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**SITTING DAYS—2019**

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FORTY-SIXTH PARLIAMENT
FIRST SESSION—FIRST PERIOD

Governor-General
His Excellency General the Hon. David John Hurley, AC, DSC, FTSE (Retd)

Senate Office Holders
President—Senator the Hon. Scott Ryan
Deputy President and Chair of Committees—Senator Susan Lines
Temporary Chairs of Committees—Senators Askew, Bernardi, Bilyk, Brockman, Brown, Faruqi, Fawcett, Fierravanti-Wells, Gallacher, Griff, Kitching, Polley, Sterle and Stoker
Leader of the Government in the Senate—Senator the Hon. Mathias Cormann
Deputy Leader of the Government in the Senate—Senator the Hon. Simon Birmingham
Leader of the Opposition in the Senate—Senator the Hon. Penny Wong
Deputy Leader of the Opposition in the Senate—Senator the Hon. Kristina Keneally
Manager of Government Business in the Senate—Senator the Hon. Anne Ruston
Deputy Manager of Government Business in the Senate—Senator Jonathon Duniam
Manager of Opposition Business in the Senate—Senator Katy Gallagher
Deputy Manager of Opposition Business in the Senate—Senator Kimberley Kitching

Senate Party Leaders and Whips
Leader of the Liberal Party in the Senate—Senator the Hon. Mathias Cormann
Deputy Leader of the Liberal Party in the Senate—Senator the Hon. Simon Birmingham
Leader of The Nationals in the Senate—Senator the Hon. Bridget McKenzie
Deputy Leader of The Nationals in the Senate—Senator the Hon. Matthew Canavan
Leader of the Labor Party in the Senate—Senator the Hon. Penny Wong
Deputy Leader of the Labor Party in the Senate—Senator the Hon. Don Farrell
Leader of the Australian Greens—Senator Richard Di Natale
Deputy Leader of the Australian Greens in the Senate—Senator Larissa Waters
Chief Government Whip—Senator Dean Anthony Smith
Deputy Government Whips—Senators James McGrath and Slade Brockman
The Nationals Whip—Senator Perin Davey
Chief Opposition Whip—Senator Anne Elizabeth Urquhart
Deputy Opposition Whips—Senators Raff Ciccone and Malarndirri McCarthy
Australian Greens Whip—Senator Rachel Siewert

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

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

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

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

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

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

Chosen by the Parliament of Tasmania to fill a casual vacancy (vice D Bushby), pursuant to section 15 of the Constitution.

Chosen by the Parliament of Victoria to fill a casual vacancy (vice M Fifield), pursuant to section 15 of the Constitution.

Vacancy created by the resignation of Senator Arthur Sinodinos on 11 November 2019.
PARTY ABBREVIATIONS
AG—Australian Greens; ALP—Australian Labor Party;
CA—Centre Alliance; CLP—Country Liberal Party; IND—Independent;
JLN—Jacqui Lambie Network; LNP—Liberal National Party;
LP—Liberal Party of Australia; NATS—The Nationals;
PHON—Pauline Hanson's One Nation

Heads of Parliamentary Departments
Clerk of the Senate—R Pye
Clerk of the House of Representatives—C Surtees
Secretary, Department of Parliamentary Services—R Stefanic
Parliamentary Budget Officer—J Wilkinson
# MORRISON MINISTRY

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<tr>
<td>Minister for Women</td>
<td>Senator the Hon. Marise Payne</td>
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<tr>
<td>Minister Assisting the Prime Minister for the Public Service and Cabinet</td>
<td>The Hon. Greg Hunt MP</td>
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<tr>
<td>Minister for Indigenous Australians</td>
<td>The Hon. Ken Wyatt AM MP</td>
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<tr>
<td>Assistant Minister to the Prime Minister and Cabinet</td>
<td>The Hon. Ben Morton MP</td>
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<tr>
<td>Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development</td>
<td>The Hon. Michael McCormack MP</td>
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<tr>
<td>Minister for Water Resources, Drought, Rural Finance, Natural Disaster and Emergency Management</td>
<td>The Hon. David Littleproud MP</td>
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<tr>
<td>Minister for Population, Cities and Urban Infrastructure</td>
<td>The Hon. Alan Tudge MP</td>
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<tr>
<td>Minister for Regional Services, Decentralisation and Local Government</td>
<td>The Hon. Mark Coulton MP</td>
</tr>
<tr>
<td>Assistant Minister for Road Safety and Freight Transport</td>
<td>The Hon. Scott Buchholz MP</td>
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<tr>
<td>Assistant Minister to the Deputy Prime Minister</td>
<td>The Hon. Andrew Gee MP</td>
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<tr>
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<td>The Hon. Nola Marino MP</td>
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<tr>
<td>Treasurer</td>
<td>The Hon. Josh Frydenberg MP</td>
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<tr>
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<td>The Hon. Michael Sukkar MP</td>
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<tr>
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<tr>
<td>Assistant Minister for Superannuation, Financial Services and Financial Technology</td>
<td>Senator the Hon. Jane Hume</td>
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<td>Senator the Hon. Mathias Cormann</td>
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<td>(Vice-President of the Executive Council)</td>
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<td>(Leader of the Government in the Senate)</td>
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<td>(Deputy Leader of the Government in the Senate)</td>
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Wednesday, 27 November 2019

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

DOCUMENTS
Tabling
The Clerk: I table documents pursuant to statute as listed on the Dynamic Red. Full details of the documents are recorded in the Journals of the Senate.

COMMITTEES
Meeting
The Clerk: Proposals to meet have been lodged as follows:
National Capital and External Territories—Joint Standing Committee—private meetings followed by private briefings on Thursday, 28 November and 5 December 2019, from 10 am.
Legal and Constitutional Affairs References Committee—private meeting otherwise than in accordance with standing order 33(1) on Thursday, 28 November 2019, from 11 am.

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

BILLS
Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019
Second Reading

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

Senator STERLE (Western Australia) (09:31): It might seem strange, but I relish the opportunity to speak in opposition to the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019. The sad part about this place is that we pass so many pieces of legislation but the majority of Australians have no idea what's going on here, when they should have an idea of what's going on here. This bill is a classic example—not so much the content of the bill but the content of what this government has been doing over the past six years, carrying on from the previous Howard years, when they blew up the nation with Work Choices. What they've done here is to ask: 'How can we undermine the working conditions and wages of Australians? How can we control the greater masses to do as we say? It's pretty easy. Let's put laws in place that limit the opportunity for unions to do their work.'

It takes me back to one of my favourite films. This situation is not a comedy, but we all remember that magnificent film Monty Python's Life of Brian. We all remember when the commandos and Reg convened a meeting in someone's house. They all ran in and they were all dressed the same. It was a Judean People's Front secret meeting. They started asking, 'What have the Romans ever done for us?' Every Australian remembers this skit, but I'm going to put a different slant on it. This is exactly like when we ask, 'What have unions ever
done for us?' Let's go back to the skit about 'What have the Romans ever done for us?' One of them said, 'The aqueduct.' They said, 'Yeah, yeah, but apart from the aqueduct?' Then they went on. They said, 'Sanitation.' 'Yeah, right.' 'Roads, irrigation, medicine, education, wine, public baths—what have the Romans ever done apart from that?' Then one of the commandos said: 'Well, it is safe to walk the streets, and they know how to keep order. Let's face it, they're the only ones who could in a place like this.' Then all the commandos laughed, 'Ha, ha, ha.' Then one of them said: 'We wouldn't want to go back to those days, would we? But what have the Romans ever done for us?'

Let me put another spin on it. What have the unions ever done for us? That mob over there just blindly follow their leaders. Half of them probably don't even know what's going on either, the lemmings. They'll just go over the side of the cliff with their leaders. But what have the unions done for us? There is no particular order here, Madam Deputy President, because I know you know this, as all of us here on this side know this. It was the unions that first led the eight-hour campaign, where workers could have eight hours of work, eight hours of play and eight hours of rest. That's what the unions did, not the employers. The unions then introduced the 38-hour week. The unions were the ones that brought us the wages safety net. What have the unions ever done for us? Well, they've given us awards, and they are the ones pursuing equal pay for women. It ain't the employers; it's the unions. This is what they're doing for us.

What else have the unions done for us? Penalty rates, meal allowances in lieu of a meal break—no, no, stick around, Senator Molan! I know I've broken you down, Senator Molan, and you're one of the intelligent ones! You're not like the other lemmings, so imagine what the other ones are going to do! I don't blame you.

Senator Molan: I have to leave now, for credibility!

Senator STERLE: What else have the unions ever done for us? Rostered days off, sick leave, bereavement leave, public holidays, annual leave with a loading. My goodness me, workers being able to have a minimum of four weeks leave with pay! In a lot of places it's gone out to six weeks, and so it should.

What else have the unions done for us? My goodness me, they negotiated long service leave! They're now negotiating domestic violence leave. It was the unions that negotiated maternity and paternity leave. It was the unions that negotiated superannuation and continue to enforce superannuation. We found out through an economics committee that in this nation there has been no less than $6 billion in superannuation theft. That's even before I get to the bigger problem of wage theft.

What else have the unions done for us? My goodness me, they even negotiated shift allowances and living away from home allowances! It was the unions that pushed for permanent employment in a majority of workplaces. Madam Deputy President, you and I both know that the corporations and a lot of employers in this nation would love nothing better than to employ casuals. They'd love that. Tell me how many casuals can go to the bank and get a home loan?

What else have the unions done for us? It is the unions that are continually negotiating wage rises for us. Look at wage stagnation in this nation. Wage stagnation in this nation is shocking. But in the union yards and the yards where the unions are represented there is
collective bargaining. There at least they have the ability to try and succeed in getting wage rises through enterprise bargaining.

