employers.

**Senator RICE** (Victoria) (17:52): The Greens will also be opposing this amendment. I just want to discuss why that is. Senator Leyonhjelm is proposing to get rid of just a tiny—in fact, almost miserly, almost measly—concession to trying to balance the work and family commitments of people on parental leave and the rights of the employer. Here we have somebody applying to extend their period of unpaid parental leave. All that is being inserted here is that they be given a reasonable opportunity to discuss that with their employer before such a request is refused.

I put myself into their shoes. I had two periods of unpaid parental leave myself. You know that when you go on maternity leave, when you take parental leave, it can be a juggling act as to how much leave you take. Do you minimise your amount of leave because you need to get back to work to earn some money, or do you spend a longer period of time so that you can
have time with your newborn child, spend time at home and enjoy that very special time of your life when you have a new child? Here, if you get to the end of your period of unpaid parental leave and you decide that you really do need more leave—if, due to the whole exciting and unpredictable nature of having a new child, you decide that you need an extra two months, three months or six months leave—to then at least have the opportunity to apply for that leave and to discuss with your employer about how this could work, how you feel that it is necessary for you to take this extra leave and how it could potentially work for the employer as well—to at least have the opportunity to discuss that before it is refused—is a pretty small thing to ask.

It is also a pretty small thing to ask because we are talking about an extension of unpaid parental leave. Here in Australia, unfortunately, workers have pathetic paid parental leave, so it is that unpaid parental leave which is all that people have to rely on. Having the flexibility to be able to extend that parental leave is critical to being able to juggle the responsibilities of being a worker with the responsibilities of being a parent. Not only is it critical for an individual and the organisation that they work with to be able to juggle these responsibilities, but it is critical for our country as well to get the balance right so that people can be supported in their workplace to be a parent, to bring up a family. We need to be able to maximise the contribution of parents to the workforce and to be able to do that juggling act.

We need to be able to access the skills of all workers. It is essential for our future as a fair and prosperous country that all workers can have that ability and that we can have people who have parenting responsibilities, who have kids, who are also able to have flexible work arrangements and move in and out of their working life as their parental responsibilities require. To remove this proposed insertion of just allowing the opportunity to have a discussion about whether you will extend unpaid parental leave is a backwards, miserly and small-thinking action to be taking.

The CHAIRMAN: The question is that part 1 of schedule 1 and clause 2 in item 1 of schedule 2 stand as printed.

Question agreed to.

The CHAIRMAN: The next amendment I had was actually Senator Leyonhjelm's too, but I think it becomes redundant now that that amendment has not been successful.

Senator MUIR (Victoria) (17:58): I, and also on behalf of Senators Day, Lazarus, Madigan and Xenophon, oppose schedules 1 and 2 in the following terms:

(5) Schedule 1, Part 2, page 5 (lines 1 to 25), to be opposed.
(6) Schedule 1, Part 3, page 6 (lines 1 to 5), to be opposed.
(7) Schedule 1, Part 4, page 7 (line 1) to page 10 (line 11), to be opposed.
(8) Schedule 1, Part 6, page 18 (lines 1 to 26), to be opposed.
(9) Schedule 1, Part 8, page 20 (line 1) to page 25 (line 14), to be opposed.
(10) Schedule 1, Part 9, page 26 (line 1) to page 27 (line 30), to be opposed.
(11) Schedule 2, item 1, page 29 (lines 19 to 23), clause 3 to be opposed.
(12) Schedule 2, item 1, page 29 (lines 24 to 27), clause 4 to be opposed.
(13) Schedule 2, item 1, page 30 (line 1) to page 31 (line 14), clauses 5 to 8 to be opposed.
(14) Schedule 2, item 1, page 31 (lines 21 to 27), clause 10 to be opposed.
(15) Schedule 2, item 1, page 32 (lines 1 to 9), clause 12 to be opposed.
(16) Schedule 2, item 1, page 32 (lines 10 to 14), clause 13 to be opposed.

The CHAIRMAN: Do you wish to speak to those, Senator Muir?

Senator MUIR: No, I will be right, thank you. I have made previous statements.

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (17:58): I thank Senator Muir for moving the amendments. Of course, the government supports each and every measure contained in the bill, as I outlined in my summing up speech. Certainly the measures give effect to the government's commitment before the 2013 federal election. However, the government is also committed to listening and speaking with the crossbenchers, listening to their concerns and taking them into account. As such, whilst our conversations continue, the government has decided to support the amendments moved by Senator Muir and on behalf of a number of his crossbench colleagues.

Senator CAMERON (New South Wales) (17:59): I want to indicate that the opposition supports these amendments. These amendments, I think, are sensible amendments because what they do is take out many of the very bad aspects of this bill that was brought here by the coalition. These amendments to the bill will provide some semblance of decency to the industrial relations position of those opposite. It is a problem still that there are other aspects of this bill that will need to be looked at but these amendments from the crossbenchers are amendments that I think will go some way to help deal with the issues that workers will be faced with.

I would still call on the crossbenchers to understand that doing some good things on one aspect of the bill and then capitulating on other bad aspects of the bill is a problem. This is not about whether there is an argument for these issues. You have always got to look at the bill in its overall context and, even though this is a positive position that has been adopted, there will be a problem further down the track in other aspects of this bill that should be dealt with by rejection because this guts a big part of this bill. That is the reality. It takes away some of the worst aspects of the bill but it does not deal with all of the bad aspects and certainly that is a problem we will need to look at down the track.

The government's position is consistent with what this government has always been about—trying to diminish workers' capacity to come together to collectively bargain. Every opportunity those opposite get, they attack workers' rights and that has been clear from the various pieces of legislation that have been brought into this parliament over the period of the Abbott-Turnbull government. Nothing has changed except that we have now got a publicly declared Thatcherite, sorry, two publicly declared Thatcherites—I forgot Senator Leyonhelm; I should try and remember him now and again—supporting these attacks on workers.

These amendments certainly do make a bad position a little bit better but they do not deal with other aspects that this government will bring in in the future. There is no doubt that, once you start making concessions to this mob over here on industrial relations issues, you are going to be faced with even more attacks on workers' rights. And if the crossbenchers are simply going to capitulate to the attacks on workers' rights then there is no use agreeing to some good things and then agreeing to some really bad things.
I think we need to take this in the context that this is a good approach. We welcome it, we support it but we think more needs to be done on this bill. We are appealing to the crossbenchers. Even though you have agreed to these amendments that make things better for workers, by agreeing to the other aspects of this bill, you are going to gut the principle of collective bargaining in this country. You are going to minimise the capacity for unions to negotiate effectively on the behalf of employees. When you do one good thing, my call would be to do two good things and make sure that the other aspects of the bill are dealt with as constructively as you are dealing with this part of the bill and do not capitulate to the arguments that the coalition are putting up on issues such as greenfields bargaining. Do not capitulate on that. Take the stand that you have taken so far and that stand is one of, I think, some principle. You have taken a stand that deals with a range of problem areas in the bill but you have missed one of the big areas and that is the issue. Do not just go for one small part; go for other aspects of this bill as well.

Abolishing safeguards on individual flexibility agreements that the coalition wanted to undertake was a bad move and I am glad that that has been dealt with. Changes to the National Employment Standards to restrict payment of accrued annual leave entitlements on termination is a bad proposition and I am glad the crossbenchers are dealing with that. The introduction of new provisions that override state laws to permit employees to accrue and take various forms of leave whilst in receipt of workers' compensation is an important issue. Changes to the transfer of business provisions to reduce entitlements for workers should not be there. Why should we be agreeing to these things? And we should ensure that the longstanding fundamental right to take industrial action to improve conditions and terms of employment when an employer refuses to engage in collective bargaining is enshrined. I am worried that even though the crossbenchers have made good steps in this area that they are really going to miss out on one of the key issues of a worker's right to collectively bargain.

Undermining employees' rights to representation by restricting union right of entry for the purposes of discussion with employees is a Thatcherite approach if ever there was one. It is good that that is gone. But, if you remove the fundamental right to bargain—as I think is going to happen down the track—many of these things, no matter how good they are, will be weighed up against the bad aspects of this bill, which people look like they are ready to agree to.

So I take the view that we really need to give a lot of consideration to other aspects of the bill. Labor agrees with the propositions that are being put forward in this range of amendments. We support them. Certainly, we may come back into this debate further down the track. We support these amendments as they are put, but we would also ask people to consider them in the overall context of how effective they will be if you start removing the fundamental right to collective bargaining.

Senator RICE (Victoria) (18:08): The Greens will be supporting these amendments, but very much on the basis that they are amendments that are making a bad bill slightly better. Overall we still think that the legislation as it stands should not be passed. But, with regard to these amendments: if you are going to have some slight improvements, then you may as well support those slight improvements.
The CHAIRMAN: So the amendments before the chair are: amendments (5) to (16) on sheet 7766. The question is that parts 2 to 4; 6, 8 and 9 of schedule 1; and clauses 3 to 8; 10, 12 and 13 in item 1 of schedule 2 stand as printed.
Question negatived.

Senator MUIR (Victoria) (18:09): by leave—I move amendments (1) to (4) on sheet 7766:
(1) Clause 2, page 2 (table item 2), omit "Parts 1, 2 and 3", substitute "Part 1".
(2) Clause 2, page 2 (table items 3 and 4), omit the table items.
(3) Clause 2, page 2 (table item 5), omit "Parts 5, 6 and 7", substitute "Parts 5 and 7".
(4) Clause 2, page 2 (table items 6 and 7), omit the table items.

The CHAIRMAN: Senator Muir, did you wish to speak to those amendments?
Senator MUIR: No, thank you.

The CHAIRMAN: The question is that the amendments be agreed to.
Question agreed to.

Senator MUIR (Victoria) (18:10): by leave—I, and on behalf of Senators Xenophon, Day, Lazarus, Madigan and Wang, move amendment (1) on sheet 7767:
(1) Schedule 1, item 27, page 12 (line 31), omit "3 months", substitute "6 months".

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (18:10): I thank Senator Muir for moving the amendment on behalf of his crossbench colleagues. The amendment that is currently before the Senate amends the proposed new optional greenfields agreement-making procedure by extending the duration of the negotiation period from three months to six months. Again the government is committed to ensuring that greenfields agreements are made in a timely manner, and of course Australians would understand that this is essential if Australia is to attract investment in major projects into the future.

The government is mindful of the views of the members of the crossbench. In this regard we have taken into account their concerns in relation to the three-month period. As such the government supports the amendment proposed by members of the crossbench to extend the new optional greenfields agreement-making time frame from three months to six months.

Senator CAMERON (New South Wales) (18:11): I have a question for the minister. Minister, can you point to the part of the legislation that makes this six months 'optional'?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (18:12): There was no mandatory obligation to commence the negotiation period.

Senator CAMERON (New South Wales) (18:12): So it is optional whether you commence negotiations, but it is not optional whether those negotiations go for six months? Is that the case?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (18:12): No, it is not. It is optional as to whether or not you start the time running on the negotiation period. That is what the option is.
Senator CAMERON (New South Wales) (18:12): So there is no option in reality, in terms of the six-month cut-off period, is there?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (18:12): If you turn to section 178B, it states:

... If a proposed single enterprise agreement is a greenfields agreement, an employer that is a bargaining representative for the agreement may give written notice …

And I point out the word 'may'.

Senator CAMERON (New South Wales) (18:13): But isn't that just part of the problem with this bill? When you say you 'may' give notice, it means that the employer does not really have to start bargaining and you can drag this out for as long as you like?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (18:13): No. If you look at how the bill is going to amend the greenfields provisions, the bill amends the act to extend the good faith bargaining provision rules to the negotiation of greenfields agreements. The intent and the result there is to improve the standards of bargaining conduct.

You would be aware—because I am sure you understand the provisions of the good faith bargaining regime within the act—that the good faith bargaining requirements will mean that employers and unions will be required to, for example, attend and participate in meetings with each other and consider and respond to proposals in a timely manner. So we have the extension of the good faith bargaining regime that is currently in the act to greenfields agreements under this proposal.

Senator CAMERON (New South Wales) (18:14): Are the good faith bargaining requirements enforceable after the notified negotiation period has concluded?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (18:14): The answer to that is: no because, obviously, that is when you are with the independent umpire, the Fair Work Commission, and it is stated in subsection 255A(1)(d):

... the following provisions do not apply in relation to the agreement at any time after the end of the notified negotiation period.

Senator CAMERON (New South Wales) (18:15): Does this mean that, in fact, the reality is that the good faith bargaining provisions are toothless?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (18:15): Absolutely not. Again, what our bill does that currently is not within the regime is actually extend the provisions of good faith bargaining over to the greenfields agreement. It is only when you cannot reach agreement that you would go to the Fair Work Commission, the independent umpire—but absolutely not in relation to your question. In fact, it is the exact opposite: the good faith bargaining requirements are taken now within the greenfields regime.

Senator CAMERON (New South Wales) (18:16): Surely, the good faith bargaining provisions can only operate if you have the capacity to enact all of your rights under the act—that is, to take protective industrial action if there is a problem. The good faith bargaining
and the rights that are available to workers at the moment are then removed after that six-month period—isn't that so?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (18:16): No, it is not. I am sure you are aware that there are no employees when you are negotiating a greenfields agreement. They are the employer and the relevant unions as the two negotiating bodies because it is a greenfields agreement, so there are no employees. Again, in relation to the good faith bargaining, those provisions currently do not exist. We are adding an extra layer of protection by bringing in the good faith bargaining provisions to this particular part of the act.

Senator CAMERON (New South Wales) (18:17): You indicated earlier that then you would go to the umpire. The umpire does not umpire at the end of this period, do they?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (18:17): I am not quite sure, Senator Cameron, if you understand exactly what the provisions that are proposed are going to do. If the employer and the relevant union or unions reach an agreement, the existing process and requirements for approval by the Fair Work Commission remain the same because the employer and the union or unions have managed to reach an agreement—as one would expect would happen in the majority of cases.

If there is a case where an agreement cannot be reached within the six-month time frame, the employee will be able to take the proposed agreement to the Fair Work Commission for approval, the independent umpire. That agreement though will have to satisfy a new requirement. This, again, is another added layer of safety that currently does not exist under the legislation that you brought in—that is, the agreement provides for the pay and conditions that are consistent with prevailing industry standards for equivalent work as well as satisfying the existing approval requirements under the Fair Work Act. So there is now an additional layer of safety requirements that is in-built into this part of the process.

Senator CAMERON (New South Wales) (18:19): Is it true that an employer and a union who agreed on 15 aspects of an agreement but disagreed about five aspects are under no obligation to stand by their agreement?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (18:19): No, that is incorrect. At the end of the six-month period, the last agreement that you put to the union is the agreement that will go off to the Fair Work Commission.