It was the unions that introduced dispute resolution protections and unfair dismissal protections. How much time in our previous lives did you, Madam Deputy President, and I spend in the commission trying to negotiate an unfair dismissal case when you and I both knew the dismissal was completely out of order? We had the ability to represent our members. Most of the time we got them back on the job, and, if they didn't get back on the job, they were able to leave with dignity and were paid the money they were entitled to.

What else have the unions done for us? Let's talk about wage recovery. I don't see any employers or the government going out there prosecuting the case for wage recovery. It is the unions that do that. What else have the unions done for us? Goodness me, we even get paid weekend penalty rates—oh, unless, of course, you're employed in hospitality or are one of the retail and pharmacy workers who aren't under an enterprise agreement. I forgot about that. It wasn't the unions that stripped penalty rates. It was that mob over there moving legislation in this place to give employers the opportunity to do that, under the pretext that there would be more jobs. Well, how the heck has that worked out? I would be interested to see how many more jobs have been created.

What have the unions ever done for us? Redundancies. One of the worst things we have to do as union organisers is negotiate redundancies, not because we're going to see a few bob going into the pocket of a worker who has lost their job through no fault of their own; the sad part is that they've lost their jobs. The majority of these workers don't have other jobs to go to, so at least the unions are able to negotiate redundancies. How many times, Madam Deputy President, have you and I sat there and had to negotiate redundancies and then, lo and behold, what do we find on the site a few months later? Labour hire. We can start at the top of the chain on this. Major corporations are notorious for this. I don't have to mention them here, because we know who they are.

What else have the unions done for us? I don't think it was the employers who led the charge in the industrial revolution to make sure that workers didn't lose their fingers, their arms or their legs or get injured without an ounce of compensation through workers compensation. It was the unions that negotiated that. I could go on for hours and hours about what the unions have done for us.

I come from a trucking background, and I, unlike the majority of sycophants on the other side, who have just gone and worked for someone who would give them a job in parliament, have lived and breathed it. I come from the trucking industry where I worked with my hands. I followed my old man, and I'm proud to say that my son has followed me. We get out of bed in the morning and say: 'We want to put our boots on; we want to go to work; we want to earn a good quid.' We know we've got to work hard, but the beauty is that, if something goes wrong, I can fall back on the protection of my union membership should I need it—should I be unfairly targeted for my activism on the worksite. Not that I want to see the employer go broke—not at all—but I want to share the common wealth all the way down the chain from the employer through to the employees. And it is the unions in this nation that have done this over the hundred-odd years that they've been active, clearly. It was the unions that formed the Australian Labor Party—we all remember that—following the dispute with the shearers because, as the unions said very clearly, we wanted to have a voice in the parliament to
represent working men and women. And it might pay the Greens to listen. You might get an 
education on how unions work, and, my goodness me, some of you need it.

Senator Gallacher: Point of order, Madam Deputy President. I ask if you could bring the 
chamber to order. There appears to be another meeting at the other end of the chamber.

The DEPUTY PRESIDENT: I would ask senators to respect the right of Senator Sterle 
to be heard in silence. Please continue, Senator Sterle.

Senator STERLE: Thank you, Madam Deputy President. And, thank you, Senator 
Gallacher, because we do take this seriously. We don't just think there's an opportunity to 
have a gaggle and a photo and appear in a Green Left weekly magazine, because 
we're taking this damn seriously. As I said, millions and millions of Australians have 
benefited from the work of unions in this nation. Nothing galls me more than when I hear those on the other side 
and their lemmings—the followers—talking about how wonderful they've been in negotiating 
their contract. Every worker in this nation owes it to the work of the unions on the worksites. 
There is a saying that I picked up. My good mate Senator Gallacher uses it regularly and I like 
it too: 'A rising tide lifts all boats.' How true a statement is that. And it is the work of the 
unions and the union membership that actually lifts that tide, and those boats lift with that 
work.

What we've seen here, since the Howard days, is that they're clawing at the gates. They're 
like a dog, like a greyhound in the boxes at the races, bursting to get out. Every day they're 
conniving. How can they calm the chooks and put them all to sleep, while they quietly work 
around undermining the ability of young Australians to walk into a well-paying job? What is 
wrong in this nation with Australians not only expecting but demanding that the next 
generation shall have the conditions that we've enjoyed? And we've enjoyed these conditions 
through collective bargaining and we've enjoyed these conditions because we didn't have the 
horrible of the horriblest, the LNP—that mob over there—undermining us at every 
opportunity when we were in government. As soon as they're in government, that's the first 
step: how can they undermine the working conditions of Australian men and women? We 
heard yesterday, Senator Sheldon, I think, raise questions in question time to the minister— 
and I cannot remember who the minister was; they shift around a fair bit. Who was it?

Senator Sheldon: Minister Payne.

Senator STERLE: Minister Payne—thank you very much, Senator Sheldon. When 
Minister Payne was asked about whether certain conditions would be rolled back, she didn't 
protect the position as it is now. She just dodged it. So let's face it: what we can assume is that 
there are IR wars coming.

Before I digress, I want to go to something else from yesterday. It's all starting to fall into 
shape here. There was an article in The Australian—and let me tell you, when I've got 
heartburn and I'm feeling sick and I'm not sleeping well and I want to get back to sleep, I read 
The Australian because it usually takes about half a page. It's one of the worst bugles in this 
nation. But I've got to tell you that one thing popped out in The Australian, and I'm glad I saw 
this. It was an article by Ewin Hannan, who is one of the better writers around. It's headed 
'Employee activism scares execs'. Have a think about this: here we have a concocted bill on 
the premise that the unions are all baddies and we need to put them all in jail or whatever we
need to do. Why would this pop up out of nowhere? I have never heard this before. I'm not sure if you're aware of this, Madam Deputy President, but I'll quote from the article:

Senior company executives fear an 'unprecedented rise' in workplace activism—
we can't have that—

driven by employee discontent with rising automation, executive pay levels, surveillance of workers and management decisions could cost companies up to 25 per cent in annual revenue.

Doesn't it all start making sense? It's saying: 'It's all right for the top of the chain to be wallowing in wealth and money, but why should we share that around with the workers? So, you know what? Our mates in the LNP, we really need you to do everything you can to stop the activism, and one of the best ways is let's just target the unions and let's make it as hard as possible for the unions to go out there and do their job, which is to represent union members and those who aren't in unions.' They actually have the opportunity to be educated: 'Do you realise that you are being screwed all the way down the chain here?' And this is what happens. We all know that.

But it really sickens me, because now, in this nation—and I didn't want to waste time on this, because it is wasting time, but it has to be raised, and I could talk for hours underwater with a gob full of marbles on this stuff—we have the carry-on of the banks, while we're trying to screw workers and the workers' representatives, while we're trying to jail them and chain them or whatever we can do to make sure they can't do their job. And thank you, former LNP senator Barry O'Sullivan, because you, Sully, were one of the ones—against your party—who stood up and told the Treasurer and the Prime Minister exactly what they could do with the sycophants they sent around to see you because you were going to pull on the royal commission into the banks. And, wow, hasn't that been very interesting?

While we've got Australian seafarers being dragged out of their bunks on the docks at Freo to be replaced by foreign seafarers who are exploited—and this government here, congratulations; we love the mob at Portland, Alcoa, no problem. We find also that we've had seafarers on our iron boats. We all remember our iron boats—a great part of our history—running iron ore. We know how important iron ore is to this nation—sending it around the world. The iron boats were sent into international waters outside of Hong Kong—didn't even know what was going on—then to be frogmarched down the gangplank. This is BlueScope and BHP iron boats. They were frogmarched down the gangplank, off the ships—couldn't even contact their families, couldn't contact the ITF or the maritime union and say, 'Whoa: what the hell's going on?' Australian seafarers: out. The incoming foreign seafarers—to whom the Australian seafarers mean no malice—these poor devils are exploited something shocking. They actually asked some of the seafarers, 'Can you leave your boots in the cabin, because we don't have 'em?' I'm not making this up. I know, because I spoke to the seafarers.

And here is another example. We've got—what's the word, 'human tapeworms'—the board of Westpac. Now, I didn't say that; that was reported in the Financial Review yesterday. I wouldn't be that nice! They're parasites. While they're conducting their illegal behaviour, our truckies are being fined the equivalent of a week's pay because in their logbook they spelt the name of the roadhouse or the town they slept in the night before incorrectly. Have a listen to this: they were fined a week's pay because they spelt it wrong. Can you believe this rubbish, in this day and age, while sycophants and human tapeworms and parasites at the Westpac bank are absolutely wallowing in wealth?
Do we hear from the LNP? 'Oh, my goodness me: how can we let this operate under our nose, especially when we opposed the royal commission, the banking inquiry'—26 times. They can blame previous Prime Minister Turnbull, but it's the same circus, with the same clowns running around. Just the ringmaster's changed; that's about it. And let me just talk a bit about the Westpac bank—this Mr Lindsay Maxsted. I make no apologies for this, Mr Maxsted: what an absolute disgrace you are. You might not have implemented it. There may have been previous chairmen of the bank and previous board members, but not one of you has the intestinal fortitude, let alone the decency, to say: 'You know what? We really have got caught with our fingers in the cookie jar.' Whether or not the previous sycophants or human tapeworms or parasites set it up, you oversaw it. Not one of you stood up and said, 'In the best interests of our customers and the shareholders, my goodness me, I'd better forfeit my $1 million plus or whatever I'm getting.' And I've got the figures here; I just haven't got enough time to read them.

I tell you what should happen to the executives of the Westpac bank. They should be jailed. We should be rushing legislation into this chamber—not to try to prosecute union officials, who have to break the law sometimes to get an outcome. And tell me which law's broken; tell me which law's not working. The union officials are getting fined. They're paying their fines; they're getting on with work. But what law is broken? None of you can answer that, because this is just concocted. You're looking after these human tapeworms in the Westpac bank. Why aren't we debating, in this chamber and in the other place, legislation rushed in to address this white-collar crime that's been operating under their noses? We'll have the Treasurer say: 'We don't talk about the CBA because that was only $700 million. They're the good baddies. But these bad baddies, we'll talk to them. We'll smack them on the wrist or whack them around the ear with a silk-scented scarf.'

I say to Australia and Australian workers, 'This is what the LNP have in line for you.' The Australian people should be rising on their toes, saying: 'Hang on, if we've got unions and if we are members of those unions, we want them to represent us. We want them to improve our terms and our conditions. We want them to do it not only for us but also for the generations that follow us.' And the same Australians should be rising on their toes and saying: 'You know what? This is exactly right. Why aren't we debating legislation'—there wouldn't be a debate. If you mob over there had any guts—and you haven't; you haven't got any decency in you anyway. If you had the decency, we would be debating laws to not only stop this white-collar crime but to actually shame these so-and-sos. We would actually pass laws that would strip them of their ill-gained proceeds that they've stolen from the bank customers. I'm a Westpac bank customer, but I'm not moving because it's the workers there that deserve our support, not the parasites at the top.

Why aren't you introducing laws in this chamber and the other chamber—you can all put your heads down in your laps—to not only get the money off them but also send them to jail? Why aren't you going to give us laws that don't stop at Westpac because we know of all the criminal behaviour that we've seen at AMP and the Commonwealth Bank and others? What an absolute disgrace you are, you lot over there. Australia, you need to rise to your toes. You need to start the revolution right now.

The DEPUTY PRESIDENT: Thank you, Senator Sterle. I was very reluctant to interrupt Senator Sterle because it's not fair to him. I understand that others are conducting business in
here, but I do ask senators to do it quietly. The conversations were very audible to me and it is disrespectful to senators who are speaking.

Senator AYRES (New South Wales) (09:52): I rise to oppose the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019. Senators often talk about democracy in this chamber. What does this institution do? What does it really do to protect and advance Australian democracy? The truth is, from my observation here, it does not much at all. The truth is that this bill takes Australia backwards—backwards towards authoritarianism and backwards towards a diminished democracy. Our democratic institutions are weakened every day by a government that doesn't have a plan for the big issues that face Australia. They only have a plan to undermine democratic accountability, attack freedom of the press, restrict democratic freedoms, attack legitimate protest activity and threaten their opponents.

This bill—the ensuring integrity legislation before us—sits comfortably within the antidemocratic trajectory of the Morrison government. The bill is an affront to democratic values. Democracy is not simply what occurs within this parliament and in election campaigns. Democracy is practised in communities every day, in organisations like trade unions, in meeting halls and at work. Democracy is also the conviction that giving people a voice and the capacity to exercise collective power makes all Australians stronger.

Working people organise into unions to give themselves a stronger voice, to strengthen democracy and to make sure that they are not dominated by their employer, market forces or the government. Unions are about giving workers real agency and building a stronger democracy. So why, in Australia, should democracy be excluded from the workplace? Why is this government so hostile to the institutions that ensure that working people have a real democratic voice in their work and in their industries?

Underlying this bill there is a deep and historic prejudice that working people cannot make decisions for themselves, that they should accept what their masters demand and that they should defer to their betters. It is a prejudice that echoes through the history of Australian conservativism. And the fight-back against Australian conservativism and unfettered imperial power of employers and unfair governments has defined the high points of Australia's post-settlement history. There was Eureka, the shearers' strikes in Bourke and Barcaldine, the 'great strike' of 1917, the maritime dispute of 1998, the great struggles against conscription in World War I and Vietnam, the fights for equal pay for women and Aboriginal Australians, the strikes, pickets and boycotts against apartheid or in support of Indonesian independence, and the decision by waterfront workers to boycott pig iron destined for imperial Japan in defiance of Robert Menzies. The Liberal hero, determined to ensure that pig iron made its way to the satanic mills of that hateful fascist regime, invoked the penalty provisions of authoritarian legislation then too. That is all that Liberals know how to do.

At the centre of all this history has been union action, often unlawful, often persecuted and prosecuted by conservative governments, decided democratically, pursued fearlessly by Australians committed to a better world. The Senate should show leadership here and demand the government deal with the real issues in Australian workplaces—falling wages and stalled productivity—and kick-start a new era of economic growth based upon cooperation and mutual respect. If passed, this legislation will have a profound effect. It will be felt in the hospitals, school rooms, offices and factories where Australians work hard every day. Our
workplaces will be haunted by an absence—an absence of collective bargaining, the safety improvements that are never fought for, the exploitation that continues unchecked, the workers that are prevented from organising into a union and the protests against injustice that are silenced.

The bill has four schedules, and each individual schedule is an extraordinary authoritarian exercise of legislative power to interfere in the democratic processes of individual worker organisations. Taken together, it is a thuggish display of political brutality from a government that doesn't have an agenda beyond silencing those who disagree with it. In particular, I am concerned about measures that disqualify union members from holding office. Those over there, opposed to regulation in any form on business, are all for regulation, penalties and red tape when it comes to unions and community groups, environment groups and anybody except the vested interests that make up their base.

The current legislation already provides for an appropriate level of oversight. The regulator does have the capacity to intervene and make applications for serious offences of fraud or dishonesty or criminal breaches of an official's duties. The rest should be left to the democratic judgement of union members. Union members should decide who leads them, who represents them and who will make decisions on their behalf. Nobody—certainly not a hopelessly politicised bureaucracy or a government bent upon unions' destruction—should be able to reach into the affairs of an Australian union and determine the outcome of elections and otherwise democratic processes. This bill goes further, giving regulators the right to include any offence punishable on conviction by imprisonment for more than five years. It is a technical change that means a lot.

The proponents of the bill, and the quislings from the crossbench who have cravenly come here this week to vote for it, say that this bill is about Mr Setka, the secretary of one of the divisions of the CFMMEU. It is not. Like many Australians, I don't believe that Mr Setka is a model of leadership in the modern trade union movement. I supported the decision by the leader of the Labor Party to make sure that Mr Setka wasn't able to hold himself out as a member of the Labor Party. That sends a crystal clear message of leadership on violence, respect for women and the role of the labour movement in supporting women at work and the community. But I don't get a say on whether Mr Setka continues to be a branch official of the CFMMEU, and nor should I. I am not a member of the Victorian construction branch of the CFMMEU. The leaders of that union are a matter for the members of that union.

This bill will not have the effect of reaching back in time or disqualifying Mr Setka. That is a fig leaf argument of some members of the crossbench here today who know that they are doing the wrong thing. They are punishing the entire union movement for the failures of one man. They have fallen for the argument. It will have the very real effect though of making life tougher for ordinary workers who perform both paid and voluntary roles on behalf of their colleagues and organisations—for nurses, teachers and firefighters. It will tie them up in knots of bureaucracy and red tape.

The chilling effect on union action of the fear of future sanctions is going to be profound. Many good people will be excluded from being volunteers or leaders of their unions. I will give you an example. The Hon. Meredith Burgmann, former President of the New South Wales Legislative Council, is an old friend and mentor of mine. She is a great Australian. She is a trailblazer for women's rights, against racism and apartheid, a fighter for progressive
values, and a union feminist, who fought hard for women workers and for women's rights within the labour movement. Before she was a politician and ultimately the president of the nation's oldest parliament, she was an activist and a union leader. She was a ratbag and a radical—she still is—always prepared to stand up to bullies and for decent progressive values.

She worked closely with Jack Mundey, Bob Pringle and the other leaders of the Builders Labourers Federation as they fought for green bans that protected Sydney's heritage just as hard as they fought for industrial democracy and the wages and safety of builders labourers. She wrote the authoritative history of that union, which today is still controversial within the union. It chronicles the radical spirit that galvanised that rank-and-file controlled union to fight for good jobs and to really work with community organisations to picket, strike, boycott and protest for Sydney's heritage and public housing. She is presumably the kind of person that Peter Dutton thinks should be locked up.

She was the elected president of her union, which was the forerunner of the NTEU. She used that position to make that union modern, progressive and effective in New South Wales. She became a strong progressive voice in the labour movement. If this bill were the law in the 1980s, Meredith Burgmann would not have been able to be elected as an officer of that union, because she had convictions for various demonstration arrests, including a criminal conviction for assaulting police during a particularly chaotic antiwar demonstration against US Vice President Spiro Agnew in 1970, and repeated arrests and convictions for activism during the protest against the apartheid era tour by the racially selected rugby union Springboks. She was right about those issues then. She was right to protest, and her convictions then are a badge of honour now. Quite rightly, those convictions were no barrier to her serving as a Labor member of the New South Wales Legislative Council and ultimately as its President, but, if this bill were in place in the 1980s, she would have been barred from being a candidate for election to her own union. Famously, our wartime Prime Minister John Curtin spent time in jail. These great Australians were fit to serve as a member of the nation's oldest parliament and fit to lead this country through the Second World War but, according to this ensuring integrity bill, not fit to be branch officeholders in their unions.

These are a matter for union members to determine. I've fought union elections before. I've fought them in circumstances where I regarded opposing forces within the union as ultramilitant and as leading the union in the wrong direction. I relied upon the good judgement of union members, who always get it right when they cast their ballot in elections operated and supervised by the AEC. Taking away the right of unionists to decide who runs their union infantilises Australian workers and encourages less responsibility and less seriousness. The parliament should trust ordinary Australians to make the right calls in union elections.

I'm deeply concerned at the public interest test for amalgamations. This year, 95 per cent of members of the National Union of Workers and United Voice voted to create a new union—the United Workers Union. It's a new union of 150,000 people. It will be a powerful voice for Australian jobs—and jobs that Australians can count on. Under the ensuring integrity bill, the government hopelessly politicised government agencies, and even employers can use the new legislation to interfere in or to potentially prevent a similar decision by unions to amalgamate. How dare they? What possible basis could there be for any government to intervene, or any
employer, in that democratic decision for workers themselves to shape their own organisations?