Senator CAMERON (New South Wales) (18:19): Can you point me to how that reply is reflected in the bill?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (18:20): I am instructed it is item 28(4)(d). I can confirm that an employer can only take a greenfields agreement to the Fair Work Commission to be approved under the new process where it has first given each of the unions that are the bargaining representatives a reasonable opportunity to sign-off on the agreement. This requirement in the bill ensures that the unions have sufficient time to consider the agreement before it is submitted to the Fair Work Commission. Only then can an
employer put the agreement to the Fair Work Commission. What the employer puts to the union is what the employer has to then put to the Fair Work Commission.

If there are concerns about the consistency, as I believe you have raised, between documents shared, and ultimately filed, the unions have the standing to participate in the commission and clearly have their say. But, ultimately, at the end of the day, there are already checks and balances within the Fair Work Act to ensure this process is followed. But very much so what an employer puts to the union finally is what an employer then has to put to the Fair Work Commission.

Senator CAMERON (New South Wales) (18:21): I must say that that is not clear in the act. It certainly is not clear in 28(4)(d). I cannot for the life of me understand how you can come to the conclusion that this means that the employer has to put the document where it is up to, because you spoke about an agreement. If there is no agreement then it is not an agreement that you are taking to the commission. What is it that the employer would take to the commission if it is not an agreement?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (18:22): I think you and I are going to have to agree to disagree, because I believe that the proposals are very clear. You do not like them and I understand that, but I do think your line of questioning is incorrect. The final agreement that you put to the union is the agreement that the union has had the opportunity to comment on, look at et cetera and is the agreement that you as the employer then have to put to the Fair Work Commission. The safety net which this government is adding and which the former government did not is that the Fair Work Commission then has to look at the agreement and make a decision in relation to the prevailing industry standards, which, as you would know, are higher than the prevailing award.

Senator CAMERON (New South Wales) (18:23): Do you agree that the final document that goes to Fair Work Australia does not have to be a negotiated document—an agreed document?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (18:23): That is exactly the point of what we are doing. At the end of the six-month period, where you have had 100 items that you were negotiating, you have managed to get agreement—as it will be in most cases—on 95 of those items but cannot reach agreement on those final five. To ensure that the group of employees, who are desperate to get into a job and start on a project, are able to commence their jobs in a timely fashion and to ensure that we can get the project up and running, that is exactly what this bill does. It provides a release valve. You can go off to the independent umpire, the Fair Work Commission, and the Fair Work Commission will be able to look at the prevailing industry standards. It does not actually have to approve the agreement, but, if it does, it will be in relation to the prevailing industry standards.

Senator CAMERON (New South Wales) (18:24): What guidance does the commission have in relation to prevailing industry standards? Where are prevailing industry standards detailed in the bill?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (18:25): Greenfields agreements
made after what will be the six-month negotiation period—we are only talking about those agreements which have not been able to be negotiated, and one would anticipate based on past practice that the majority of agreements are going to be negotiated and you will not need to go down the path of the release valve—will be subject to the existing greenfields agreement approval requirements, including the better-off-overall test, that the union or unions to be covered by the agreement are entitled to represent the majority of employees to be covered by the agreement and that it is in the public interest to approve the agreement. Additionally, the Fair Work Commission must also be satisfied of the new criterion, which I have now alluded to on a number of occasions. This is the additional layer that this government is adding that the former government did not, and that is that they must also be satisfied of the new criterion that the agreement on an overall basis provides pay and conditions that are consistent with the prevailing pay and conditions within the relevant industry for equivalent work.

Senator CAMERON (New South Wales) (18:26): You still have not answered my question. If you go to page 14 of your bill, clause 33 has a note. That note says: In considering the prevailing pay and conditions within the relevant industry for equivalent work, the FWC may have regard to the prevailing pay and conditions in the relevant geographical area. Other than that broad aspect, what is the definition of 'prevailing pay and conditions'? Is it the highest pay and conditions that apply in the region? Is it the lowest pay and conditions that apply in the region? Is it some arbitrated outcome that the commission will come to?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (18:27): I am going to give the commission a little more credit than you just have. There is agreement after agreement after agreement that goes before the commission where the commission understands what its role is. Quite frankly, you insult members of the Fair Work Commission by putting to me a question like that. I believe that members of the Fair Work Commission, given the day-in, day-out duties that they undertake, are quite aware of what the prevailing industry standards are.

Senator CAMERON (New South Wales) (18:27): This is an entirely new definition. There is no jurisprudence on this issue. There is no guidance for the commission on this matter. Can you explain how the commission will deal with this matter? How will they define the ‘prevailing pay and conditions’? Will it be the highest pay and conditions in the area? Will it be the lowest pay and conditions? Will they come to some judgement in between? How does this work? It is no use standing up and saying you have got more confidence in the commission than I have; that is not the answer to the question. The question is: how does the commission deal with the issue of prevailing pay and conditions within the relevant industry for equivalent work? There could be hundreds of agreements in relation to the building and construction industry in the region. How does the commission come to this determination on prevailing pay and conditions within the relevant industry for equivalent work? If they come to a decision less than the highest rates of pay or higher than the lowest rates of pay, are they then engaging in arbitration?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (18:29): The commission would come to its decision based on its evaluation of the evidence presented to it. I am sure that, in presenting the evidence, both the unions and the employers, who are entitled to present
submissions to the commission, would actually do that. I assume the commission would make an informed decision based on the body of evidence that is presented to it—again, as the commission does, on a daily basis.

**Sitting suspended from 18:30 to 19:30**

**Senator CAMERON** (New South Wales) (19:30): I want to come back to this issue of the prevailing standards and conditions within that industry. The words 'within that industry' give me the impression that we are talking about a national set of standards. The industry operates across state borders—the construction industry, the building industry—but there are some areas where certain standards are established because of the nature of the industry within a state. How do you then determine what is consistent with the prevailing standards and conditions within that industry?

**Senator CASH** (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (19:31): Senator Cameron, that is the reason that there is the geographic consideration note that you referred to previously. As you have correctly identified, it is not national as such; you do need to take into account the geographic consideration. As someone who comes from Western Australia I think that is very relevant, obviously, to my state. In a contribution that you made to the debate, you actually referred to the hundreds and hundreds of agreements that are out there. That yet again confirms, and indicates to me, that the Fair Work Commission itself, by the very nature of what it does day in and day out, and what it has done for years and years and years, is well qualified to make determinations as to prevailing industry standards.

**Senator CAMERON** (New South Wales) (19:32): What is the difference between a determination and an arbitration?

**Senator CASH** (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (19:32): The commission is called upon to determine the matters before it. Whether or not it is a determination or an arbitration will depend on the application.

**Senator CAMERON** (New South Wales) (19:32): What do you mean by 'the application'? How does the application determine it? Can you explain that to me?

**Senator CASH** (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (19:33): The application is an unfair dismissal application. Is it an unfair contracts application? That is what the application is in that use of the word 'application'.

**Senator CAMERON** (New South Wales) (19:33): I do not know if that makes much sense, Minister. You have said it will be determined by the application. The application is about a greenfields agreement. It is not about unfair dismissal; it is about the greenfields agreement. How does it revolve around the issue of the application?

**Senator CASH** (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (19:34): I think it is a colloquial use of the term 'agreement', and I think that is where the misunderstanding has come from. What I might do—because clearly there is some confusion in relation to what the government is actually putting before the Senate—is take this opportunity to take you through exactly what these changes will do.
In the first instance, because of some issues that were raised previously by you, we need to confirm that we are dealing with greenfields agreements. You made the comment that people would be losing their rights to take industrial action. As you know—well, I hope you know—given that there are no employees when you negotiate a greenfields agreement, that assertion is patently wrong. With a greenfields agreement there are no employees: you have an employer and you have a union or unions and you have a whole lot of people here who would like to work on this project, but until we can get the greenfields agreement up they are not going to be able to. If we can finalise the greenfields agreement, then those people are able to commence employment. I hope that you would also be aware that greenfields agreements can only ever be made with a union—that is the nature of the agreement. There is no concept of an employer-only agreement; the union, or unions as the case may be, must be involved in any greenfields agreements.

What do greenfields agreements do? They provide all participants in this process with certainty at that first crucial stage of a major project. I hope that we would all agree that in this country we need more major projects so that we can increase our productivity. What a greenfields agreement will do is: it will give employers certainty, it will give those prospective employees certainty, it will give the clients certainty, it will give the financiers who are backing the agreement certainty that the project is going to go ahead. Where a process takes too long, as the case has been, it puts these vital jobs at risk. That is what we are looking at mitigating throughout this process. What then occurs is that the employer and the union, or unions, will enter into negotiations.

Senator Cameron, one of the fundamental differences between the process we are putting forward and the process currently in place under the legislation which your government brought in is that at this time the good faith bargaining provisions do not apply. That is a very important consideration. They currently do not apply because your government did not extend the good faith bargaining provisions to greenfield agreements. So what we are going to do with the provision currently before the Senate is to extend the good faith bargaining provisions to greenfield agreements. Obviously, that will improve accountability in the negotiation process. Then, of course, bargaining can continue and if you reach an agreement you will obviously go through the normal processes. I would certainly anticipate that in the majority of cases the employer and the relevant union or unions will be able to reach an agreement.

To cater for those circumstances in which an agreement is not able to be reached, an employer then has the optional process of commencing the six-month period by notifying the union. Then obviously the bargaining continues and I think we would all hope that during that six-month period an agreement can be reached between the employer and the union or the unions. If it is not reached at the end of that six-month period or if you have managed to reach agreement on 95 out of 100 provisions, then the employer has a safety valve release. The employer is able to go to the independent umpire—I think we all acknowledge in this place that the Fair Work Commission is the independent umpire—to ask the Fair Work Commission, as the independent umpire, to resolve the impasse. The employer does not have to do that. They can continue to negotiate ad infinitum if they want to, but if they do want the release valve they are then able to go to the Fair Work Commission.
In terms of the comments you made previously on the agreement that the employer is able to put to the Fair Work Commission, the proposed agreement that the employer provided to the union is the document that is able to be put to the commission for approval. In other words, the union must have been given the reasonable opportunity to consider agreeing to the document that is filed with the Fair Work Commission.

If an employer files a different document, as you alluded to previously, from the document which was shown to the union, as you would know Senator Cameron—obviously you have been doing this for a very long time—while the commission is considering the document which has been filed with it, they will upload it to their website as a proposed agreement. So clearly at that time if there is a difference between the document the unions had the opportunity to comment on and the document that the Fair Work Commission is now looking at, I would assume the unions would immediately put on application into the commission in terms of that particular greenfield agreement.

It also needs to be remembered that the Fair Work Commission itself does not have to approve an application. There is no onus on the Fair Work Commission to approve an application. If the Fair Work Commission is not satisfied that the agreement meets all of their approval requirements, it does not have to approve that particular agreement. You would be aware that those approval requirements are set out in part 2-4 of the act and include a number of requirements, including that the commission must check that the agreement does not contravene the National Employment Standards, that employees will be better off overall, that it must not include any unlawful terms, that it must include a dispute resolution clause and that it must have a flexibility clause et cetera. In addition, with this amendment the government is adding in some additional requirements for greenfield agreements. So greenfield agreements approved under this particular mechanism must provide pay and conditions consistent with the prevailing standards within the relevant industry for equivalent work and you take into account the geographical location.

Senator Cameron, you obviously do not like this, but it is a fundamental difference between what your government provided for in the current process, which is a comparison with the relevant award, versus what we are saying, which is the prevailing industry standards, which are much higher than the award. This is actually a good thing. We are increasing the standards against which the agreement is going to be judged. On top of that, we have added in another layer to ensure that the agreement is in the interests of everybody and that is that under this particular clause—and it is not currently under your legislation—it must be in the public interest to approve the agreement and that is a decision for the very well-qualified Fair Work Commission who, again, based on your own admissions in your evidence, deals with hundreds upon hundreds of agreements and it does this day in and day out.

There is another safeguard which we are putting in place that is not currently in place and that is, of course, the union with which the employer makes the greenfield agreement must cover the majority of the workers. Again, if there is a difference between the document put up for approval and the document given to unions for their consideration, the Fair Work Commission is not going to approve that document.
Senator CAMERON (New South Wales) (19:44): Let me deal with the last issue, that the unions must cover the majority of workers. On a greenfield, are you saying that prospective employees, as distinct from a union, cannot be a bargaining agent?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (19:44): Under the definition of a greenfields agreement there are no employees; it is an agreement between the employer and the union or unions. The employees are not yet part of that process.

Senator CAMERON (New South Wales) (19:45): There could be prospective employees who are not members of the union. Would they have any bargaining standing?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (19:45): I can confirm that the answer is no. This is the way you set it up under your legislation. In terms of a greenfields agreement, it states in the legislation that the negotiation is done because it is a greenfields agreement between the employer and the union or unions. By its very nature there are no employees.

Senator CAMERON (New South Wales) (19:45): You also indicated that there were a number of basic tests, that there would be no approval unless there was a better-off overall test, a dispute-settling procedure, flexibility, no unlawful terms et cetera. These issues may vary. The terms of a flexibility agreement may vary from site to site in the industry. How does the commission deal that?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (19:46): I am sorry, Senator Cameron but, again, you almost insult the commission. They will deal with it in the usual way. They do this every day—day in, day out. They are way more qualified than you and I are in relation to what you are asking them to do.

Senator CAMERON (New South Wales) (19:46): You indicated there was no concept of an employer agreement. If an agreement comes before the commission and the unions have not agreed to that agreement and it contains provisions that the employer is proposing, how do you describe that? It is not an agreement that is coming before the commission, is it?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (19:47): Senator Cameron, again, with all due respect, I think you fundamentally misunderstand the nature of greenfields agreements. Greenfields agreements by their very nature, as you know, mean that you must have an employer and you must have a union or unions. That is the very nature of a greenfields agreement. There are, at a minimum, two parties to this. If there is more than one union, there will be more than two parties.

Senator CAMERON (New South Wales) (19:48): But those parties may not agree, so there is not an agreement. Where is the agreement under proposed subsection 182(4)(d)? Could you explain how 182(4)(d) constitutes an agreement?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (19:48): What is put to the commission is a proposed agreement. It is something that the parties are proposing to agree to. Once the Fair Work Commission stamps it, it becomes an agreement.
Senator CAMERON (New South Wales) (19:48): That is not true, because the parties may not want to agree. There could be differences. That is the issue here. If there are differences between the employer and the union, that is not an agreement, is it?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (19:49): I think you and I are going to have to agree to disagree. As I said, as you and I both know, this happens every single day within the commission. All we are doing here is saying, 'There are major projects in Australia which require certainty. There is a pool that people out there who but for an elongated negotiating process would actually be in a job, earning a wage and accruing entitlements and superannuation.' There are financiers out there who are saying, 'Unless we know you have an agreement, we are not going to give you the money to ensure the project goes ahead.' There is nothing we are trying to do here that is not literally within what is set out in the proposals. They are just some small changes to what we believe is a system that currently does not work.