This is an outrageous, malevolent, deliberate and flagrant breach of freedom-of-association principles. The government and the crossbench should be condemned for allowing this to happen. The sustained campaign against unions prosecuted by this government is not only an affront to our democratic principles; it is precisely the opposite of what Australia needs. For one thing, it has led to a decline in living standards for Australian workers. Secondly, it has stifled efforts to lift productivity through cooperation. Thirdly, the assault on unions and union membership has further hollowed out our key democratic institutions.

In Australia, democracy in the street stops at the office door and at the factory gate. It's a democratic deficit that has driven the hollowing out of vital democratic institutions and traditions that are usually facilitated and strengthened by a union organisation. The consequences are stagnant real wages, falling standards of living, record underemployment, stalled productivity, stagnant economic growth and further damage to our skills and innovation system. Australia needs an expansion of workplace democracy. We need to give people a real say. We need to give them the tools for deliberation and representation and the institutional capacity to shape their working lives.

I know this because I've seen it firsthand. I've seen what happens when you give ordinary working people the chance to bargain with their employers as equals. I've seen them solve complex problems and resolve competing interests. I've seen what happens when you give them the chance to discuss workplace, economic, community and political issues with their colleagues. I've seen them weigh up competing views and determine a collective position. I've seen them evaluate whether a particular bargaining claim is correct or too ambitious or in everybody's interest. I've seen them weigh up the rights and interests of casual workers, permanent workers, apprentices and trainees. I've seen them assess workplace changes proposed by the employer or critically evaluate unfair decisions made by the employer. I've seen them engage with productivity issues big and small. I've seen them discuss safety at work and put into place democratic structures to make their workplaces safer and to save the lives of their colleagues. I've seen them decide whether to go on strike or to protest or to go to the industrial tribunal to seek justice.

That is deliberative democracy right there—real democracy, a vital addition to our democratic life that goes well beyond the limitations of the ballot box and the narrow approach to democracy favoured by the show on the other side. I've seen it in the faces of workers being organised for the first time, many from countries where they have been denied their democratic rights. You can see what it means to have power—real power—in their union and in their workplace, to defy the prerogative of management, to shape in some small way their lives and those of their colleagues. Either you believe that working people are capable of democratic responsibility or you do not. That is the essential question the Senate is being confronted with over the coming days. Denying working people the rights of freedom of association needed to organise a workplace, to be represented in a workplace and to change a workplace, as this bill seeks to do, denies their capacity to shape their own lives. It is surely a foundational belief of our democracy.

To my fellow senators: your votes on this bill will be a measure of your commitment to real democratic values. Do your job and reject the bill. This bill is a thuggish display of
government power. This lot always do this when they have the numbers, always moving to intimidate working Australians and their unions, to crush any opposition to their agenda. Membership and organisation in an independent union genuinely controlled by its members enriches the democratic experience of workers and their families. I will always stand with those workers and their families and their free, democratic unions.

In a week where one of our major banks is embroiled in a scandal that involves 23 million breaches of money-laundering laws, some of it to facilitate child sex exploitation rings run by criminals and deviants in the Philippines, this government is asking the Senate to approve this bill. In the week that it is revealed that a minister in the Morrison government is being investigated by a purpose-built New South Wales police task force around allegations of leaking fraudulent documents to attack an elected official, this government is asking the Senate to approve this bill. In a week where the government is defending an aged-care crisis and serious allegations of interference in our democracy by overseas governments, with unemployment rising, wages falling, energy prices on an endless upward trajectory, the economy stalled, workplace productivity hopelessly stuck in a quagmire and a hopeless government that doesn't have a plan for any of the issues that matter to Australian families or for future prosperity or for the security and safety of Australians, all this moribund useless rump of a government has to offer is an attack on Australian unions and Australian workers. All it's got to offer is an assault on its ideological opponents, because that's what it always does.

I'll be interested to see whether members of the crossbench, who've been so quick to rush to Canberra this week to support this legislation, will be complaining and wringing their hands in the years to come as the government introduces more onerous legislation on Australian unions, moves to cut more penalty rates and moves to further undermine collective bargaining. I look forward to seeing some level of reflection upon members of the crossbench, because I fear that they know not what they do. They don't understand the role that the labour movement has played, that unions have played and that Australian workers have played in shaping Australian history. This is all the government know how to do. You can guarantee that they know they have a supine, subservient crossbench that gives them complete control of the Senate and there will be more to come. (Time expired)

Senator SHELDON (New South Wales) (10:12): I rise to oppose the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019. This repressive piece of legislation is just the latest reminder that the fight to protect and advance the rights of working people is never over. It's a powerful reminder that, when Scott Morrison says he supports quiet Australians, what he really means is that he wants Australians facing injustice, stagnating wages and threats to their working conditions to stay silent.

Right now in our workplaces we are seeing the emergence of the fourth industrial revolution. We're seeing the rise of global surveillance capitalism and the gig economy. This new era of artificial intelligence and machine-learning brings enormous economic opportunities, but it threatens 150 years of work done by the union movement, hardworking Australians and civil society across the world to secure decent wages, safe workplaces and working conditions that allow individuals and families to thrive and make better lives.

Unions will be the front line that protects and defends these precious rights gained over the past century. We need unions more than ever, because, while technology driving a revolution
in work is not new, the exploitation inherent in the business model is not new either. If this new era of work is not regulated, if working people are not properly represented and if unions are not restored to their role as a key pillar of our industrial relations system, we will see the widespread return to the insecure, underpaid piecework of the 19th century. Dressed up with corporate propaganda like 'flexibility' and 'convenience', the exploitation of working people that I see in the transport industry today, in ride-share, trucking and food delivery, will continue to migrate to the rest of the workforce, as we're now seeing in aged care and the NDIS services. The list goes on.

In my time as a union activist and as an official, I have seen wave after wave of anti-union laws. Since the Workplace Relations Act was brought in by John Howard's government in 1996, there have been more and more encroachments on the important job that unions have had in Australia, since Federation, to protect working people and represent their interests. Unions, like governments and companies, have a job to do, but conservative governments have never really recognised this role and have done everything they can to prevent them from doing it. The coalition like to spin their commitment to freedoms and Australian values—like the member for Goldstein taking himself off to Hong Kong to make a cameo appearance at the pro-democracy protests. This government likes to posture about democracy, rights and freedoms—and I say 'posture' because, quite clearly, this government has a different agenda in this country.

When it comes to defending the actual rights and freedoms of Australians, the coalition suddenly find themselves on the other side of the barricades and are all too happy to back the cause of dismantling those very same rights at home. You have the Minister for Home Affairs, Peter Dutton, and his Orwellian threats to photograph peaceful protesters and deny them government benefits. You have a Liberal government in Tasmania that wants to outlaw protests altogether. You have the Prime Minister, Scott Morrison, who dresses up his authoritarianism with a baseball cap and a 'suburban dad' routine but who is quite prepared to have his government be known around the world as the worst advanced democracy in terms of crackdowns on journalists and whistleblowers. Then you have the Minister for Industrial Relations, Christian Porter, who has pulled this flawed antiworker bill from 2017 out of the bottom drawer. It contains provisions that, if passed, will have no peer in the democratic world. Australia already has a highly regulated union sector, and now attacks on the freedom of workers to associate and elect their leaders mean that, if they want to advance their interests, they will be even more restricted. The government with no plan for the country has very quickly filled its policy vacuum with the crude politics of stifling dissent of all kinds—attacking peaceful protesters, attacking journalists and whistleblowers and, with a highly repressive piece of legislation, attacking working people and their representatives.

The government and some of the crossbench have devised a plan to expand the current penalty points system under the Fair Work Act. These fines and demerits would result in a double whammy of disqualification of union officials and deregistration of unions, leaving workers with no workplace advocates to represent their interests and their elected leaders undemocratically expelled from their positions. I welcome the efforts of the senators in this place to try to take the sharpest edges of this piece of legislation out, but the demerits scheme being offered up is a more bureaucratic way of achieving the same chilling result—tying unions in legal red tape and denying working people the right to representation that they elect
If this demerits scheme is so good, why is it not applied to bank executives in the aftermath of the banking royal commission? Where was the disqualification and deregistration scheme to punish the fraudsters and schemers in the big four banks, which preyed on mums and dads, small businesses, the elderly and our farmers? How many demerit points would have been incurred for charging a fee without service? Where is a demerit applicable for charging fees to customers who are known to have died? The Fair Work Act already carries a model of penalty units to inform fines for breaches. Currently a union can incur 300 penalty units and a $63,000 fine for late paperwork, and 500 points and a $105,000 fine for not training a volunteer union official. That's $210 per penalty unit.

Under the government's demerits scheme, an organisation needs to reach a threshold of only 900 penalty units over 10 years before an application can be brought forward to disqualify an official. What irony for this government that, in the same week they want to pass a law where three breaches of paperwork offences could deregister a union, Scott Morrison is content that 23 million serious breaches of money-laundering and antiterror laws by Westpac are a matter for the board. Australia's oldest bank is apparently our most epic corporate law-breaker. It's the creepy uncle of the big four banks, facilitating the operation of paedophile rings. Where is the government's 'ensuring bank integrity' bill? It's nowhere to be found. Where is the proposed law that would disqualify the senior officers of these companies from ever holding office again?

If the government's demerit scheme were applied to the banks, how many points do you think they would have to apply for the compensation they owe to customers? Let's work this out. Let's use the same system that already applies for demerit points for working people and some proposals that have been floated with regard to the new system. After the banking royal commission, the Commonwealth Bank had to pay out a whopping $2.17 billion in compensation to customers who were ripped off. That works out, using the government's scheme for unions, at 10 million penalty points incurred, which would have seen the Commonwealth Bank breach the threshold on an application for deregistration brought forward 11,000 times. The NAB had to set aside some $1.18 billion in compensation. That's 5.6 million penalty points. That's a whopping 6,222 times the threshold for deregistration. What about Westpac and ANZ, where both paid out $1.1 billion each in compensation? This was before the latest paedophile ring and their facilitators were exposed, and the money laundering alleged against Westpac. On the present figures, that's roughly 5.2 million penalty points for both Westpac and ANZ. If you were debating the 'ensuring integrity of the banks' bill and the government's amendments applied to them, over 5,500 applications could be brought to disqualify the executives and deregister the banks. That is not an equal system. That's a system geared up against trade unions and the voice of the working people of this country.

But of course it's not just the banks. Where's the disqualification of executives of Bunnings, Dominos, 7-Eleven, Foodora or Woolworths after they were found to have taken millions from their workers? What about the bosses from companies that built unsafe apartment buildings or denied victims of asbestos their compensation? How many demerit points for the $6 billion of entitlements unpaid in the construction industry? Could the minister tell us how many demerit points there are for an employer who ignores safety standards and has a worker die on the site? How many points will they lose? How many demerit points is a worker's life...
worth? Well, by the standard of this government and those voting for a demerit-points system, nothing. If a single union ever did less than one per cent of what these banks and companies have done, the government would send in the AFP and have them deregistered immediately for standing up for working people's rights, not for ripping them off. But, when it comes to banks or companies that break the law, self-regulation is fine as far as the government is concerned.

This isn't a bill to improve the regulation of trade unions; it's a bill to stop trade unions from carrying out their work by burying them in costs and punishing them for minor breaches. Nowhere else is this more demonstrably true than in the parts of the bill which detail new grounds for the cancellation of the registration of an organisation. One such expanded ground is the proposed section 28C(1), which would see a union deregistered for actions that see it act contrary to all members' or an individual member's interests. Unions are democratic organisations made up with a diversity of views and opinions. The robust and democratic internal debate over strategies and priorities is part and parcel of how unions must operate. That's called democracy.

This legislation only adds greater weight to the conflict of interests for unions, between acting for their members individually and acting collectively—the fundamentals of democracy. Under this bill, in the allocation of resources between sections of the membership or choosing which matters to take to courts and which to settle—these everyday decisions that unions must juggle—a union may inadvertently run foul of costly applications brought on by cashed-up opponents with other agendas. This bill also outlines the grounds on which to disqualify a union, if there are multiple designated findings against a substantial number of members of the union, without a clear definition of the term 'substantial'.

Union members number in the hundreds of thousands into the millions. Their families rely on them, union or not, to lift the standards across this community. When one of their colleagues is unfairly sacked, stripped of their economic livelihood or, worse, dies—because the boss refused to listen to issues about safety on site—I can tell you that people get upset. If they want to walk off the job to stand in solidarity with their colleagues and get their bosses to listen to reason, we can understand why that happens. But under the government's legislation such action made in the heat of the moment could see a union deregistered, even if it tried to stop it.

Charles McKay, an Armaguard worker for 30 years, told a Senate inquiry about attacks against cash-in-transit workers, armoured-car drivers, in the middle 1990s and early 2000s. It led to unprotected action being taken by the members of the Transport Workers Union in August 1995. Charles said:

We had a lot of concern, certainly, from the workers and, more importantly, from their families. You've got to remember that if families see somebody killed they don't want their husband to go out there the next day and be the one who is delivering money and who comes home in a bag.

He went on to say:

… in my 25 years as a senior delegate with Armaguard we never ever took strike action for one dollar in wages; it was only over safety and security for our members.

The unprotected action of Charles and his colleagues worked, because an inquiry into the cash-in-transit industry, the armoured-car industry, was launched by Justice Russell Peterson.
of the Industrial Relations Commission as a result of that heavy weight, burden, put on the government and the commission. Now we see that the industry has never been safer.

I want to dispel this myth that unprotected action is somehow immoral or reckless. I as a union official supported that industrial action, regardless of the fact that it was unprotected. When you see people shot dead in the street, protecting those banks' money, you can't wait a month, a year, and ask the crime gangs to wait for an inspection from the Work Health Authority or the Fair Work Commission—you have to take action. I can assure the Senate that no member puts their wages at risk lightly, but, under this section of the bill, unions who engage in industrial action over issues of health and safety—not just for their members but for the general public—could find themselves before a deregistration order.

In my previous life as a union official, in the Transport Workers Union, there were many occasions when the members needed to take action to draw attention to ongoing health and safety issues that were being ignored by the government or employers. In 2016 a 29-year-old bus driver, Manmeet Alisher, was killed because a home-made bomb was thrown at him at a bus stop. The explosion killed him and saw 14 passengers trapped on the bus before they were able to escape. Workers in Brisbane took industrial action—illegal. Workers in New South Wales took action when similar and other attacks were made against bus drivers—illegal. I'm proud to say I supported that illegal action. I'm also proud to say that I would support it again as a politician, because I'm proud to say I'm a unionist and then a politician. I'm proud to turn around and stand up for hardworking Australians, unlike this mob and the fools who are, unfortunately, voting for a system that will turn around and allow them to get away with the sort of injustice that has incurred for so long. It will weaponise the employers in their capacity to turn around and victimise working people and their representatives.

This irresponsible bill also provides unnecessary and unfair new grounds for the administration of dysfunctional organisations. When serious corruption and maladministration was uncovered back in 2012, an internal committee of the HSU office worked swiftly to address these problems, which saw an administrator appointed and new elections held. The members made the decision. Funnily enough, they didn't vote for a corrupt leadership; they voted for a new leadership, which has grown that union from 27,000 people to 41,000 health workers in New South Wales, and Gerard Hayes and his team deserve to be congratulated. That's the difference—not because this bill's going to make something work; it's about making sure it actually doesn't work. To quote the HSU submission:

Had the Bill been enacted at the time, it is possible that the HSU would have had its registration cancelled all together, leaving its members without representation. The HSU story demonstrates the danger of the extreme expansion of the cancellation regime.

It is unnecessary, unwarranted, costly, antidemocratic and a system to make sure it doesn't work in the best interests of working people.

Finally, this bill also requires a new public interest test for the amalgamation of registered organisations, infringing on the democratic right to political association of members. If it's the will of members to join with a like-minded union, to pool resources and better approach the industrial issues of their shared membership, who is the government to stand in their way? Heaven forbid, the Liberal and National parties amalgamated in Queensland—talk about an injustice for many hardworking people that previously supported the National Party in regional Queensland. They've seen what the consequences are. You've only got to see that

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with the dairy bill propositions, and they're voting against it—all at the beck and call of the government. If it's the will of members to join like-minded unions, they should be allowed to.

This is a bill based on ideology, directed at the hardworking Australians who work together to lift the wages for all and at the resources it takes to do it. I oppose this bill and urge everyone in this place to do the same.

Senator DI NATALE (Victoria—Leader of the Australian Greens) (10:32): I rise to speak against the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019, and I'll tell you why. Wages are flat and they're going nowhere fast. Corporate profits are at record highs. Coal, oil and gas companies are openly flaunting how they own the parliament and dictate lawmaking in this country, whether it be Canberra, New South Wales for mine approvals or Western Australia for avoiding gas pollution charges. Meanwhile, we see that multinational tax avoidance is rife. Banks are flagrantly breaking the law, pollution is at record highs, wage theft is rampant, 40 per cent of people are trapped in insecure work, and the rate of household debt, one of the highest rates in the world, is weighing down our economy. We've got a set of problems confronting this nation, and what is this government's solution to those problems? To go after the very organisations that are there to represent the interests of working people.

This is a bill that puts more restrictions on unions than it does on corporations. The government talks a lot about red tape. It hates red tape, except when it's red tape that's tying the hands of working people together. We know that this is just the latest in a string of Australian labour laws that have been rewritten to restrict people's rights to organise, to cut away at awards and restrict wages growth, all the while so corporate profits can be boosted.

We know that the right to strike is already unlawful in many circumstances. I remember hearing a worker say, 'Well, if you remove my right to strike, I'm nothing more than a slave.' You can't strike at the moment in so many circumstances, and certainly in circumstances that would actually force far-reaching industrial change. And, not content with that, we've now got a government that has their eyes set on silencing and intimidating people who want to protest against the government—climate emergency protesters and so many others. We know that, as soon as this bill's dealt with, there will be another bill that follows that places even more restrictions on working people, presumably with the support of members of the crossbench and groups like Centre Alliance.

The bill is going to give binding legal powers to the corporate donors of the Liberal Party, as people who have a 'sufficient interest' in an industrial relations matter, to seek the disqualification of a union official, to deregister a union or to pursue a union to be placed into administration. There is going to be a public interest test on union mergers, which overrides the choice of members as to whether or not they want to organise in a way that better represents their own interests. This is a government stepping in, with a minister having veto power over ordinary working people who are deciding to organise in a way that better represents their own interests.

We know where much of this stems from. Like so many bills in this place, it's the price we pay for a broken political donations system. This is the bill you get when big business can buy what they want in this parliament with the money they have saved from laws that allow them to avoid paying their tax. You pay off the Liberal Party and you get legally enforceable rights
over unions in return. What a great investment! If you're a big multinational corporation, donating to the Liberal Party is a great investment. The dividend is right here today.

This bill has been widely condemned. The International Centre for Trade Union Rights completed an overview of trade union regulation around the world and, compared to this bill, found:

… no precedent for the degree of state interference in the functioning and establishment of trade unions in comparable industrialised liberal democracies … however … draconian measures of this variety are characteristic of some authoritarian regimes in which independent trade unions are suppressed or entirely prohibited.