How can you disagree, Senator Cameron, with this government implementing the good faith bargaining provisions into the greenfields negotiations? You cannot tell me, in all good conscience, that you do not agree with that. We are adding an additional layer to this process. We are also requiring that the agreement be in the public interest. That is currently not required.

Senator Cameron, you and I could sit here all night. That is fine. You clearly want to delay this until 9.50. I accept that. That is pure politics. You did that three weeks ago and we did not go to a vote, and you can do it again tonight. You are absolutely entitled to do that. But my answers are going to be my answers. If you do not like them because you would prefer your amendments get up that is fine. We can agree to this amendment and you can put your amendments and then we can debate them and talk with the crossbenchers about them. But, literally, what I am saying here is not going to change your mind in relation to what I believe is a very good amendment. This amendment is going to assure that, when an agreement cannot be reached, there is a release valve that can be utilised and the independent umpire can step in. That is it. Then prospective employees can become real employees. They can have a job, get paid and accrue entitlements. That is all this is doing.

Senator CAMERON (New South Wales) (19:51): Minister, I wish it was that simple but it is certainly not as simple as the spin that you have just put on it. You talk about providing certainty. I think the issue of certainty in my mind is still not clear from what you have told us.

I notice in the explanatory memorandum the government says there are three objectives: one is to ensure that there are realistic time frames for negotiation; the second is to ensure that negotiations do not delay or jeopardise investments in major projects; and the third is to provide that the interests of employees to be covered by such agreements are protected. I do not think—and Labor does not think—that these amendments that you have put forward achieve these three overarching policy objectives as they are described. One of the reasons it will not achieve them is that I am sure you have sold it to the crossbenchers that after six months there is certainty for this investment. There is no certainty, because there is an appeal process.
Firstly, Labor definitely supports good faith bargaining but we do not see this as being good faith bargaining; we see this as a termination of bargaining rights. That is what it is. It is not a release valve. You can call it whatever like—you call it a release valve. It is actually the termination of rights in terms of bargaining in this country. I want to ask you this: if it is about certainty, how does the appeal process work?

The TEMPORARY CHAIRMAN (Senator Seselja): Just before you proceed, Minister, could I just make the point: there has been a bit of back and forth. I know other senators have been trying to get the call. I just ask for senators to wait till they get the call before speaking. It might make it a little easier. I know Senator Xenophon has been waiting patiently, and I will go to him very soon. Minister.

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (19:54): Thank you, Chair. The appeal rights would work in the usual way.

Senator CAMERON (New South Wales) (19:54): I am happy to give way if people—

The TEMPORARY CHAIRMAN: No, I just asked for people to wait for the call because there have been other people on their feet. Senator Cameron.

Senator CAMERON (New South Wales) (19:54): Thanks, Chair. So they operate in the normal way. Some appeals can be very lengthy. Are there any proposals for having a fast-track appeal process or stopping an appeal process running for an extended period of time?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (19:55): Again, Senator Cameron, I am going to give the commission the benefit of the doubt here and I would assume that they would based on the evidence that they are presented with and their extensive knowledge in this area be inclined to get it right in the first instance.

Senator XENOPHON (South Australia) (19:55): Mr Acting Chair, it would be remiss of me not to make a short contribution in relation to this amendment given that I was meant to move it. Instead, Senator Muir, because I was at a meeting with an assistant minister, moved it on my behalf and on behalf of the others who are co-sponsoring this amendment, and I am very grateful for that.

The key issue here relates to the Fair Work review of the Gillard government in 2012. I say at the outset that, in the to-ing and fro-ing between Senator Cameron and Minister Cash, I think Senator Cash has a very worthy adversary in Senator Cameron. I say that in a genuinely complimentary way to test the assertions, to have that genuine debate and to have that review of the legislation.

My position on this particular amendment that I have co-sponsored with a number of my colleagues from the crossbench is that we do need reform in relation to greenfields agreements. What the 2012 Fair Work review from the Gillard government said at page 168 at 6.5.1 in part was:

In particular, Work Choices introduced ‘employer greenfields agreements’, which allowed an employer who, namely the capacity for an employer proposing to establish a new business, project or undertaking to unilaterally determine the content of the instrument that would apply to its future employees. In contrast, FW Act greenfields agreements were to be ‘true agreements negotiated between the relevant bargaining representatives and made by more than one party’.
I think it is fair to say that what Work Choices wanted to do with greenfields agreements was unreasonable. It was unilateral. People's benefits could have been reduced. There was no better-off overall test and therefore that was an untenable position. But what the Fair Work review of a former Labor government said is that there was need for reform. The commentary in relation to this particular section went on to say:

Some employers propose that good faith bargaining principles should apply to greenfields negotiations. The AWU also supports this proposal. The Ai Group considers this unworkable, as it could lead to bargaining with multiple unions competing for coverage in the workplace.

That is something that needs to be considered, but I think the fact that there is a framework here for good faith bargaining is important.

The review panel at 6.5.3 at page 171 said:

We were provided with a number of case studies in submissions and in consultations that suggested the current system of greenfields agreements is not operating efficiently. Employers and their representatives claimed that, in light of the requirement to bargain with a union in order to secure certainty about terms and conditions to apply on a project, they are required to agree to terms that are economically unsustainable. They also claimed that unions withhold agreement to address issues unrelated to the project, which puts projects in jeopardy. Employers say the requirement to negotiate with the union or unions that have majority coverage is partially to blame because it has reduced competition between unions and therefore reduced the likelihood of reaching agreement on satisfactory terms.

That is what a Gillard government appointed panel review said about that. It goes on to say:

The FW Act addressed a key problem identified by the Government with Work Choices, namely the capacity for an employer proposing to establish a new business, project or undertaking to unilaterally determine the content of the instrument that would apply to its future employees.

The panel goes on to say:

We accept that the Work Choices framework conferred greater freedom on employers to unilaterally determine wages and conditions. As we note in Chapter 4, we are not convinced that, currently, the economically relevant outcomes are significantly different.

Clearly, that was unfair. Clearly, it was something that was untenable in terms of the former Work Choices legislation. But the panel appointed by the Gillard government stated:

However, based on the evidence we have received in submissions and consultations, and a review of the data associated with greenfields agreements above, we consider that there is a significant risk that some bargaining practices and outcomes associated with greenfields agreements potentially threaten future investment in major projects in Australia. This is because the existing provisions effectively confer on a union (or unions) with coverage of a majority of prospective workers a significant capacity to frustrate the making of an appropriate greenfields agreement at all or at least in a timely way. Unions in this position are able to withhold agreement and effectively prevent the determination of terms and conditions in advance of a project commencing. In light of the evidence we were presented about the need for certainty over the labour costs associated with major projects, we are concerned at the risk of delays in greenfields agreement making that this entails. We have considered a range of mechanisms to address these concerns. We do not consider that a return to employer greenfields agreements is appropriate.

One of the recommendations was to have some certainty. One of the recommendations was to have a time limit. Having a six-month time limit—as this amendment moved by me and a number of my crossbench colleagues, as tabled—is, I think, a way through this.
I am very happy for Senator Cameron to ask whatever questions he thinks are necessary on behalf of the opposition. I think what he is doing is very important. But the current system of greenfields agreements is not working; it is actually holding up jobs and major projects. Senator Cameron is a champion of workers' working conditions and he is also a champion of jobs. I fear the existential crisis we are going to face in this country, particularly at the end of 2017, when the auto sector in this nation effectively shuts down.

I must say that the recklessness of the comments of former Treasurer Hockey did not help at all. I thought they were reckless comments by former Treasurer Hockey. We desperately must do all we can to have well-paying, good jobs in the economy, in manufacturing and in these major projects that are anticipated in this greenfields agreement. That is why I move this amendment. That is the position I have come from. I hope Senator Cameron appreciates that the position I come from is one about securing major projects and well-paid jobs. Right now we are at a stalemate. Right now one of the unintended consequences of the Fair Work legislation is effectively to stall these agreements because of what I see as a loophole and as something that was not thought through. That is why—to its credit—the Gillard government initiated this review to look at these issues where the Fair Work Act was not working as intended. That is why I support and have proposed this amendment with a number of my colleagues.

Senator CAMERON (New South Wales) (20:02): I would like to respond to a couple of the issues that Senator Xenophon has raised. The 'existential crisis': I assume Senator Xenophon is talking about a wider employment crisis, but not a crisis in relation to greenfield agreements?

Senator Xenophon: Yes, we need to look at it holistically.

Senator CAMERON: Senator Xenophon, as I understand it, is not talking about an existential crisis on greenfield agreements. I also want to go back to the evaluation by the panel. On page 82, in the second paragraph under 4.6.6 the panel says:

The Panel accepts that the Work Choices framework conferred greater freedom on employers to unilaterally determine wages and conditions. It is less clear that the economically relevant outcomes are very different. For example, the Panel was not presented with evidence that any significant project had not proceeded for want of an agreement.

It then goes on to talk about wage gaps which, when you read the detail, are negligible. The issue that Senator Xenophon raises about the problems with these agreements have not shown up in reality. My question to the minister is: how many greenfield agreements have not proceeded because of failure to get agreement with the unions?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (20:04): Senator Cameron, I note that you are quoting from page 82 point 4.6.6 of Towards more productive and equitable workplaces: an evaluation of the Fair Work legislation. I note that the final paragraph does actually say:

The Panel is concerned, however, that the existing provisions confer on a union (or unions) with coverage of the majority of prospective workers a significant capacity to frustrate the making of an appropriate greenfields agreement at all or at least in a timely way. While the Panel was not presented with evidence that this power is abused, it concluded that the potential risk to projects of national significance should be mitigated.
Senator CAMERON (New South Wales) (20:05): I do not think that there is any difference in terms of the broad philosophy of ensuring the three points that the coalition argue were their underlying principles to deal with these agreements. We do not have any argument about ensuring that there are realistic time frames for the negotiation of greenfield agreements. In fact, we will be moving amendments that will give more certain outcomes to this. That is what I would say to the crossbenchers. There has been absolutely no clear undertaking from the government that the six months can be achieved because there is this lengthy appeal process.

We also want to ensure that negotiations do not delay or jeopardise investments in major projects. That is why we are bringing amendments to the chamber this evening that go to that issue. We fundamentally want to ensure that the interests of employees to be covered by agreements are protected. I do not think that those tests are met by the government's position. They are certainly not met, because the realistic time frame for the negotiations of six months and then termination of bargaining rights—in my view and in the view of Labor—is a problem. Why do you terminate the bargaining rights of unions without any evidence other than speculation that there could be a problem? That is what we are doing tonight: speculating that there might be a problem and determining a termination of International Labour Organization standards. If you want to ensure that the negotiations do not delay or jeopardise investments in major projects, then you must make it clear.

What we are saying is that the outstanding issues between the parties should be arbitrated. That fixes the issue of certainty. There would be no certainty under the coalition with endless appeals in relation to the proposed 'agreement'. I use quotes because it is not an agreement that we are talking about; it is basically an employer document that they want approved. I do not think that is in the interest of employees who would be covered by the agreement.

Minister, it is true, isn't it, that this is still just a unilateral agreement with some safeguards? Did the Fair Work review recommend the government's model? If not, why did this model come about? Did the Fair Work review have arbitration as one of its central elements?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (20:09): In relation to your first question: no, absolutely not. These are greenfields agreements. As I have already tried to articulate several times tonight, a greenfields agreement has at least two parties: the employer and the union. If there is more than one union, then it is the employer and the unions. So the answer to your first question is no.

I do not agree with your analysis of why the coalition is bringing in this particular amendment. All I can go back to is this: as we all know, and as Senator Xenophon put so eloquently, greenfields agreements are vital for the commencement of new projects. What the bill is going to ensure in a very simple manner is that these agreements are negotiated, as I have said, subject to the good faith bargaining provisions that are currently not in there. We are bringing them in within a reasonable time frame and, of course, if the commission finds that they are in the public interest.

It is 10 past eight. If you do not want to vote on this tonight, that is fine. I accept that. But I think you and I are going to have to disagree going forward. If you want to put your amendments, let us vote on this one and then you can argue the merits of why you say arbitration is a more appropriate way to deal with this. The only thought that I would leave
with the crossbenchers on that is: the Qantas arbitration, I understand, took 449 days. We do not have that time to waste in this country. We have people out there who need jobs. We have employees who need to be paid. They need to be in work. We just want to provide them with certainty in these circumstances.

Senator CAMERON (New South Wales) (20:11): I asked three questions. I only got an answer to the first question, so I will persevere. If the minister wants this to be expedited, then the minister will need to answer some questions I am afraid. Did the Fair Work review recommend the government's model? Did the Fair Work review have arbitration as one of its central elements?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (20:12): You have read the Fair Work review. I have quoted from the Fair Work review. It clearly noted that there were problems with the way greenfields agreements are being negotiated. What I can also say to you is that the Fair Work review did not recommend the option that you are putting on the table in that regard.

Senator CAMERON (New South Wales) (20:12): I will try again: did the Fair Work review recommend the government's model?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (20:12): The system that we are proposing is far closer to what the Fair Work review recommended than the amendments that you have put on the table at the last minute.

Senator CAMERON (New South Wales) (20:12): I suppose that is a matter of spin that you are putting on your position. For the public record, let us be clear: the Fair Work review did not recommend the government's model and the Fair Work Commission did have arbitration as one of its central elements, so it is more closely aligned to what Labor will be proposing in our amendments as we go down the track in this debate.

Is it true that if the Fair Work Commission declines to make a greenfields agreement, then the operation of proposed section 255A means that there would be no conciliation available and no good faith bargaining to resolve the agreement in the future?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (20:14): The Fair Work Commission, as you know, can reject an application to approve one of these greenfields agreements if it is satisfied that the agreement itself does not meet some or all of the approval requirements which we have been through at length tonight. If the Fair Work Commission does not approve the greenfields agreement, the employer is able to recommence bargaining for a new proposed greenfields agreement. Unlike the current system, what we are introducing is that good faith bargaining rules would apply and the employer would retain the option of issuing the notice to commence the six-month period. So, again, you would bring in the good faith bargaining provisions to this next round of negotiations in the event that the commission said, 'We will not approve the agreement.'

Senator CAMERON (New South Wales) (20:15): I want to be clear about this. If we are talking about certainty and we are talking about having certainty for investment, what you have just outlined is a process that provides no certainty. If the commission finds a problem
with the agreement then the whole process commences again and you have another six months. If at the end of that six months we still have a problem with the commission not accepting the agreement, it could run again for six months. This is a big problem. That is why we took the view, consistent with the panel, that there should be a process of arbitration introduced into this whole agreement-making process.