This is unprecedented in a Western liberal democracy. It's an indictment on this parliament and on a political party that espouses the value of freedom. Freedom was supposed to be the connecting theme that ran through the broad church of the Liberal Party. But, instead, within the modern Liberal Party an authoritarianism is creeping into all areas of policy and seeping out of the government in all directions. Look no further than the secret trial of an Australian citizen, which led to convictions, recorded in secret, which was uncovered only last week. The government accesses private citizens' and journalists' data without a warrant and blocks the media from basic information, which has culminated in the Your Right to Know campaign. The government wants to ban secondary boycotts by citizens who are concerned about the climate crisis and ban workers' free right to protest. There are companies out there who want to shut down coal plants because they are massive liabilities for them.

In this government, epitomised by people like Peter Dutton, it must be said, is a rising and creeping authoritarianism, addressed at its critics, like the unions, the environment movement and civil liberties groups—all pinned up on the cabinet staff board. I say to members of the crossbench, to Centre Alliance: you are part of this government's authoritarian impulses if you support this bill. There is irony in a bill called 'ensuring integrity' at a time when we are seeing rampant corruption, rip-offs and money laundering within corporate Australia. At the heart of this government a government minister is being investigated by the police for his activities. Surely the higher priority is addressing the corruption and malfeasance within government and within corporate Australia, rather than going on an ideological crusade against the union movement.

That's why the Greens will be moving an amendment to halt the commencement of this bill. We don't like this bill. We don't want it to pass. But, if it did pass with the support of the crossbench, then at the very least they should prevent its passage until we have legislated and established a national independent anticorruption body. Of course, the government doesn't want to do that, because that would require a bill that would put the spotlight firmly on the government itself and on its mates.

Fighting corruption should be our highest priority. It is remarkable that, in the context of what we have seen this week and despite the fact that state jurisdictions have anticorruption bodies, the federal parliament is dragging its heels. This bill would solve none of the problems that we are facing as a society. It's a bill that empowers corporate donors, with legal powers over unions, and all it will serve to do is make record low wages even worse.

I'm going to finish with some words written last week by Guy Rundle. He said:

The parties that trumpet the cause of "small government" can only keep capitalism spluttering along by using the state to regulate and micro-control the free association of workers. Building on the neoliberal
anti-strike, anti-worker platform they received, with gratitude, from the Gillard government, the Coalition is preparing for the possibility of a coming slowdown and the ensuing anger and militancy that might result.

This bill is a triumph of ideology over anything of substance. We know the challenges that are facing us collectively as a community. This bill should not be supported at a time when wages are stuck and the economy teeters on the precipice because of it. This bill should not be supported at a time when corruption and malfeasance in corporate Australia, and indeed in this government, thrive. This bill should not be supported. Those of us who understand what it means to be able to organise and represent the rights of working people and what that has done for the advancement of society in this country must hold that principle dear and self-evident. This bill should not be supported.

**Senator Wong** (South Australia—Leader of the Opposition in the Senate) (10:42): Labor will be opposing the *Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019*. This week, 14 years ago, as shadow minister for employment, I stood in this chamber and spoke against the Howard government's Work Choices legislation—a ruthless and extreme agenda which stripped protections from employees and stripped the fairness out of Australian workplaces. At the time, I said that the Work Choices reforms were ideological, extreme, unfair and divisive, and that they showed just how out of touch the Howard government had become—out of touch with Australian values; out of touch with the concerns of the Australian people. Under Work Choices, countless Australian workers—many of them already low-income workers—had their pay reduced, their conditions cut and their job security shattered.

What those reforms epitomised was the coalition's ideological obsessions, the Liberals' ideological obsessions and arrogance. It was Australian working families who paid the price. The Liberals' extreme Work Choices agenda will never be forgotten by Australian workers or the Labor Party. I was proud to serve in the Labor government that tore up those disgraceful laws, but here we are again, 14 years later, and we see the same debate, the same extreme ideology and a tired and cynical Liberal government again selling out Australian workers. Those opposite are at it again. They're still attacking Australian workers. At a time of stagnant wage growth, instead of acting to improve wages and improve working conditions, what are they doing? Having a go at Australian workers and the people who represent them. At a time when Australians are struggling with underemployment, instead of an economic plan to deliver more jobs, better jobs and better-paying jobs, the coalition are back to attacking Australian workers. They are still—and this is their central agenda—trying to rip the fairness out of our industrial relations system. Work Choices is not 'dead, buried and cremated', as Tony Abbott promised; it has merely been hiding. The heart still beats in those over there, because they can never let go of it. It is an article of faith for the Liberal Party. It is the only agenda they can actually all really get behind. The only thing that has changed in the 14 years since Work Choices passed this chamber is that, this time, they are going after the trade union movement first.

I started my career in the union movement as an organiser, representing ordinary working Australians and protecting their rights at work. The workers I represented as a young person, as a young lawyer, were people who had been unfairly dismissed, people who had had their wages stolen, people who had faced discrimination at work. The union was the only organisation standing up for them. It was the only organisation in their corner, and without a
union they would have been powerless to fight for their pay and conditions or their rights at work. I stood on picket lines with people who had been ripped off and picket lines with people who had been abused and mistreated by their employers. I have seen, as have so many of us, what happens when we do not have fairness in the industrial relations system: we see how Australian workers miss out.

I will not forget visiting one factory—a nonunionised, anti-union employer—on a 40-degree day in Adelaide and seeing rows of migrant workers sitting at sewing machines under a corrugated iron roof with no ventilation. These are not conditions that are acceptable in this country, and without unions this is what some workers face. But this government would not care if this were the norm.

Every working Australian, every Australian, is better off because of our trade union movement. It was unions that improved safety at workplaces; unions that fought for the minimum wage and for wage increases; unions who won improvements in working hours, entitlement to paid holidays and better employment conditions. It was trade unions that fought for greater equality of women in this society, and it was unions and the Australian Labor Party that created our universal superannuation system. Imagine what kind of country we would be without a strong trade union movement.

But, I tell you what, if you have a look at the hollowed-out middle class and ever-growing gap between those who have and those who do not in the United States, we can picture what it would look like. And it is not what we want for this country, but it is precisely the model that those opposite have always wanted: dog-eat-dog capitalism that entrenches the advantages and disadvantages of birth. That is why they have introduced this bill. It is their latest attack on Australian workers and the representatives of working people. It is a bill that will subject democratically-run organisations to an unprecedented level of political interference. It is a bill which will have a chilling effect on the work of unions and of union officials. It is a bill which will hurt working people, drive down wages and make Australian worksites less safe.

The bill would allow the minister or anyone with a sufficient interest to apply to deregister an organisation, disqualify a person from office, exclude certain members or impose an administrative scheme. The person with sufficient interest could include an employer, a rival in a leadership ballot or a business lobby group. It would allow for deregistration of unions representing our midwives, nurses, flight attendants or firefighters for three paperwork breaches. It would also introduce a ‘fit-and-proper person’ test, which would disqualify a person from holding an elected position in a union if they break certain laws. This includes a union official who refuses to comply with a denial of entry to inspect a dangerous worksite or to investigate the rampant underpayment of workers—to investigate wage theft. The application to disqualify the official could even potentially be made by the very business which is underpaying workers. That is weaponising the law against Australia's trade union officials and the representatives of working people. I took a lot of underpayment-of-wages claims when I was a union official and a lawyer. Many of the people behind me could have had this law weaponised against them for doing nothing other than standing up for what people were owed.

This bill would also deny Australian workers free choice about who leads their union and how it is run, and it goes further than anything which applies to Australian business. There is no equivalence in this legislation, no matter what the government says. Those opposite
actually want unions and union officials to be held to a completely different standard to businesses or even members of parliament and senators.

One of the worst features of this bill that is introduced is that it would impose a public interest test on mergers of unions, which takes the right to choose away from Australian workers. The Liberal government, lobbyist groups and, potentially, businesses themselves could seek to block a union merger, even if supported by members. This is really an unprecedented interference in the management of democratically run organisations, and again it holds the labour movement to a completely different standard to that which is applicable to Australian companies. There is no reasonable justification for these measures. They do not apply equally to corporations, nor were they recommended by the royal commission into trade unions—and we know what that was like. The measures in this bill are nothing more than an ideological attack.

The government claims the bill is about improving workplaces. It will do nothing of the sort, and we saw that from the evidence to the Senate inquiry. These changes would have a devastating impact on workers and their ability to organise. The United Firefighters Union, who represent men and women who face dangerous and often life-threatening situations in their daily work, said this:

The UFUA and its members seek to ensure the entire community and its infrastructure are safe and protected from emergency incidents. This Bill would impede the UFUA's work in protecting the people who protect us.

The government are very happy to stand next to these brave men and women when it suits them, but they are not prepared to stand beside the people who protect them.

The AMWU secretary told the Senate committee about how the measures in this bill could have crippled the important work they did to hold James Hardie to account. Remember that? Remember James Hardie, when members of the Liberal Party and the company acted to delay assistance and compensation whilst people died? The actions of the AMWU, who took action to secure justice for people who suffered horrific illness and untimely death, would be considered unprotected. They could be grounds for the disqualification of officers and the deregistration of the union. Another example is the Tasmanian branch of the Australian Nursing and Midwifery Federation, who gave evidence that the bill would mean that very limited, if any, industrial action could be taken by nurses and midwives across the country, 'even if they have concerns about inadequate patient care, their professional obligations or their own health and safety'.

The impact this bill will have on Australian workplaces is deeply alarming, because it will reduce safety, reduce the ability to organise and reduce Australians' rights at work. So, as much as those opposite try to make this about criminals, it is not. It is an attack on nurses, it is an attack on teachers, it is an attack on police officers and it is an attack on all the Australian workers who need representation at work. I tell you, if the government actually cared about working people and their families, they might start by taking action on some of the real issues that are impacting the people who send us here every day. We have unprecedented wage theft. We have insecure work. We have increasing casualisation and fragmentation of work. One in five workers in the construction, healthcare, retail, accommodation and food service industries have been a victim of wage theft. But that's not what this bill is about. This bill is about
ideology, not politics, and it's about attacking unions—the organisations that actually act to protect workers.

I want to briefly discuss the amendments the government put forward. I think it was last Friday. I remember Work Choices, because then we had, I think, a hundred pages of amendments half an hour before debate. This is a desperate government putting forward rushed and inadequate amendments at a ludicrously late stage of the legislative process, but this fact remains: these amendments do nothing to change the fact that this is a bill that does not apply to business. This is a bill that doesn't apply to business, doesn't apply to banks and doesn't apply to politicians; it applies only to working people and their representatives. And it is still a bill that could have worker representatives sacked and unions put into administration or deregistered for three simple paperwork breaches. And it is still a bill that would create an extraordinarily wide range of grounds on which a union can be deregistered and for which an official can be disqualified. And it is still a bill that holds unions to a completely different standard from businesses, banks and politicians. I tell you what, when Mr Morrison holds his mates and his frontbenchers to the same standards he wants to hold unions, then we can talk about ensuring integrity. The fact is this bill can't be fixed, and these weak amendments do not do that.

'Work Choices' was a very cynical name, and so is 'Ensuring Integrity', because, if this government cared about integrity, why didn't it start by looking at the rorts, rip-offs and scandals exposed in the banking royal commission—the one they voted 26 times against? Australians had their homes taken, their businesses wound up and their lives destroyed by misconduct in the banking sector. But, for 600 days, this government fought against the banking royal commission and ran a protection racket for the big banks. And now they are dragging their heels. We've had 300 days since the royal commission handed down its report, and six out of 76 recommendations implemented. All the while, big banks continue to break the law. We've had the revelations of Westpac's behaviour: the 23 million breaches of our money-laundering laws, and their failure to act on customers using their services to purchase child exploitation material—I mean, you can barely say that and actually believe that that occurred. But we're not here trying to improve the integrity in the banks! In fact, the Prime Minister, Mr Morrison, says: 'This is just a matter for the board.'

And of course this Prime Minister is completely disinterested in ensuring the integrity of his own cabinet. Yesterday, it was revealed that the Crime Command's Financial Crimes Squad of the New South Wales police has established a special strike force, Strike Force Garrad, to investigate whether Mr Taylor, the Minister for Energy and Emissions Reduction, committed a crime by providing a fraudulent document to the media to attack a political opponent. We have a minister of the Crown being investigated by the police—for a criminal offence. You'd think that the principles of our democracy and our Westminster system would mean that this minister would stand aside. But he didn't. If the Prime Minister had some integrity, he would ensure that Minister Taylor stood aside. But he didn't stand him down. In fact, he didn't show integrity. He just showed nothing but a contempt for parliament and the principles of ministerial integrity and accountability. I'd say this: Mr Morrison even threw his own integrity into question, by a personal call to the New South Wales police commissioner to discuss details of the investigation. No wonder this is a
man who continues to drag his feet on a national integrity commission. I guess it makes their party room nervous.

The facts are these. This is a government that could not care less about integrity. If this government cared about integrity, it would stop hiding information from the public. It would stop threatening journalists. It would stop being loose with the truth and it would stand down the Minister for Energy and Emissions Reduction. It would comply with the Freedom of Information Act. It would implement the recommendations of the banking royal commission. It would take action against lawlessness in the corporate sector. It would ensure that its ministers adhered to ministerial standards. And it would introduce a national integrity commission.

But this bill has nothing to do with integrity. It has everything to do with ideology. It has everything to do with the government's relentless ideological attack on Australian unions and the workers they seek to represent and protect. It's an attack on working people and on freedom of association. It will undermine our democracy. This government has no plan, no principles, no integrity. All it has is a tired and dangerous ideological agenda. But I would say this to those opposite: Australians haven't forgotten Work Choices, and they won't forget this bill.

I want to end this contribution with the same contribution I made 14 years ago as we went to the vote on Work Choices, in 2005. It is quite likely we will lose this vote. But we will not be beaten. We are not beaten. What this government have never understood, as they abuse and revile trade union officials and those in the labour movement, is what created the labour movement, what binds the labour movement and what has guaranteed such widespread support in the campaign against this bill by unionists and non-unionists alike. What binds us is a belief in our self-worth and also the worth of the person next to us. We have always understood that not only do we fight for our worth and dignity but we fight for the worth and the dignity of the person working alongside us. We fight for the principle of a fair go for all. We fight for a fair wage for a fair day's work. We have always done this as a labour movement, and we will continue to do this as a labour movement. This fight is not over. We will fight this until the next election and beyond. And this fight will continue, because we are here for the long haul. We have always been here for the long haul. And, fundamentally, we fight for a fairer Australia.

Senator GALLACHER (South Australia) (11:00): I have been looking forward to making this contribution to the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019. I want to start with the usual preamble I start with on legislation that has come before this parliament since this government was elected: poorly drafted, badly thought out, full of unintended consequences. That seems to be a recurrent theme with all the legislation we see here.

I can talk about integrity in the trade union movement as I approach my 45th year as a member of the Transport Workers Union. Like Senator Dodson, I didn't come into this place with black hair but with grey hair. I presume that is because Senator Dodson was as diligent as I was in ensuring that every action we took in the respective organisations we were a member of or party to or led were full of integrity. You don't get integrity by legislating for it in this chamber. The day I was elected as a delegate and given a receipt book to collect union fees, I was accurate in the collection of those fees. I was prompt in the payment of those fees
to the appropriate official. The day that I was elected to the branch committee of management in the eighties, I was diligent about attending meetings as a member of the committee. I was diligent about reading the financial statements, about ensuring that we followed all the rules of the union, and the appropriate laws. Diligence and integrity are what trade unions are made of.

You don't get to be a union leader because you're so good; it's because the organisation and support are so good. You get pushed to the front by hundreds of delegates and thousands of members. When you go to a workplace, you speak with the authority of those delegates and those members. You don't get it from a law which says, 'You've ticked all the boxes—you've got integrity;' you get it because that's the way you're brought up in the union movement. You instinctively know what's right, because the broader membership always keep you on track.

From time to time, I had many detractors amongst members of the Transport Workers Union. I had many campaigns to unseat me as an official or a secretary, but I always won. We never shirked that challenge, and people were democratically allowed to have that challenge at our AGMs, at our general meetings. We got better, and our integrity and our effectiveness got better, because of those continual challenges that the union movement in Australia is an exemplar for.

Without the union movement, as Senator Wong and other speakers have said ad infinitum, we'd been an infinitely worse society. We don't always get everything right—and I actually go back to times when we were probably getting a few things wrong, and there were some law changes: 45D and E may well be examples of that. But the union movement grows and moves on. We'll fight this, as Senator Wong has said, and we won't be diminished by it. There's no way you can diminish the power of a union. When people decide to act collectively, with diligence, common sense and fortitude, there's no way you can beat it. Passing a law here won't beat it. If I couldn't get into a workplace because an employer said, 'You haven't got your right-of-entry card on you,' I'd either go and get it or I'd organise in the car park. It makes no difference to me. You can say, 'You come in and sit in the lunch room. I'm not going to send any workers to you.' I'd just go about things in a different way.

These laws don't work to the benefit of employers or the trade union movement or for the greater good of society. They're ridiculously thought out—I don't know whether by senior or junior staffers. They've managed to convince their minister that they've got to do something: 'Let's go and whack in an ensuring integrity bill.' I can tell you that all of the 16 annual reports that I put in as the Secretary of the Transport Workers Union SA/NT branch were filed without any comment or question.

When I was the President of the Transport Workers Union there were three separate investigations into aspects of our operation. All returned a clean bill of health. Our integrity was challenged, our integrity was examined and we were found to have no case to answer. So this sort of thing, saying, 'We're going to get tough on unions,' is a cheap political stunt.

Let me tell you a story. The story goes back to a worker who was not a member of a union and who was unfortunate enough to get sacked. He said: 'I got a job with a transport company. They told me I needed an ABN number. I was so happy to get a job I didn't question it.' They said, 'Get an ABN number; this is how it works.' So he's turned up with his labour because that's all he's got; he doesn't have a ute or a van or a truck. They said, 'Get an ABN number.' He was just happy to get a job, so he got one. Six years later he gets the sack. And he gets the
sack unfairly, in his view. Allegations were made. The allegations were found to be not proven. So he went to the Fair Work Ombudsman. The Fair Work Ombudsman said: 'I think you've got a bit of a case here. You look like an employee, not a contractor.' So he got a lawyer offering no win, no fee. He is found to be an employee, not a contractor. Then he goes to the Fair Work Commission and wins the case there and gets an offer for $11,000-odd worth of penalties and 9½ per cent super and the order says, 'The employer will pay within seven days.' Well, guess what? The employer didn't pay within seven days. And guess what? The Fair Work Ombudsman didn't take on the company directors who had not paid this person properly in the first place. Then he moved on to the ATO and his comment about the ATO was: 'They've said I've got a case. They said they owe me the money, but the process is so slow I still haven't seen any super.' So he went to the Fair Work Ombudsman, he went to the Fair Work Commission and he has signed documents saying, 'You are owed money.' So he went to the Fair Work Commission and he has signed documents saying, 'You will pay.' The ATO is that bloody slow he hasn't seen the result yet, but they say he has 9½ per cent super waiting to be paid to him. It hasn't been actioned. This happened in 2015. It is now 2019.

So he went to a magistrate. He was in the Magistrates Court in March 2019. It is now November. He's still waiting for his wages that were underpaid. All four jurisdictions, whose processes he followed completely and precisely, have failed to deliver him one brass razoo. He has not received any of his wages that were underpaid. He has not received any of his superannuation. He's followed diligently and completely within the letter of the law every one of the processes that are available to him and he hasn't received anything.