You have an open-ended issue that you have not dealt with, and we have an issue that would bring it to some finality in a short period of time after the six months. My view is that the longer we go tonight, the more concern there is in relation to the issue of certainty for projects, given what you have just indicated to the parliament. Would it not be better to adopt an arbitration process as outlined by Labor in its amendments?

**Senator CASH** (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (20:16): Senator Cameron, the answer to your final question is no and, again, I go back to the Qantas arbitration that took 449 days. For someone who claims to be familiar with the workings of the body that is currently known as the Fair Work Commission and its previous iterations, I hope you really do appreciate—because, if not, we have a real problem—that the appeals process that you have gone through is exactly what can happen now. It can happen under your system and it can happen under our system. What we are implementing is a six-month relief valve. Everything you have said that is unique to this situation—I think you actually do know, Senator Cameron, because you have been around this area for a very long time. There is no different to the process that happens now and there is no difference to the process that you are proposing.

**The TEMPORARY CHAIRMAN** (Senator Edwards): The question is that the amendment be agreed to.

Question agreed to.

**Senator CASH** (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (20:16): Senator Cameron, the answer to your final question is no and, again, I go back to the Qantas arbitration that took 449 days. For someone who claims to be familiar with the workings of the body that is currently known as the Fair Work Commission and its previous iterations, I hope you really do appreciate—because, if not, we have a real problem—that the appeals process that you have gone through is exactly what can happen now. It can happen under your system and it can happen under our system. What we are implementing is a six-month relief valve. Everything you have said that is unique to this situation—I think you actually do know, Senator Cameron, because you have been around this area for a very long time. There is no different to the process that happens now and there is no difference to the process that you are proposing.

**The TEMPORARY CHAIRMAN** (Senator Edwards): The question is that the amendment be agreed to.

Question agreed to.

**The TEMPORARY CHAIRMAN**: Item (3) on sheet 7771 is identical to the amendment we have just done so we will move on and go to (4) and (5) on sheet 7771.

**Senator CAMERON** (New South Wales) (20:18): So this is sheet 7771?

**The TEMPORARY CHAIRMAN**: Yes.

**Senator CAMERON**: I seek to move to sheet 7768.

**The TEMPORARY CHAIRMAN**: Yes, we will move to 7768.

**Senator CAMERON**: by leave—I oppose schedules 1 and 2 in the following terms:

(2) Schedule 1, Part 7, page 19 (lines 1 to 10), **to be opposed**.

(3) Schedule 2, item 1, page 31 (lines 28 to 32), clause 11 **to be opposed**.

In terms of how the proposed amendments work, this would be one of the lead-in issues that we have to deal with. This amendment from the government seeks to introduce the concept of notification time. That would mean you would go back to section 173 of the act where you would have to get the employer agreeing, majority support determination and a scope order or a low-paid authorisation as a threshold issue moving to where we are in this area of greenfield bargaining.

We believe this is about putting more delays into the process, weakening the capacity of the unions to actually commence bargaining. Our position is that bargaining under the Fair
Work Act must be done in accordance with good faith bargaining requirements. We do not have a problem with that. There can be no application for a protected action ballot order and no protected industrial action unless the commission is satisfied that the applicant is genuinely trying to reach an agreement with the employer. These requirements, to bargain in good faith and to be genuinely trying to reach agreement, provide a more than adequate threshold for taking action.

The government's proposal is an unnecessary restriction on the rights of workers to take strike action under international law. It is certainly not justifiable given the incredibly low levels of industrial disputation at present and it is certainly not justifiable in the concept that if you move to adopt the proposition that Labor is proposing, then you would not have to go down this path; you would simply commence bargaining after six months. That would be a genuine relief valve and genuine certainty for employers because the issue would then go to an arbitration.

So this is another example of a number of amendments by the government which make it difficult for unions to bargain. It is an impediment. We hear much about bureaucracy from the other side. We hear much about red tape from the other side. But 'bureaucracy' and 'red tape' have a different definition when it comes to unions than they do for the general economy when the coalition are talking about it. It is about increased bureaucracy and increased red tape. These issues should be rejected, and they should be rejected on the basis that they are nothing more than an impediment to proper bargaining.

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (20:22): Senator Cameron, I do not know what amendment you were talking to, but—just for the benefit of the chamber—what you have just said has almost nothing to do with the amendment that we are proposing. In the first instance, I just want to ensure that you understand that there are no employees in a greenfields agreement. You keep referring to this industrial action that might be taken. This amendment has nothing to do with greenfields agreements.

This is a totally separate amendment. It is literally closing a loophole. That is it. It is a loophole that was recognised by your own panel, appointed by the now Leader of the Opposition, Mr Shorten himself, which reviewed the Fair Work laws in 2012. That review itself recommended that the Fair Work Act:

… be amended to provide that an application for a protected action ballot order may only be made when bargaining for a proposed agreement has commenced, either voluntarily or because a majority support determination has been obtained.

That is it. That is all we are talking about: closing a loophole which, across the board, people agree was probably an unintended consequence when the drafters were originally drafting the legislation.

In plain English terms, what does this amendment do? The amendment that was recommended by your own review panel removes the strike first, talk later loophole. That itself is consistent with what former Prime Minister Rudd said at his National Press Club address way back in 2007, where he himself acknowledged:

… industrial disputes are serious. They hurt workers, they hurt businesses, they … hurt families and communities, and they certainly hurt the economy.
He said:
They—
the employees—
will not be able to strike unless there has been genuine good faith bargaining.
Chair, I am not quite sure where the misunderstanding with Senator Cameron has come from. Currently, under the Fair Work Act, as I said, this is merely a loophole, which is being closed. You can actually have strike action before bargaining has commenced. All this does is close that loophole and provide that protected industrial action can only be taken if bargaining has commenced. That is it. That is as simple as the amendment is: closing a loophole. It is recommended by your own review panel, the panel that Bill Shorten, the now Leader of the Opposition, himself recommended. All it means is that industrial action cannot be the first step in a bargaining process; you have to have the bargaining commence, and then you can take industrial action. It is as simple as that.

The TEMPORARY CHAIRMAN (Senator Edwards): I just remind the committee that the question before it now is that part 7 of schedule 1 and clause 11 in item 1 of schedule 2 stand as printed. You, Senator Cameron, are obviously talking in relation to amendments (2) and (3) on sheet 7768—correct?

Senator CAMERON (New South Wales) (20:26): Yes. Minister, sheet 7768 applies generally. It is not about greenfield agreements; it is about a general application of industrial law across industry and across different industries. Minister, bargaining cannot take place unless it is done in accordance with good-faith bargaining requirements. That is the current law. That is the situation as it exists. There has to be good-faith bargaining. It must be done in accordance with good-faith bargaining. There cannot be an application for a protected action ballot order and there cannot be industrial action unless the commission is satisfied that the applicant is genuinely trying to reach an agreement with the employer.

So, Minister, why do we need this if there are these two threshold issues? One is that you have to be negotiating in good-faith bargaining. And, secondly, you cannot get a protected action ballot order unless the commission is satisfied that the applicant is genuinely trying to reach an agreement with the employer. That is the current position: good-faith bargaining, genuinely trying to reach an agreement. We say that this is an appropriate and adequate threshold, and therefore we oppose your amendments in this area.

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (20:28): Senator Cameron, I think you and I are just going to have to agree to disagree on this. This is a very simple amendment. It adopts the recommendation of your own Fair Work review panel, appointed by the current Leader of the Opposition himself, when it reviewed the Fair Work laws. I can read you what the 2002 Fair Work Act review recommended:
The Panel recommends that Division 8 of Part 3-3 be amended to provide that an application for a protected action ballot order may only be made when bargaining for a proposed agreement has commenced, either voluntarily or because a majority support determination has been obtained.
Then it states that the Fair Work review panel considers it is 'incongruous for industrial action to be available to bring pressure to bear on an employer to bargain outside of those circumstances'.
Again, this is a loophole that is being closed. Industrial action absolutely can still occur, but all that this is saying is that it can only occur after bargaining has commenced. It is a simple amendment recommended by your own review panel, which we are happy to adopt.

**The TEMPORARY CHAIRMAN (Senator Edwards):** The question is that part 7 of schedule 1 and clause 11 in item 1 of schedule 2 stand as printed.

The committee divided. [20:34]

(The Temporary Chairman—Senator Edwards)

Ayes ......................33
Noes ......................29
Majority ..............4

**AYES**

Abetz, E
Bernardi, C
Bushby, DC
Cash, MC
Day, RJ
Fawcett, DJ (teller)
Heffernan, W
Lazarus, GP
Lindgren, JM
Madigan, JJ
McKenzie, B
Parry, S
Ronaldson, M
Ryan, SM
Sinodinos, A
Wang, Z
Xenophon, N

**NOES**

Bullock, JW
Collins, JMA
Di Natale, R
Gallagher, KR
Lambie, J
Ludlam, S
Marshall, GM
McEwen, A
McLucas, J
O’Neill, DM
Polley, H
Rice, J
Simms, RA
Urquhart, AE
Whish-Wilson, PS

**PAIRS**

Brandis, GH

**CHAMBER**
Senator CAMERON (New South Wales) (20:37): I would like to move amendments on sheet 7771 as a whole.

The CHAIRMAN: There are a number of amendments in different parts of the running sheet on sheet 7771. We have not dealt with amendments (4) and (5), which we probably need to deal with separately.

Senator CAMERON (New South Wales) (20:39): I oppose schedule 1 in the following terms:

(4) Schedule 1, item 28, page 13 (lines 11 to 32), to be opposed.

(5) Schedule 1, items 30 to 39, page 14 (line 1) to page 15 (line 18), to be opposed.

In relation to these amendments, I just want to go to the overall position again. What the government is seeking to do is ensure that there are realistic time frames for the negotiation of greenfield agreements. They are seeking to ensure that negotiations do not delay or jeopardise investment in major projects, and they are seeking to provide for the interests of employees to be covered by such agreement that they are protected. So I again want to say that I do not think the bill achieves these objectives; and our amendments, the Labor Party amendments, would achieve these objectives in what I believe is a more fair and equitable manner.

In relation to greenfield agreements, the panel made four recommendations. The first recommendation, No. 27, was that good faith bargaining requirements apply to the negotiations of greenfield agreements. The second recommendation, No. 28, was that employers intending to negotiate a greenfield agreement take all reasonable steps to notify all unions with eligibility to represent relevant employees. And the third recommendation, No. 29, was that section 240 of the act should be available to be utilised to resolve disputes over greenfield agreement negotiations. The fourth recommendation was that, when an impasse in negotiations is reached, when a specified time period has elapsed and when conciliation by the commission has failed, the commission may conduct last offer arbitration upon application by a party on its own motion.

Those were the overall recommendations that were put by the expert panel. Labor, in our amendments, go closer to dealing with these issues than the coalition's amendments do. The fourth recommendation was for a last offer arbitration model. That is a different model than has been agreed in this country. We have never used a last offer arbitration model, but we believe there is a role for arbitration in relation to these greenfield agreements because it would provide more certainty to investors, more certainty to employers and more certainty to unions who are in that bargaining process. And I think it would give more incentive to actually bargain with good faith than the proposals that have been put forward by the opposition.
The opposition proposals would mean that there can be a fig leaf of bargaining in good faith. Then, at the end of that period or close to the end of that period, the employers do not need to do anything—they do not need to bargain—and they can take what they want the commission to deal with. They take it to the commission. So there is a far better proposition being put by Labor on this issue.

I want to go back to the explanatory memorandum on the government's bill. In the explanatory memorandum it talks a lot about certainty of wage costs; it talks about the costs of bargaining over a period of time, without coming to some conclusion. I will put this to the minister again, because she did not answer it last time. Is the minister aware of any greenfield agreements that have not been implemented because of delays by the unions?

{
Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (20:44): I refer to the regulatory impact statement. In the regulatory impact statement, the department made a reasonable estimate, based on evidence provided by several stakeholders during the 2012 Fair Work Act review, that greenfields negotiations are lengthy and onerous. And I can refer you to page 169 of the Fair Work Act review. The regulatory impact statement itself says bringing in a three-month period—albeit I acknowledge we have extended that with the agreement of the crossbenchers to a six-month period—will save $64 million a year in costs and administration and the Office of Best Practice Regulation approved the methodology.

Senator CAMERON (New South Wales) (20:45): Again, I come back to the question that I asked: are you aware of any greenfield agreement that has not been implemented because of excessive delays by the unions?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (20:46): Again, the panel review identified there was a problem. They have identified recommendations. We have looked at the recommendations and we are proposing a solution. You do not agree with our solution. And, as I have said to you, it is a quarter to nine and there is a very good chance we will be here at 10 to 10, but I do not think I can assist you any further. We are not supporting your amendments—that is it.

Senator CAMERON (New South Wales) (20:46): That is a bit arrogant when I am asking you a simple question. You can filibuster all you like in your response, but if you do not know the answer just tell me you do not know the answer, but—

The TEMPORARY CHAIRMAN (Senator Edwards): Senator Cameron, if you want to verbal the minister choose another way. The minister has given you an answer. If you do not like the answer, rephrase your question.

Senator CAMERON: With respect, Chair, the minister has not given me an answer. The question is simple and I will ask it again: Minister, do you or the department know of any greenfield agreement—you have got the whole department sitting there beside you—that has been delayed because of unions' intransigence?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (20:47): Senator Cameron, again, you can be as cute as you want in asking the question to try to make the political point that I do not agree with. But if I could refer you to page 169 of your very own report of the
panel that was appointed by the now Leader of the Opposition Bill Shorten. At paragraph 3, it states:

Many employers argued that the provisions enabling greenfields agreements under the FW Act are not working efficiently. The MBA, for example, submits that unions are using their position of power to seek leverage on matters not related to development of the agreement, and that start-up agreements on major projects are non-existent without union consent. VECCI submits that unions ‘hijack’ the agreement making process. The Minerals Council of Australia submits that negotiations with unions are lengthy, tortuous and onerous. Business SA submits that unions make inflated claims in greenfields negotiations. The Institute of Public Affairs submits that requiring negotiations with unions is inconsistent with other agreements under the FW Act, and jeopardises projects.

There is the evidence, at page 169, of your own review.

Senator CAMERON (New South Wales) (20:48): That is not evidence. They are assertions from employer organisations. I would like you to answer: are you aware or are any of the departmental officers aware, of any instance where a greenfield agreement has been held up by the intransigence of the unions in the bargaining process? It might be tough. It might be extended negotiations. Give us the evidence. Tell us the evidence, so we can make a judgement in relation to the issues that you want passed here. If there has been none, why don't you just be honest about it and say there has been none?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (20:49): Senator Cameron, you yourself have moved amendments to this particular part of the bill, which would indicate that you yourself believe that there is an issue that needs to be rectified. Again, I refer you to the evidence at page 169 of your own review.

Senator CAMERON (New South Wales) (20:50): At the moment, we are dealing specifically with item (4) and item (5). At item (4), we are opposing the government amendments, which in effect create an employer greenfields agreement at the conclusion of the notified negotiating period. I have heard the arguments that this is not an employer agreement. But the reality is that on issues where there is no agreement, and it could be on issues that have never been negotiated, we could end up with a document—not an agreement but a document—going to the Fair Work Commission and that document ending up being the basis of the terms and conditions at the workplace.

We are also opposing, in item (5), the government amendments which are consequential in opposing the amendments which create an employer greenfields agreement. So what the crossbench need to understand now is that this is crunch time in terms of these employer agreements. I am not convinced, and Labor is not convinced, from the arguments that we have heard from the minister that this does not give an unfair advantage to the employer. The employer is already in a very powerful position; an extremely powerful position. The employer will be given further industrial relations weapons against unions trying to negotiate a fair and reasonable outcome. They only have to wait out the time period and then get the agreement to the commission. The commission, provided it deals with some of the basic issues, will tick off on this agreement. That is basically a denial of longstanding industrial rights in this country. It is a breach, in my view, of international conventions that we have signed off on. It is not allowing negotiations to take place free of government interference.
Once you start agreeing on these issues now, there will be big problems down the track with this government. We know that they want to give more strength and more power to the employer at the expense of employees. This is not, as the minister argues, some extra protection for workers. It is basically forcing an employer agreement down the throat of the unions who represent the workers who will be engaged in that job. That is the bottom line. This is not about a proper arbitration where people can argue their points; this is simply about the imposition of an employer set of clauses against the unions who represent the workers who will be engaged on that project. That is why in four and five we are opposing the government's amendments.

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (20:54): You are relitigating—and it is your right to relitigate—a number of the issues that you and I have already canvassed in previous amendments on this bill, but for the purposes of the record I will again state that your assertions that the changes put forward by the government will allow an employer to make an agreement without union involvement are incorrect. By virtue of what a greenfields agreement is it is not allowed to be done.

A greenfields agreement is an agreement, with no employees but a prospective workforce, between an employer and a union or unions. With all due respect, you can say it as many times as you like tonight in an effort to try to put some merit into the amendments that you have only put forward at the very last minute today. I note that the amendments that we are currently looking at you had not proposed three weeks ago when we had an extensive second reading debate on this issue. I only received them late this morning.

You continue to say that our amendments will allow an employer-only agreement. That is incorrect. It is wrong. The bill requires an employer to negotiate in good faith with the union or unions that are able to represent the industrial interests of the employees who are going to be covered by the agreement. The Fair Work Commission itself must note in its decision to approve the agreement that the agreement covers the union or unions that were bargaining representatives for the agreement. The changes that we are referring to maintain a role for unions in negotiating greenfields agreements.

You also have made assertions—again, that you have previously made this evening—in relation to the greenfields agreement making process that we are putting forward heavily favouring employers, and again we reject that assertion in its entirety. I again go to the words of the fair work review panel, which I remind the chamber is the review panel which the now Leader of the Opposition, Bill Shorten, himself appointed. They themselves say:

… a significant capacity to frustrate the making of an appropriate greenfields agreement at all or at least in a timely way.

That is what the current framework has, effectively, conferred on the unions such that the current negotiations for greenfield agreements potentially threaten future investment in major projects in Australia.

Again, in terms of what we are proposing tonight, the existing agreement approval rules under the Fair Work Act are retained. The bill also—again, as I have already stated several times tonight in response to the same questions from you—says that, where agreement cannot be reached with the union, the union will be covered by any greenfields agreement approved by the Fair Work Commission to ensure that they can enforce that agreement on behalf of
future employees. To the Fair Work Commission—and this is the fundamental difference
between what is currently in the act and what we are bringing in—in addition to passing the
better-off-overall test, or the BOOT, as it is known, we have added the additional layer that
the agreement provides for pay and conditions that are consistent with the prevailing pay and
conditions within the relevant industry for equivalent work.

I reject the assertions that you yet again make.

Senator CAMERON (New South Wales) (20:58): What is there to prevent an employer
from negotiating a greenfield agreement for 170 days or whatever the time frame is and then
presenting an entirely different agreement to the Fair Work Commission as long as they have
shown it to the union?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public
Service, Minister for Employment and Minister for Women) (20:59): In terms of the
agreement that must be given to the union to sign, again, as I have stated on a number of
occasions tonight in response to the question which you continue to ask me, the union must be
given the reasonable opportunity to sign the agreement that is put to the Fair Work
Commission for approval. The union must have seen the agreement. I think that we discussed
it previously as well, so you would be aware that the commission is able to upload proposed
agreements to its website. In the circumstances that you are referring to—whereby an
agreement that the union has not had an opportunity to provide consideration to is put by the
employer to the Fair Work Commission as the agreement which they are seeking to have
agreed by the commission—I have no doubt that there will be people sitting out there looking
at those agreements, looking at what has gone up, and making an application to the Fair Work
Commission. So again: the union must have been given reasonable opportunity to sign the
agreement that is put to the Fair Work Commission for approval.

Senator CAMERON (New South Wales) (21:00): How do you define 'reasonable
opportunity' in relation to the bargaining? Is it 'reasonable opportunity' to see the agreement?
Is it 'reasonable opportunity' to bargain the agreement? What is 'reasonable opportunity'?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public
Service, Minister for Employment and Minister for Women) (21:01): I do not know how you
negotiate, but certainly 'reasonable opportunity' depends on the particular facts and
circumstances of the bargaining itself. In terms of the concept, it already exists in the
agreement making framework of the Fair Work Act. If I could refer you to 220(2)(b), in
relation to giving employees a reasonable opportunity to decide whether to approve a
proposed termination of an agreement, the intention clearly is that the union would have
sufficient time to consider the agreement before it is submitted to the Fair Work Commission
for approval—bearing in mind that the good faith bargaining provisions, which currently do
not apply under your legislation, are being brought into the greenfields process under this
legislation. If you are saying that an employer is not negotiating in good faith, then you would
be aware that the union could go to the commission for an order that they do negotiate in good
faith.

Senator CAMERON (New South Wales) (21:02): They cannot do that if it is the end of
the negotiation period, can they, Minister? If you have come to the end of that negotiation
period you cannot then take anything to the commission, can you?
Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (21:02): When you come to the end of the negotiation period—so you have decided to go down the option of the six-month time frame—the release valve—you will basically have the opportunity, if you have not been able to come to an agreement, to go to the Fair Work Commission and the Fair Work Commission will look at the agreement as we have discussed. Alternatively, you could continue to negotiate with the unions if you so choose or, if the Fair Work Commission does not approve the agreement, you could start the clock again.

Senator CAMERON (New South Wales) (21:03): How does that then provide certainty for investors?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (21:03): We appear to be going around in circles in terms of the certainty for investors. You do not agree with what we are trying to do, and what we are trying to do is make the position in relation to greenfield agreements a stronger position. Currently, there is no provision to bargain in good faith. We are bringing that into the greenfield process. Currently, there is no requirement for the Fair Work Commission to say, 'We will approve this agreement if it is in the public interest.' We are bringing that in. Currently, there is no requirement for the Fair Work Commission to look at the agreement and say, 'We are going to ensure that it complies with the relevant industry standards.' You cannot disagree that that is not a good thing in this process. In the event that you cannot reach agreement at the end of the six-month period, we now have a release valve—that is all this does—where the employer can say, 'We will go to the Fair Work Commission', and the Fair Work Commission is given that opportunity to have a look at the agreement and endorse it.

Senator CAMERON (New South Wales) (21:05): The Fair Work Commission can have a look at the agreement and can endorse the agreement. Is that a take it or leave it for the Fair Work Commission in relation to the clauses that may not have been agreed to between the employer and the unions?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (21:05): Senator Cameron, again, there is a fundamental misunderstanding of the way an agreement process actually works. You will go into a negotiation between a minimum of two parties. If there is more than one union, then there will be unions and there will be more than two parties. I would hope that for the majority of times you will actually reach agreement and you will be able to proceed with the project and employees will be able to come and work on the project. But in the event that you cannot reach agreement, there is a mechanism that after that six-month period a proposed agreement can go to the Fair Work Commission and the Fair Work Commission would say, 'You've agreed to 95 of these conditions', or whatever you wanted to agree to, and then it would have a look at the agreement that has now been submitted for approval. It would factor it against all of the criteria that we have been through tonight, quite literally ad nauseam, including—and for me this is the key difference, and I am sure for employees out there this is the key difference—that it is not just the better off overall test that is currently reflected in your legislation. We require the Fair Work Commission to look at prevailing pay and conditions as an agreement approval criterion. That is a good thing for employees.
Senator CAMERON (New South Wales) (21:07): But Minister, what I think everyone needs to understand is that the good faith bargaining provisions being brought into the process is one thing but to then remove international rights and international obligations in terms of ILO conventions in terms of bargaining is another thing. You talk about going through the process but my experience and I think the experience of many union officials is that we have gone through lengthy processes with employers, not just in the building and construction industry but I have been there as well, but you can go through lengthy negotiating processes, you can have some key issues outstanding and the employer then puts to the unions, 'I want a package; if you don't agree with everything, we don't agree with anything.' That is not an uncommon position in bargaining in this country. Is that good faith bargaining?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (21:08): Senator Cameron, there is a specific section of the Fair Work Act that deals with good faith bargaining. Everything around good faith bargaining is set out in that particular section of the Fair Work Act.

Senator CAMERON (New South Wales) (21:09): I have asked you a specific question. If the employer basically says, 'Take it or leave it; if you don't accept, then it's off the table,' I want to know the government's view on whether that is good faith bargaining.

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (21:09): Whether that happens under the current position or under the position that is being adopted, the commission would assess that behaviour against the provisions of the Fair Work Act that deal with good faith bargaining and would then itself make a determination.

Senator CAMERON (New South Wales) (21:11): I am not talking about prevailing standards; I am talking about a bargaining process where the unions have certain claims that are outstanding up to the six-month period and then the employer unilaterally determines that the matter should go to the commission. What happens with those outstanding issues when the employer's position goes to the commission? Is it the employer's position that will prevail?
Commission and you submit the agreement, and we have agreed the agreement is an agreement the union has already been given a reasonable opportunity to sign, so that agreement is put to the Fair Work Commission for approval. The parties obviously can continue to bargain until the agreement is made but then the Fair Work Commission, as I have tried to explain to you, has approval criteria by which it will then look at the agreement and determine whether or not it should or should not approve the agreement. It is quite a simple process.

**Senator CAMERON** (New South Wales) (21:12): Correct me if I am wrong here. So the commission can either approve or not approve the agreement, as you describe it, but the agreement is not an agreement. It may contain some elements of agreement but other elements of the employer's claim on the unions for the agreement. Is that correct?

**Senator CASH** (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (21:13): I think we need to understand that the 2012 Labor panel that the current Leader of the Opposition put together identified that unions had acted in a way—and I have referred you to page 169 of your report—in a way that it justified this recommendation. In the event that the unions want to challenge an agreement that has been approved, as you appear to be referring to, they can challenge the approval of a greenfield agreement under the Fair Work Act and this position does not change with these amendments.

**Senator CAMERON** (New South Wales) (21:14): So you are saying the existing act provides for contestability on the greenfield agreement. Are you saying that that is in the act at the moment? And then you have what you are proposing here. How do those two positions interrelate?

**Senator CASH** (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (21:14): Senator Cameron, we appear to be going around and around in circles. That is fine. But appeal rights—and you and I have discussed this at length this evening—are not affected by the amendments that we are putting in place.

**Senator CAMERON** (New South Wales) (21:14): Does the commission either approve or disapprove the ‘agreement’—and I use that word in inverted commas because it is not an agreement—that the employer puts forward that I assume would contain some agreed aspects but also some aspects of the employer's claim on the union? How does that work? Does the commission have arbitration rights? Do the unions have a right to go in and argue their position? How does it work?

**Senator CASH** (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (21:16): Again, we are going around and around in circles. We have discussed this on a number of occasions tonight. We have, as we have discussed, an employer and a union or unions that enter into negotiations for a greenfield agreement. The employer determines when they will start the clock on the six months. If the six months come up and the employer and the union or unions have bargained in good faith but for whatever reason have been unable to reach an agreement, as we have discussed, the employer has the opportunity to put an agreement to the Fair Work Commission for approval. It is merely a proposed agreement. The union must have been given a reasonable opportunity to sign the agreement that is being put to the Fair Work
Commission for approval. The very clear intention is that the union would have had sufficient
time to consider the agreement before it was submitted to the Fair Work Commission for
approval.

When the Fair Work Commission is looking at the proposed agreement—I understand
what you are saying; it is not an agreement yet but still a proposed agreement—one of the
fundamental differences between what you legislated and what we hope to legislate tonight is
that it has to look at the agreement in terms of the new requirement for an approval test and it
needs to ensure that the agreement is in line with the prevailing standards in the relevant
industry or equivalent work. So the Fair Work Commission itself, the independent umpire,
will be the one determining this.

Senator CAMERON (New South Wales) (21:18): I will indicate a number of things here.
If the crossbenchers are considering accepting this, they should know that this is probably one
of the most significant changes to bargaining that this country has seen since Work Choices. It
will stop what is an international right for unions to collectively bargain. Collective
bargaining will be stopped after six months and what will happen is that either an agreement
that the employer wants will go to the commission or there will be some combination of
agreed positions and employer positions that go to the commission for the commission to
either agree or disagree to.

I do not believe the argument that the unions can make submissions to the commission is of
any value, because the proposition is that the commission either endorses or does not endorse
the 'agreement' that comes to the commission. So the commission will not be considering a
bargained agreement. It will not be the outcome of good faith bargaining. It will be what the
employer, after a period of six months, determines should be put to the commission and then
the commission will arbitrate that. It is an employer agreement. It is not a bargained
agreement; it is the employer's agreement.

All the arguments we have heard about how you will save costs if you get to this position
are so much nonsense. We know that the mining industry provided the details for the
department to create the explanatory memorandum. The explanatory memorandum is so full
of holes. The explanatory memorandum talks about there being no evidence. At page xii of
the explanatory memorandum it says:

Based on significant anecdotal evidence and qualitative statements provided to the Review Panel, as a
rough estimate, five months is used as a hypothetical time period for protracted greenfields agreement
negotiations for major resource and energy projects.

It has all been so picked out of the air.

The environmental issues have to be factored in on this as well. The minister has been
absolutely incapable of providing any evidence that the unions have stopped effective
bargaining or stopped an agreement for a greenfields site. Why would the unions want to do
that? The unions would want their members to be there earning a quid, getting the project
built. There seems to be this view from the coalition that all the unions want to do is delay. I
can tell you: the unions' members do not want a delay. The Labor Party does not want a delay
and neither do the unions. I do not know a union anywhere—and I was a union official for 27
years and I negotiated plenty of construction industry agreements. We did not want a delay; we
wanted the agreement in place so that our members could get the benefit of the agreement.
But it is never an agreement at any price; it is always an agreement based on decent bargaining and proper give and take. This stops the bargaining and stops the give and take.

If you go to page XIV of the regulation impact statement, it talks about how projects could be delayed by problems with prolonged negotiations—could be; no evidence before us that there have been any delays. It says:

... there is no available data on the frequency of delays on which to cost the regulatory reduction.

It goes on to say it could delay and then comes up with this argument that the cost offset has been based on delays for 50 of the 100 projects over 10 years. This is Disneyland stuff. This is some economist in the department sitting down trying to come up with some argument to back up a political argument. I think the economist has failed miserably.

We want agreements to be negotiated without delay. We want them to be negotiated with fairness in mind. We want the same as the government: realistic time frames, no delays and in the interest of employees. However, those tests are not met by the government's legislation, not met by the bill.

They go on to talk about a delay of costs of $1.25 million per project for eight public and private sector projects—made-up figures; no basis to this at all other than being asserted on the basis of some economic jiggery-pokery in the department.

Then they go on to talk about administrative costs in the agreement; that it costs employers money to negotiate. It costs every employer to negotiate. That is the price of democracy in this country. So to argue that you could now put a price on the democratic processes and implementing our obligations under international conventions, I think, is a bit rich. Sure, bargaining is lengthy and onerous at times but, if the principle is that you can cut out people's rights to bargain, stop collective bargaining in this country on the basis of lengthy and onerous bargaining then every industry, every union and every worker needs to be aware that this principle could be applied to them as well. If you apply this in the building and construction industry, you could apply it elsewhere and then we know where that leads: to a diminution of rights across the country—exactly what this government has always wanted.

In relation to the analysis that has been done on the cost of bargaining, I say that the cost of bargaining is the cost of democracy in this country. That is what bargaining is about: democratic rights for workers to be able to collectively bargain. So there are costs involved in that.

The problem we have is that the coalition are prepared to sacrifice workers' rights on the basis of an argument that it would provide certainty to investors. The only certainty investors would get would be the certainty of the proposals that we are putting forward, and that is that there is an arbitrated outcome. We take a view that it is a different arbitrated outcome than the panel but we agree with the principle of an arbitrated outcome. The coalition are not arguing for an arbitrated outcome; they are arguing, as I understand it, that an 'agreement' goes up. That agreement contains the wish list of the employers and then it is a take it or leave it on that agreement. That is the position: a take it or leave it. So the act of bargaining is pushed aside. The democratic rights of workers are pushed aside, because the unions are representing their members and the workers will be coming on the job. The issue that is arbitrated or determined—or whatever the word is that the minister wants to use—is a yes or no on the employer's wish list that could not be bargained in good faith at the enterprise level.
So we take the view that, by agreeing, if the crossbench agrees to this, then a greenfields workplace determination means the destruction of basic rights and bargaining rights for unions in this county, especially in this area. We would be worried about the implications of this flowing into other areas because, if it is simply about investment, I am sure you can get people arguing about delays and bargaining if we want to invest in the clearing industry, the catering industry, the manufacturing industry—industries across the country—and then people would be denied on this principle of bargaining rights.

This is a very important issue. It is an issue that we should not take lightly. If we start going down the path of denying the trade union movement in this country their right to bargain on behalf of their members, that is a slippery slope. We know that slippery slope has already been reached at one stage, through Work Choices. We know where the government wants to go. We know that they want to move in a whole range of areas to diminish the capacity for unions to negotiate effectively on behalf of their members. The International Monetary Fund has looked at this issue of the decline of the unions' bargaining capacity and what it means, and in their analysis it is a transfer of profits from the employees to the employers. That is what is starting to happen, and the gap between the rich and the poor blows out.

So these are big issues that we are dealing with. It is not like the rhetoric that the minister has been arguing—that it is simply putting another phase of protections in and another phase of good-faith bargaining in. Let's be clear what this is about. It is about an attack on the capacity of unions in this country to bargain collectively, because the employer will have the upper hand. The employer will not need to give any concessions on key issues in the bargaining process over the six months. It can argue that it is still bargaining in good faith but it is never going to bargain on wages, on key conditions or on anything that improves the rights of workers. What can end up happening here is that the determination would be made on what might have happened elsewhere. The chances of unions improving wages and conditions are diminished because that is not what the determination will do. The determination will not determine improvements on contested areas; it will at the very best give what is around the place or maybe the lowest of what is around in terms of agreements.

This is a very dangerous position we are in. The crossbenchers should be aware of the seriousness of what they are about to do in terms of a decision on this because a decision to support the government's position on workplace determinations is a fundamental denial of collective bargaining in this country. It is a reinforcement of employer prerogative in this country. It will not mean an end to uncertainty, because the minister conceded herself that this could go on for six months again, and then another six months. So the fundamental principle of certainty that the minister has argued is so much nonsense. It is not going to provide certainty. The certainty will come from the opposition's amendments that will provide an arbitrated outcome on the outstanding issues. That will force the employers to bargain on the issues or end up getting arbitrated outcomes. We should reject the government's position and we should support the opposition's position. (Time expired)

**Senator CASH** (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (21:33): Could I just make some very short responses in relation to what Senator Cameron has stated? It is a gross mischaracterisation to suggest that unions will lose their collective bargaining rights. All this
is doing is providing—as we have talked about for a number of hours tonight—the relief valve where there has been an impasse for six months.

Senator Cameron, in all of his arguments, again conveniently ignores that Labor's handpicked reviewers—and it was the current Leader of the Opposition, Bill Shorten, who put this review panel together and chose the people to review Labor's legislation—that have recommended this course of action. The independent Productivity Commission has recommended this solution to the existing problem. To give a sense of practicality: how long would a reasonable person think it should take for an employer and a union to agree to conditions that, under what we propose to do, are actually better off than the award for a brand new project that is going to create real jobs for real people?

Senator RICE (Victoria) (21:35): I have listened very carefully to the debate that has gone on for many hours, and nothing that has been said tonight has swayed me from the original position that the Australian Greens took about these amendments—that these amendments are going to put all of the cards in the hands of the employer and are vastly unfair to employees in greenfields agreements.

The questions from Senator Cameron to the minister have been honing in on the critical issue of what happens when this negotiation reaches the end of a period of time, whether it is three months or six months. It is very clear from listening to the minister's answers that what happens then is that there is no arbitration and no fair process. All that occurs at that stage is that the Fair Work Commission has the opportunity to sign off on what the employer has put on the table. Essentially, there is nothing that would stop an employer—if they want to—from just sitting out that period of time; to sit there and put something forward—and there might be some parts of it that the union agrees on but some very serious parts that they do not agree on. There is nothing to stop them from sitting back and saying, 'It is take it or leave it,' and just wait for the time to tick down to the end of what was three months and—with the amendments that have been passed tonight—what is now a six-month period. Rather than being a relief valve at the end of those six months, I actually think that those six months are really six months of a ticking time bomb. You just sit there and you wait for the time to tick down to the end of the six months, then whatever the employer wants in that agreement gets passed and whatever is in the interest of the workers does not get consideration.

The minister was telling us that, yes, unions have an opportunity to make submissions to the Fair Work Commission, but the Fair Work Commission under these amendments would not be able to arbitrate. This question has been asked of the minister in many different ways this evening, and she has avoided answering it. But it is clear that the Fair Work Commission under these amendments would not have the ability to arbitrate. There would be no fair arbitration of what may be a very unfair agreement. It would end up being 'take it or leave it'; it would end up giving a very unfair advantage to the employers.

I feel no comfort at all that the Fair Work Commission, in making its decision as to whether to take it or leave it—to say yes, or, much less likely, to say no—would take into account prevailing pay and conditions. What are the prevailing pay and conditions for what in many cases in a greenfields agreement might be something quite new? You would only need to get one of these agreements through. You would only need to have one employer sit out that six months, to put in something that is vastly unfair for the workers, and for the Fair Work Commission to say yes to that. You would only need to have one of those get up, and
that would then set the standard for what the prevailing pay and conditions would be. That would be the standard for the next greenfields agreement.

You would never be in a situation of being able to improve the pay and conditions in similar situations in the future. It would end up being a race to the bottom in eroding workers' conditions and eroding workers' pay and eroding the power of workers to be able to work collectively to improve their conditions. It would strike at the ability to have a truly negotiated set of agreements. Having this time period in place would mean that all of the cards would be in the hands of the employers. It would give them an unfair advantage. It would tip the balance too far towards the interests of the employers. The Greens are resolute that this would be a very bad move for Australian society. It would be a very bad move for the workers in our economy and it would end up meaning that we have an even more unfair workplace relations system than we currently have.

Senator CAMERON (New South Wales) (21:40): On a scheduling matter: we finish at 9.50. We would be seeking to divide on this part of the bill, after which we would not be seeking any further divisions. If we could wind up in that time, we would work towards that goal.

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (21:41): Whilst I appreciate those comments, you can understand that we would like to see this bill finished tonight, and that might be at 9.55. But in the event that, unfortunately, we do get to 9.50 tonight and the bill has not been completed, we will have reached a hard mark. On that basis, I move:

That progress be reported.

Question agreed to.

Progress reported.

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (21:42): I move:

That the committee have leave to sit again at a later hour.

The PRESIDENT: The question is that the motion be agreed to.

The Senate divided. [21:47]

(The President—Senator Parry)

Ayes ..................... 35
Noes ..................... 29
Majority ................. 6

AYES

Abetz, E
Bernardi, C
Bushby, DC (teller)
Cash, MC
Day, RJ
Fawcett, DJ
Fifield, MP
Johnston, D
Lazarus, GP
Lindgren, JM

Back, CJ
Birmingham, SJ
Canavan, MJ
Colbeck, R
Edwards, S
Fierravanti-Wells, C
Heffernan, W
Lambie, J
Leyonhjelm, DE
Macdonald, ID
Monday, 12 October 2015

SENATE

AYES

Madigan, JJ
McKenzie, B
Parry, S
Ronaldson, M
Ryan, SM
Sinodinos, A
Wang, Z
Xenophon, N

McGrath, J
Muir, R
Reynolds, L
Ruston, A
Scullion, NG
Smith, D
Williams, JR

NOES

Bullock, JW
Carr, KJ
Dastyari, S
Gallacher, AM
Hanson-Young, SC
Ludlam, S
Marshall, GM
McEwen, A (teller)
McLucas, J
McLaren, D
Rhiannon, L
Sterle, G
Waters, LJ
Wong, P

Cameron, DN
Collins, JMA
Di Natale, R
Gallagher, KR
Lines, S
Ludwig, JW
McAllister, J
McKim, NJ
Moore, CM
Peris, N
Rice, J
Simms, RA
Urquhart, AE
Whish-Wilson, PS

Question agreed to.

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (21:49): by leave—I move:

That the Senate continue to sit until it has finally considered the Fair Work Amendment Bill 2014, or a motion for the adjournment is moved by a minister, whichever is the earlier.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (21:49): Can I just be clear: the opposition had indicated to the chamber that we were prepared to facilitate resolution of this matter by the adjournment time, which is now. We were told, as I understood it, that this would continue for a short period of time. The motion moved by the minister is not for a short period of time. Perhaps the motion should be consistent—

Debate interrupted.

ADJOURNMENT

The PRESIDENT (21:42): Order! It being 9.50 pm, as the standing orders dictate I propose the question:

That the Senate do now adjourn.

Central Coast: Australian Taxation Office

Senator O’NEILL (New South Wales) (21:50): Tonight I rise on a matter of great concern to the people of the New South Wales Central Coast. Just over a week ago I was
joined by nearly 1,000 local residents at a rally to protest this government's decision to build a new Australian Taxation Office building on prime waterfront land in Gosford. Getting 1,000 coasties together on a Saturday morning of the long weekend is a phenomenon unknown to the Central Coast. It reflects the outrage at the processes of this arrogant government, which has completely failed to consult with the local community. I will always welcome new jobs for Gosford. I have fought for and will continue to fight for more jobs in the region and for the people of our region to prosper, but the current member for Robertson and the government that she is a part of just do not understand the Central Coast. They do not get what locals need and they certainly do not care to listen to what locals want.

Gosford has one chance and one chance only to make this amazing site a massive drawcard for the region and to build a city centre that locals and visitors will want to come to and enjoy. The community lost a school; this was the site of the Gosford Public School. It was a vital part of the community of Gosford. It was dismantled and, in the course of that dismantling and demolition, there were many significant promises to the community to use this site right by the edge of the Brisbane water to provide a new vision for Gosford and a new vision of Gosford. That was to be done. It was understood by the community that is would be done with consultation. We expected an integrator, iconic, modern and sophisticated entry point to the Central Coast. That is what we were supposed to get.

What we have been served up by this arrogant Liberal Party is a brown, tax box monstrosity with no consultation and no transparency in the decision making. It is a disgraceful and ugly looking building of four floors on our site right by the water in Gosford. There were so many more suitable sites for this building and its workers. The community know it and the community are calling for this government to suspend the processes that they currently have in place, make time and have the respect to consult with the local people about an iconic building that will transform jobs and provide better outcomes for the Central Coast.

We already have one giant, nearly empty building that once housed the WorkCover employees that were brought there by the Labor Party. But with the change of government, the Liberal Party have slashed those local jobs. There are more than 550 locals gone from that workplace, from the government building in the heart of Gosford and from our local economy. The implications for the economy of Gosford city in particular are very significant. The WorkCover building already offers more than 5,200 square metres in the heart of Gosford that is ready to go. This government could have looked at that as a site in which to invest and bring those jobs; but, no, they know better are, they do not need to consult and they are ready to impose their ugly vision on the community and to walk away. Long after this government is gone, the people of the Central Coast will be saddled with a disgraceful, ugly building in the wrong spot that is going to compromise our future development.

There was another site on Mann Street, right beside the council chambers. I am led to believe that that was the second last option standing before this government decided to do some dodgy deal with the state government behind the scenes about this site. It would have been much better to have this proposed Australian Tax Office site beside the local council chambers. This site would have kept the waterfront site available for recreational space, for a performing arts centre or for it to been an iconic gateway to the Central Coast and the CBD. With the integrated planning of multiple developments across that site, there have three been proposals that were widely accepted by the community; but this government, in its arrogance,
has decided to ignore that consultation, to deny that was ever undertaken and to impose their will on the people of the Central Coast. With 1,000 people protesting, they should stop and they should listen before they proceed with this disgraceful plan.

The questions are: what really happened, who intervened and when did they reject that site next to the council, inflicting this disaster on our community and our future? There is something terribly dodgy about this secret deal between two Liberal governments. It is a four floor, brown, brick box on a site where the community does know if it has been sold or if it has been leased. No-one is saying if it has been sold or if it has been leased to a Canberra developer who will be paid $70 million in rents for the next 10 years by this federal government. At the same time, we have got this government divesting itself of leases that it has right across Canberra and other places around the country. They have cut back the Australian Tax Office to the tune of thousands and thousands of employees.

We end up with this brown box and $70 million invested by the federal government in leases on it—then what? I fear it will be the same end that befell the WorkCover building: staff stripped out and sent back to Sydney, Canberra or Newcastle, which is where I understand all of these jobs are supposed to be coming from. As for selling this site, which is approved for buildings 12 to 16 stories high and is slated the community benefit, I would love someone to explain what sort of a developer would only build to four floors on a site approved for 12 to 16 floors. Even that worrying occasion does not add up. Is the rent of $70 million from the federal government making up for the eight floors or was the sale price so cheap that they can afford to build this disgraceful and ugly building on it?

We do not know and we do not know because the government chose a process that is completely opaque. They have hidden what they have done from public scrutiny and from the public of the seat of Robertson. Lucy Wicks, their current member, cannot or will not answer questions about this. Our waterfront is a place that the community was promised would be a vibrant new zone for Gosford—a jobs, recreation and cultural hub. But that is not what we are going to get if the member for Robertson and the member for Wentworth—the new Prime Minister, Mr Turnbull—push ahead against the community on this.

Why are we to be saddled with the miserly imposition of a brown, brick box built by a developer from Canberra? It is not even a local developer; they have gone to Canberra for it. Why are we to be ignored by this fake process, with no transparency, no dollar amounts revealed, no DA lodged without local council and no clarity around the council or the other body that has been involved in this site, the Central Coast Regional Development Corporation? Their involvement in the rezoning is also unknown. The community wants to know and has a right to know exactly how much money is changing hands and how much is being hived off for Mike Baird's bottom line at the expense of the good people of Gosford.

I stand with the community as we say yes to jobs for locals, yes to local building contracts and yes to local jobs. Look what the last Labor government's $7 million investment to the GP super clinic at West Gosford did the local jobs; it was part of an integrated and planned development. The services, the whole community development and the jobs that have grown in this project by the Gibbens Group on the Central Coast has created local jobs for local people with a local developer for the benefit of the local economy and the local community. There is a welcome for public servants on Mann Street, Donnison Street or Erina Street in Gosford, but not for what is on offer from this arrogant government that is disconnected from
the people of the coast. If there are any jobs that are for locals rather than forced transfers from Canberra or Newcastle, the Central Coast will be very welcoming of that too. But you just cannot trust the people who have done this to us.

Right now the waterfront remains a precious space. It was supposed to be for us—for our community. We gave up a school for this. We deserve better than a brown tax box imposed by a developer from Canberra and funded by $70 million from the federal government in some dodgy deal with the Baird government in New South Wales. The Central Coast deserve better than this. This process should be stopped. Consultation should occur. This is a site for beautiful places to have coffee, cake, chianti, or beer and bangers—whatever your choice is. It was supposed to be our cultural heart and an innovative space for innovative 'Coastie' businesses and music, art, and sculpture, in iconic buildings. It has been sold out by the Liberals, and they should cease and desist immediately.

**Infrastructure**

**Senator McKIM** (Tasmania) (22:00): The opportunities in this country for accessing Commonwealth land transport funding have been flipped on their heads over the past few weeks. Cast your minds back to 2013, when then Prime Minister Tony Abbott made it clear that, in this country, if you wanted a land transport project funded by the Commonwealth government it had better be a road. It did not matter to Mr Abbott that we will be likely mining most of our roads for oil by the end of this century. It did not matter to Mr Abbott that Infrastructure Australia were at that time forecasting that, between 2011 and 2031, demand for passenger transport in Australia will rise by an average of 89 per cent across all Australian capital cities. Those matters were of no concern to Mr Abbott. He said that if you wanted land transport funding from the Commonwealth then you had better be asking to build roads, and so the state and territory governments came with pitch after pitch and project after project for roads.

Contrast that with what we have heard from our current Prime Minister, who in the last couple of weeks has said:

While I am a notorious fan of public transport—very fond of Melbourne trams in particular—

And I pause there to ask who isn't?

I am completely agnostic about particular types of technology, types of transport. Having safe, liveable cities that people can walk around feeling safe, people can move around freely, that is a huge economic asset.

He also said:

The key to a modern, liveable city … is very good connectivity. People have got to be able to move around and get to work, get to shop, get to connect with each other.

A city needs a good mix of transport infrastructure, so our approach should be, therefore, one that is completely agnostic to the type of infrastructure support …

Finally, he said:

We want to look at arrangements where we can partner the State governments or with city governments as shareholders, as investors.

We also have to look creatively at how we capture the value that arises from the increase in property values and the improvement in the utility of adjacent land from the building of infrastructure like this.
By 'infrastructure like this,' he was, of course, referring to Gold Coast light rail, which the government has announced, over the last 48 hours, will receive $95 million in funding.

I want to turn to my home town of Hobart, where a group of passionate Hobartians have been trying to get up Hobart light rail for a long period of time. Let me tell the Senate briefly about this project. It is a project that, ultimately, should go from the Hobart CBD right through to the booming dormitory suburb of Brighton. I have argued in the past that it should be funded in two stages: the first stage from the Hobart CBD to MONA, the Museum of Old and New Art; and the second stage onwards out from MONA, through Claremont and through Granton, across the causeway and the Bridgewater Bridge, through Bridgewater and into Brighton.

Stage 1 could be funded for $80 million to $100 million—that is, about the same amount of money that Mr Turnbull announced over the past day or so for Gold Coast light rail. Just imagine the transformative benefits to Hobart of this project. As I said, it is low-cost compared to other light rail projects, because the rail corridor is already there. Not only is the rail corridor already there; the embankment is already there. There would be no need for the kinds of difficult compulsory land acquisitions that in recent years we have seen plague light rail projects in many parts of Australia. The corridor is there and the embankment for the rails is already in place.

If we could get this project up, we would use electric trains powered by Tasmania's 100 per cent renewably generated, bringing emissions down and reducing our greenhouse gas emissions profile. We would see property values go up in and around the rail corridor. We would see infill development which, again, makes cities more livable and more sustainable. We would see a decrease in traffic congestion and a much reduced need for the hundreds of millions of dollars that, unfortunately, ideologically driven state and Commonwealth governments are right now proposing to spend on the Brooker Highway in Hobart.

We would see an increase in health and wellbeing benefits for the people of Hobart and southern Tasmania, because more people would walk and cycle to the stations that would be associated with Hobart light rail. If we coupled Hobart light rail with the Battery Point walkway, which has been stage 1 approved by Hobart City Council, we would see a significant increase in liveability in Hobart. We would see a transformational benefit for Hobart that would truly help bring that city fair and square into the 21st century.

There are innovative funding models available. We can see things like land value capture, which has occurred in the United States, which is worth considering for projects such as this, whereby private sector funding is used to part fund a project, with input from public sources, with returns to the private sector generated by increased land values in the area. What have we got in Tasmania? We have a state government that has this project well and truly in the too-hard basket. We have a government down there, a Liberal government, that is ideologically wedded to road infrastructure. They have hived off this project to their newly created bureaucracy, Infrastructure Tasmania, which was making not very certain noises—last time I looked—that it would attempt to have its so-called review of this project done by the end of this calendar year.

I say to the Minister for Infrastructure, Rene Hidding, in Tasmania, I say to the Minister for State Growth and member for Denison, where this project would be located, Matthew Groom in Tasmania and I say to the Tasmanian Premier, Will Hodgman: strike now. Strike while the
iron is hot. Strike while you have got a Prime Minister who is talking about the benefits of public transport, who is spruiking the benefits of public transport and who is reaching into the Commonwealth coffers and handing out cash right now for public transport projects. We have an opportunity to see this project get up and running. Put in a bid for stage 1, right now. The work has been done. The business case is complete. I funded it while I was Minister for Sustainable Transport in Tasmania during the previous term of government. The business case is complete. All the reviews that needed to be done have been done. The peer review of the business case is done. The work is complete. It just needs to be tied up with a ribbon and pretty little bow. And it needs to be shipped off to the Prime Minister's office, with a copy to Infrastructure Australia. Let's get this project moving for Tasmania. It would create jobs. It would create land value. It would bring our emissions down. There are environmental benefits. It would improve social inclusion in southern Tasmania—significant social benefits. It would see an increase in investment in infill development in Hobart—economic benefits for Tasmania. It is a triple bottom line win there for the taking. We are only waiting for this lazy state government to get off its hands, remove itself from its ideological obsession with roads, get with the times and put in a bid for funding for this exciting transformational project.

Senate adjourned at 22:10

DOCUMENTS

Tabling

The following documents were tabled by the Clerk pursuant to statute:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]

A New Tax System (Goods and Services Tax) Act 1999—

Goods and Services Tax: Application of Agency Arrangements to the Multi-Media Industry Determination (No. 33) 2015 [F2015L01579].

Goods and Services Tax: Choosing to Account on a Cash Basis Determination (No. 39) 2015—representatives of incapacitated entities [F2015L01570].

Goods and Services Tax: Classes of Recipient Created Tax Invoice Determination (No. 14) 2015 [F2015L01567].

Goods and Services Tax: Classes of Recipient Created Tax Invoice Determination (No. 15) 2015 [F2015L01588].

Goods and Services Tax: Classes of Recipient Created Tax Invoice Determination (No. 17) 2015 [F2015L01594].

Goods and Services Tax: Classes of Recipient Created Tax Invoice Determination (No. 18) 2015 [F2015L01596].

Goods and Services Tax: Classes of Recipient Created Tax Invoice Determination (No. 19) 2015 [F2015L01597].

Goods and Services Tax: Classes of Recipient Created Tax Invoice Determination (No. 20) 2015 [F2015L01560].

Goods and Services Tax: Classes of Recipient Created Tax Invoice Determination (No. 21) 2015 [F2015L01563].

Goods and Services Tax: Classes of Recipient Created Tax Invoice Determination (No. 22) 2015 [F2015L01566].
Goods and Services Tax: Classes of Recipient Created Tax Invoice Determination (No. 23) 2015 [F2015L01571].
Goods and Services Tax: Classes of Recipient Created Tax Invoice Determination (No. 24) 2015 [F2015L01581].
Goods and Services Tax: Classes of Recipient Created Tax Invoice Determination (No. 25) 2015 [F2015L01568].
Goods and Services Tax: Classes of Recipient Created Tax Invoice Determination (No. 26) 2015 [F2015L01573].
Goods and Services Tax: Classes of Recipient Created Tax Invoice Determination (No. 27) 2015 [F2015L01564].
Goods and Services Tax: Extension of Time to Issue An Adjustment Note Determination (No. 35) 2015 [F2015L01589].
Goods and Services Tax: Extension of Time to Issue An Adjustment Note Determination (No. 36) 2015 [F2015L01582].
Goods and Services Tax: Extension of Time to Issue An Adjustment Note Determination (No. 37) 2015—Supplies made by electricity distributors to electricity retailers [F2015L01577].
Goods and Services Tax: Margin Scheme Valuation Requirements Determination MSV (No. 53) 2015 [F2015L01584].
Goods and Services Tax: Particular Attribution Rules for supplies and acquisitions relating to the operation of a Collecting Society under the Copyright Act Determination (No. 34) 2015 [F2015L01583].
GST-free Supply (Drugs and Medicinal Preparations) Determination 2015 [F2015L01466].
Rules for Applying Subdivision 66-B Determination (No. 31) 2015 [F2015L01575].
Simplified GST Accounting Method Determination (No. 29) 2015 [F2015L01578].
Simplified GST Accounting Methods Determination (No. 28) 2015 [F2015L01578].
Telecommunication Supplies Determination (No. 38) 2015 [F2015L01574].
Waiver of Tax Invoice Requirement Determination (No. 30) 2015 [F2015L01569].

Aged Care Act 1997—Aged Care (Subsidy, Fees and Payments) Amendment (September 2015 Indexation) Determination 2015 [F2015L01454].
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (September 2015 Indexation) Determination 2015 [F2015L01453].

Australian Film, Television and Radio School Act 1973—Determination of Degrees, Diplomas and Certificates No. 2015/2 [F2015L01517].


Australian Passports (Application Fees) Act 2005—Australian Passports (Application Fees) Amendment Determination 2015 (No. 1) [F2015L01629].

Australian Prudential Regulation Authority Act 1998—Australian Prudential Regulation Authority (confidentiality) determination—No. 17 of 2015 [F2015L01551].


Banking Act 1959—Banking (restricted word or expression) No. 2 of 2015—Consent regarding "Offshore Banking Unit" [F2015L01473].

Broadcasting Services Act 1992—Broadcasting Services (Primary Commercial Television Broadcasting Service) Amendment Declaration 2015 (No. 2) [F2015L01535].


Civil Aviation Act 1988—Civil Aviation Regulations 1988—Authorisation and permission—helicopter winching operations (CHC Helicopters)—CASA 139/15 [F2015L01445].


Main Rotor Mast Cracking—AD/OH-58/8 Amdt 1 [F2015L01496].

Prescription—type ratings for CASR Part 142 flight training (Edition 2) Amendment Instrument 2015 (No. 1) [F2015L01625].

Repeal of Airworthiness Directive—CASA ADCX 014/15 [F2015L01472].

Commissioner of Taxation—Public Rulings—
Class Rulings—
Product Rulings—
Taxation Determinations—
TD 2015/17.
Corporations Act 2001—
Accounting Standard AASB 1 First-time Adoption of Australian Accounting Standards—July 2015 [F2015L01628].
Accounting Standard AASB 3 Business Combinations—August 2015 [F2015L01592].
Accounting Standard AASB 5 Non-current Assets Held for Sale and Discontinued Operations—August 2015 [F2015L01614].
Accounting Standard AASB 7 Financial Instruments: Disclosures—August 2015 [F2015L01610].
Accounting Standard AASB 8 Operating Segments—August 2015 [F2015L01606].
Accounting Standard AASB 12 Disclosure of Interests in Other Entities—August 2015 [F2015L01536].
Accounting Standard AASB 13 Fair Value Measurement—August 2015 [F2015L01613].
Accounting Standard AASB 102 Inventories—July 2015 [F2015L01624].
Accounting Standard AASB 110 Events after the Reporting Period—August 2015 [F2015L01553].
Accounting Standard AASB 112 Income Taxes—August 2015 [F2015L01601].
Accounting Standard AASB 117 Leases—August 2015 [F2015L01562].
Accounting Standard AASB 119 Employee Benefits—August 2015 [F2015L01612].
Accounting Standard AASB 121 The Effects of Changes in Foreign Exchange Rates—August 2015 [F2015L01580].
Accounting Standard AASB 123 Borrowing Costs—August 2015 [F2015L01586].
Accounting Standard AASB 127 Separate Financial Statements—August 2015 [F2015L01544].
Accounting Standard AASB 128 Investments in Associates and Joint Ventures—August 2015 [F2015L01543].
Accounting Standard AASB 132 Financial Instruments: Presentation—August 2015 [F2015L01605].
Accounting Standard AASB 133 Earnings per Share—August 2015 [F2015L01616].
Accounting Standard AASB 136 Impairment of Assets—August 2015 [F2015L01622].
Accounting Standard AASB 138 Intangible Assets—August 2015 [F2015L01558].
Accounting Standard AASB 140 Investment Property—August 2015 [F2015L01611].
Accounting Standard AASB 141 Agriculture—August 2015 [F2015L01615].
Accounting Standard AASB 1048 Interpretation of Standards—August 2015 [F2015L01618].
ASIC Corporations (Amendment and Repeal) Instrument 2015/843 [F2015L01555].
ASIC Corporations (Derivative Transaction Reporting Exemption) Instrument 2015/844 [F2015L01530].
ASIC Corporations (Exempt Proprietary Companies) Instrument 2015/840 [F2015L01545].
ASIC Corporations (Managed investment product consideration) Instrument 2015/847 [F2015L01561].
ASIC Corporations (Non-Reporting Entities) Instrument 2015 [F2015L01546].
ASIC Corporations (Post Balance Date Reporting) Instrument 201/842 [F2015L01552].
ASIC Corporations (Related Scheme Reports) Instrument 2015/839 [F2015L01549].
ASIC Corporations (Repeal) Instrument 2015/836 [F2015L01559].
ASIC Corporations (Repeal) Instrument 2015/859 [F2015L01531].
ASIC Corporations (Stapled Group Reports) Instrument 2015/838 [F2015L01548].
Corporations Amendment (Financial Services Information Lodgement Periods) Regulation 2015—Select Legislative Instrument 2015 No. 135 [F2015L01270]—Revised explanatory statement.

Customs Act 1901—
Comptroller-General of Customs Declaration of Places No. 1 of 2015 [F2015L01500].
Comptroller-General of Customs Instruments of Approval—
No. 2 of 2015 [F2015L01501].
No. 3 of 2015 [F2015L01502].
No. 4 of 2015 [F2015L01503].
No. 5 of 2015 [F2015L01505].
No. 6 of 2015 [F2015L01506].
No. 7 of 2015 [F2015L01507].
No. 8 of 2015 [F2015L01509].
No. 9 of 2015 [F2015L01512].
No. 10 of 2015 [F2015L01513].
No. 11 of 2015 [F2015L01514].
No. 12 of 2015 [F2015L01541].
No. 13 of 2015 [F2015L01494].
No. 14 of 2015 [F2015L01529].
No. 15 of 2015 [F2015L01532].
No. 16 of 2015 [F2015L01533].
No. 17 of 2015 [F2015L01493].
No. 18 of 2015 [F2015L01495].
No. 19 of 2015 [F2015L01497].
No. 20 of 2015 [F2015L01498].
No. 21 of 2015 [F2015L01499].

Customs (Australian Trusted Trader Programme) Rule 2015 [F2015L01478].


Environment Protection and Biodiversity Conservation Act 1999—
Amendment of List of Exempt Native Specimens—Northern Territory Offshore Net and Line Fishery (18 September 2015)—EPBC303DC/SFS/2015/26 [F2015L01485].
Amendment of List of Exempt Native Specimens—Queensland East Coast Inshore Fin Fish Fishery (30 September 2015)—EPBC303DC/SFS/2015/31 [F2015L01595].
Amendment of List of Exempt Native Specimens—South Australian Marine Scalefish Fishery (18 September 2015)—EPBC303DC/SFS/2015/27 [F2015L01487].

Amendment to the lists of threatened species, threatened ecological communities and key threatening processes under sections 178, 181 and 183 (180) (17 September 2015) [F2015L01481].
Conservation Management Plan for the Blue Whale [F2015L01633].


*Food Standards Australia New Zealand Act 1991*—Australia New Zealand Food Standards Code—Standard 1.4.2—Maximum Residue Limits Amendment Instrument No. APVMA 8, 2015 [F2015L01632].


*Higher Education Support Act 2003*—

List of grants under Division 41 for 2016 in relation to the Indigenous Support Programme [F2015L01482].

Revocation of Approval as a Higher Education Provider (Harvest West Bible College Inc) [F2015L01479].

Revocation of approval as a VET Provider (Harvest West Bible College Inc) [F2015L01480].

VET Provider Approval—No. 17 of 2015 [F2015L01459].

*Legislative Instruments Act 2003*—

Legislation (Exemptions and Other Matters) Regulation 2015—Select Legislative Instrument 2015 No. 158 [F2015L01475].

Legislation (General) Regulation 2015—Select Legislative Instrument 2015 No. 159 [F2015L01476].

Legislative Instruments (Deferral of Sunsetting—Public Lending Right Scheme Instruments) Certificate 2015 [F2015L01598].

Legislative Instruments (Hearing Services Administration Instruments) Sunset-altering Declaration 2015 [F2015L01516].

*Migration Act 1958*—

Determination of the Fixed Maximum Number of Specified Skilled Visas That May be Granted in the 2015-2016 Financial Year 2015—IMMI 15/112 [F2015L01455].

Direction under section 499—Order of consideration—certain skilled migration visas—No. 67.

Migration Amendment (Conversion of Protection Visa Applications) Regulation 2015—Select Legislative Instrument 2015 No. 164 [F2015L01461].

Migration Regulations 1994—

Arrangements for Temporary Work (Short Stay Activity) (Subclass 400) Visa Applications 2015—IMMI 15/121 [F2015L01447].

Arrangements for Visitor Visa Applications 2015—IMMI 15/123 [F2015L01448].

Specification of Regional Area 2015—IMMI 15/122 [F2015L01635].

Specified Place to provide a Personal Identifier 2015—IMMI 15/125 [F2015L01504].

*Military Superannuation and Benefits Act 1991*—

Military Superannuation and Benefits Amendment (Trust Deed—ADF Super Consequential) Instrument 2015 [F2015L01526].
Military Superannuation and Benefits (Eligible Members) Declaration 2015 [F2015L01527].

National Greenhouse and Energy Reporting Act 2007—
National Greenhouse and Energy Reporting (Audit) Amendment Determination 2015 (No. 1) [F2015L01638].
National Greenhouse and Energy Reporting (Safeguard Mechanism) Rule 2015 [F2015L01637].

National Health Act 1953—
National Health Determination under paragraph 98C(1) (b) Amendment 2015 (No. 9)—PB 92 of 2015 [F2015L01539].
National Health (Efficient Funding of Chemotherapy) Special Arrangement Amendment Instrument 2015 (No. 9)—PB 95 of 2015 [F2015L01604].
National Health (Highly specialised drugs program) Special Arrangement Amendment Instrument 2015 (No. 10)—PB 94 of 2015 [F2015L01619].
National Health (Listed drugs on F1 or F2) Amendment Determination 2015 (No. 8)—PB 98 of 2015 [F2015L01599].
National Health (Listing of Pharmaceutical Benefits) Amendment Instrument 2015 (No. 9)—PB 90 of 2015 [F2015L01520].
National Health (Originator Brand) Determination 2015—PB 100 of 2015 [F2015L01525].
National Health (Paraplegic and Quadriplegic Program) Special Arrangement Amendment Instrument 2015 (No. 2)—PB 97 of 2015 [F2015L01602].
National Health (Pharmaceutical Benefits—Early Supply) Amendment Instrument 2015 (No. 8)—specification under subsection 84AAA(2)—PB 93 of 2015 [F2015L01540].
National Health (Price and Special Patient Contribution) Amendment Determination 2015 (No. 7)—PB 91 of 2015 [F2015L01537].
National Health (Weighted average disclosed price—October 2015 reduction day) Amendment Determination 2015 (No. 1)—PB 88 of 2015 [F2015L01452].

Norfolk Island Act 1979—
Norfolk Island Continued Laws Amendment (Standard Time) Ordinance 2015 [F2015L01491].
Norfolk Island Standard Time Ordinance 2015 [F2015L01483].

Parliamentary Entitlements Act 1990—

Personal Property Securities Amendment (Deregulatory Measures) Act 2015—Personal Property Securities Amendment (Deregulatory Measures) Commencement Proclamation 2015 [F2015L01471].

Private Health Insurance Act 2007—
Private Health Insurance (Benefit Requirements) Amendment Rules 2015 (No. 4) [F2015L01451].
Private Health Insurance (Complying Product) Amendment Rules 2015 (No. 3) [F2015L01449].
Quarantine Act 1908—Quarantine Amendment (Quarantine Stations) Proclamation 2015 [F2015L01465].
Radiocommunications Act 1992—
Radiocommunications (Communication with Space Object) Class Licence 2015 [F2015L01486].
Radiocommunications (Communication with Space Object) Class Licence Consequential Amendments Instrument 2015 [F2015L01488].
Radiocommunications Licence Conditions (Broadcasting Licence) Determination 2015 [F2015L01489].
Radiocommunications (Radionavigation-Satellite Service) Class Licence 2015 [F2015L01510].
Social Security Act 1991—
Social Security (Class of Visas—Newly Arrived Resident's Waiting Period for Special Benefit) Determination 2015 (No. 2) [F2015L01547].
Social Security (Class of Visas—Qualification for Special Benefit) Determination 2015 (No. 2) [F2015L01542].
Social Security (Declaration of Visa in a Class of Visas—Special Benefit Activity Test) Determination 2015 (No. 2) [F2015L01554].
Space Activities Act 1998—Space Activities (Approved Scientific or Educational Organisations) Guidelines [F2015L01484].
Superannuation Industry (Supervision) Act 1993—Superannuation Industry (Supervision) modification declaration—No. 1 of 2015 [F2015L01519].
Taxation Administration Act 1953—PAYG Withholding Variation: Variation of amount to be withheld from certain payments made by external administrators and trustees of bankrupt estates [F2015L01528].
Therapeutic Goods Act 1989—
Poisons Standard October 2015 [F2015L01534].
Therapeutic Goods (Listing) Notice 2015 (No. 5) [F2015L01469].
Updating Home and Community Care (HACC) References and other References) Amendment Instrument 2015 [F2015L01446].

**Tabling**

The following documents were tabled pursuant to standing order 61(1)(b):

Documents presented since the last sitting of the Senate, pursuant to standing order 166, were authorised for publication on the dates indicated

- Auditor-General—Audit report no. 4 of 2015-16—Performance audit—Confidentiality in government contracts; Senate order for departmental and entity contracts (calendar year 2014 compliance): Across entities. [Received 30 September 2015]
- Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 April to 30 June 2015.
- Departmental and agency appointments and vacancies—Budget (Supplementary) estimates—Letters of advice pursuant to the order of the Senate of 24 June 2008—Employment portfolio. [Received 8 October 2015]
- Departmental and agency grants—Budget (Supplementary) estimates—Letter of advice pursuant to the order of the Senate of 24 June 2008—Immigration and Border Protection portfolio. [Received 25 September 2015]
- Entity contracts for 2014-15—Letter of advice pursuant to the order of the Senate of 20 June 2001, as amended—Health portfolio. [Received 25 September 2015]
- Final budget outcome 2014-15—Report by the Treasurer (Mr Hockey) and the Minister for Finance (Senator Cormann).
- Indexed lists of departmental and agency files for the period 1 January to 30 June 2015—Statement of compliance pursuant to the order of the Senate of 30 May 1996, as amended—Treasury portfolio. [Received 18 September 2015]


- Annual reports for 2014-15—
  - Subsection 12G(2).
  - Subsection 54(2).
- Quarterly reports for the period 1 April to 30 June 2015—
  - Subsection 12G(1).
  - Subsection 54(1).
Tabling

DOCUMENTS PRESENTED OUT OF SITTING SINCE 17 SEPTEMBER 2015

Government documents (pursuant to Senate standing order 166)

Reports of the Auditor-General (pursuant to Senate standing order 166(2) (a))
Audit report no. 4 of 2015-16—Performance audit—Confidentiality in government contracts: Senate order for departmental and entity contracts (calendar year 2014 compliance): Across entities. [Certified 30 September 2015]

Statements of compliance with Senate orders (pursuant to Senate standing order 166)
Indexed lists of departmental and agency files (continuing order of the Senate of 30 May 1996, as amended)
Treasury portfolio. [Received 18 September 2015]

Lists of entity contracts (continuing order of the Senate of 20 June 2001, as amended)
Health portfolio. [Received 25 September 2015]

List of departmental and agency appointments and vacancies (continuing order of the Senate of 24 June 2008, as amended)
Employment portfolio. [Received 8 October 2015]

Immigration and Border Protection portfolio. [Received 25 September 2015]

Lists of departmental and agency grants (continuing order of the Senate of 24 June 2008)
Immigration and Border Protection portfolio. [Received 25 September 2015]

Statements of departmental and agency unanswered estimates questions on notice
(continuing order of the Senate of 25 June 2014)
Environment portfolio. [Received 18 September 2015]

COMMITTEE REPORTS AND GOVERNMENT RESPONSES TO PARLIAMENTARY COMMITTEE REPORTS PRESENTED OUT OF SITTING SINCE 17 SEPTEMBER 2015
[reports and responses will be recorded in the Journals of the Senate and available for consideration on Tuesday under standing order 62(4)]

Committee reports (pursuant to Senate standing order 38 (7))
Legal and Constitutional Affairs Reference Committee—Report—Matter of a popular vote, in the form of a plebiscite or referendum, on the matter of marriage in Australia—

Corrigendum. [Received 21 September 2015]

Corrigendum. [Received 8 October 2015]

Foreign Affairs, Defence and Trade Legislation Committee—Veterans' Affairs Legislation Amendment (2015 Budget Measures) Bill 2015—Schedule 2—Report, dated September 2015, Hansard record of proceedings, documents presented to the committee, additional information and submissions. [Received 25 September 2015]

Environment and Communications Legislation Committee—Landholders' Right to Refuse (Gas and Coal) Bill 2015—Report, dated September 2015, Hansard record of proceedings, documents presented to the committee, additional information and submissions. [Received 30 September 2015]

Health—Select Committee—Mental health: a consensus for action—Fourth interim report, dated October 2015. [Received 8 October 2015]