What unions do is change that process. We change that process because we have collective strength. The collective strength is, if you've underpaid someone in your organisation and you have 50 people and 49 people look at the employer as perhaps not a person of great repute if they're prepared to underpay someone in an outlying position like that, things change and people get paid. This is the sort of thing that this type of legislation can't change. You can't change the collective nature of Australians that basically when things are awry they'll set things right.

I had respectful relationships with many, many employers, large and small. And I still have that respect for and friendship with some of them now. That was never built off any great liking for me or from me liking them. It was about it being a tough industry and needing to get things working—'Let's get this sorted out and let's get a deal that works for all parties.' As Senator Sterle said, a rising tide lifts all boats. So, if workers are getting a few extra bob, presumably they'll spend it somewhere else and the economy will tick along. And then they are happier and they contribute faster and more effectively.

One of the awful things that this legislation is really setting out to do is to change a pretty difficult situation. In any case where I had the authority and I thought that people were putting themselves in an unsafe position, either in continuing work or in operating equipment that was unsafe, I always advised them to stop, because the alternative was that something untoward or catastrophic would happen. That is not legal, but to a driver who said, 'My brakes are not working,' my advice was always: 'You're in charge of that vehicle. You're going to be legally responsible. It's on your head. Turn the vehicle back and tell them why.'

If you go to a building site and the steelworkers have finished all the steelwork, it's ready for a pour, someone notices something a little bit untoward and raises a safety issue, and it's
not dealt with by the competent people who are basically trying to build a building quickly, the official would be in the same position as I was. If you're not confident that this is going to work properly, the alternative is catastrophic: don't do it. This is what happens in the building industry. This is what happens in the transport industry. I have to say, in a lot of cases, that nothing catastrophic will happen, but, when it did, I had to go to the homes of transport workers and speak to their surviving family about how they're going to get by without their loved one. You take those responsibilities really seriously. That would potentially be grossly illegal under the regime and laws that we currently have.

If you get a name as one of those people that won't take a backward step, this new law would allow, as Senator Wong has said, other people—maybe a rival but certainly an employer—to take action in the Federal Court and seek your deregistration or your removal as an official. I don't think that is anywhere near the appropriate way to go, for this reason: union members are smart, they don't suffer fools gladly, and, if you lead them up the garden path and you waste their time and money on campaigns that don't win, you basically get the boot. They won't re-elect you. The awesome responsibility you get from leading members of a trade union is also qualified by the fact that, if they don't like your actions and where you're leading them, the ballot box comes along and away you go. That is right and proper. That's how it should be. It shouldn't be at the whim of a government minister, an employer or someone with an axe to grind or a grudge to bear; it should always be at the wish of the members.

I was very fortunate. In all the elections that I competed in at the Transport Workers' Union, I never got the boot. My margin seemed to keep increasing. I always listened very carefully to the membership. I took them where their aspirations wanted to go, and we obeyed the law as best we could. When it came to safety, I'd err on the side of safety than of the law, because, as Senator Sheldon said, if you have an Armaguard bloke petrified about a hold-up—let me tell you how that works. Do you know the rule in the armoured vehicle system? This actually happened. If someone is crossing the footpath with a bag of money and someone approaches that person to rob them, do you know what the driver is supposed to do? The driver is supposed to drive away as fast as he can. His mate is there getting shot, killed or robbed, and the instructions are that the driver has to leave the scene as quick as he can, in case they manage to get into the vehicle and get money. It happened in Adelaide. People were literally just shot, with no words, to take the money, and the car drove off to save the rest of the money.

If someone has a safety issue in those areas, do you think: 'Am I going to break the Fair Work Act? Do you think this is in contravention of subsection so and so?' You generally err on the side of caution. If there is a safety threat to people, you make yourself as safe as you can as quickly as you can. If that means not going to that place, or stopping work, that's what you do, and we'll get together and sort it out. Dare I say, most employers support that, because it is quite pragmatic and it makes a lot of sense. In the building industry, where there might be penalties for floors not completed or pours not completed or concrete trucks queued up in the street, it could be a little bit more problematic. But I genuinely believe, and you only have to look at the number of people killed in transport and/or construction, that the safety area needs a re-examination. We need to be able to genuinely address safety concerns and not have people forced to drive or work in unsafe conditions.
We're at a point where, I think, this government is almost six months old. Most of the legislation that's come through the Economics Committee—I made the statement here in the chamber—was poorly drafted, had unintended consequences and was not likely to meet the objectives that it set out to achieve. This is pretty much the same. Most people would see this and say, 'Oh, you can make an application to the Federal Court and you can have a union deregistered.' Anybody who has had anything to do with the Federal Court would realise that's not exactly how the Federal Court works. Presumably, the first thing that happens when you have a matter before the Federal Court is the allocation of a judge. Sometimes—and I found out to both my pleasure and my disquiet—whom you are allocated is a matter for celebration or disquiet. The judge you get may be a good one or a bad one, according to the legal fraternity. Then an inordinate amount of time passes. Then the registrar, who wants to get people in, says, 'This is a waste of the court's time. This doesn't need to go to court. Settle it.' Then you say, 'No, I'm not going to settle it.' Eventually, you have been allocated a judge and you get a trial. All of that would probably take 12 months or longer. Do you think an organisation is going to wait to be deregistered? Do you think an organisation that is challenged in this space is not going to fix its affairs so there's no need for the action?

Take the union that's mainly in the firing line with this legislation: the CFMMEU. Do you think that, if you deregistered them, they would suddenly disappear? When the BLF was deregistered, it didn't disappear. It became the Building Workers Industrial Union. What is deregistration? What do you intend to do? Presumably, the assets are then given to a like organisation. It's a real sledgehammer of a bill. Politically, it might sound wonderful. It would probably sound great when they're having a beer in the minister's office after it has passed—'Oh, we've cracked it! We've got the union movement on the run!' What a load! That's not how it's going to work.

This sort of legislation actually makes a union stronger. It makes them smarter, it makes them stronger, it makes them more effective. I'll tell you this: when you attack the trade union movement, they get together and the collective strength of trade unions is immeasurable. We've never actually seen a 100 per cent collective trade union movement in Australia, but, trust me, this government might actually get one. They might be putting legislation through, as Senator Wong and others have said, which would drive us together, collectively, and we'll get a better outcome than we've ever had. We'll have better leaders, we'll have smarter leaders, we'll have more-committed members and we'll do our job better. And doing our job better is a good thing for Australia because it means that workers will have more in wages, better superannuation, safer workplaces, and more pride in themselves, their companies and their uniforms. Plenty of trade union members are very happy, proud members of a company as well as having union membership to make sure things are shared equally. It's genuinely good to see good unions working with good employers for a successful outcome, and there are many of them. There are many examples in transport and there are many examples in the building industry.

I know a couple of retired building workers in Victoria. They've worked for the same company for 45 years. I'd say, 'Christo, what do you think of the CFMMEU?' and he'd say, 'Oh, mate, we never got anything without the union. Our boss was good. We had plenty of work, but the union made it so we were better paid, stronger and safer.' You can't legislate that away. You can try, Senator Cash and others. You can put your fair work and integrity bill
up as long as you like and you can get the crossbenchers to support it, but they have no idea how unions work, just as you people don't have any idea how unions work. You only look at a little bit of aberrant behaviour here and there and try to assign that right across the union movement. Nothing could be further from the truth.

Unions are genuinely good organisations, run democratically and are full of integrity. They make this lot here twice as good as the other side in terms of integrity. Working people don't suffer fools and thieves gladly; they get rid of them. If there are any in the union movement, they get weeded out very quickly. So I'm very pleased to make a short contribution here today.

**Senator KITCHING** (Victoria) (11:20): I rise to speak on the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019. No more Orwellian label has been applied to legislation. Really, it is like someone in the government read Orwell's monograph, *Politics and the English Language*, which was published mid last century but which has obviously become more and more relevant to public language in this day and age. It's like they've taken that monograph, inverted it and used it in a way that Orwell was actually warning against.

This proposed law is nothing more and nothing less than an attack by powerful vested interests in the government, those opposite, and by those in this government who buy outcomes, on the most vulnerable of Australian workers who reach out for help from their union. It's an attack on the lowest paid, and it's an attack on those organisations that fight for those people. It's an attack on those who feel shut out by politics and who feel that the Liberals will never care about them any more than the Greens will. This bill will not be paid for by powerful, articulate, well-connected union secretaries but by the membership. They are the people who will bear the costs of the unintended consequences that will ensue from this bill.

I could give you a catalogue of all the good that unions have done. Many other senators have passionately addressed that. It runs from everything, from the age-old desire of people to associate with those with whom one has a commonality of interest to action at the most forensic level. That includes recent wage theft cases. Does anyone think that people sat down and went through their payslips one by one over many years and then suddenly that all came together in one concerted effort? It was unions who did that. It was unions who actually compiled those documents and ran those cases on wage theft—such a heinous crime, by the way, that Mr Porter, the Attorney-General of the Commonwealth, said that he will criminalise wage theft.

That is really a big shift ideologically and philosophically from a party that represents capital to move to a point where it actually acknowledges that capital gets it wrong and exploits people and has done so, for some companies, in a systematic way and deprived, in some instances, $300 million from workers. So, in fact, the Liberal Party knows that unions do the hard yards and do the hard work to ensure that people who might not be able to put that case together themselves are represented and get a fair day's pay for a fair day's work—an age-old principle of registered organisations, but which is still, as we have seen this year, a necessity, because otherwise people would be exploited in our system.

I want to share with the Senate my own personal observations of the federal government agency that will be responsible for administering these laws. This is an agency that stands
condemned as acting unlawfully by the Federal Court in the recent AWU police raids episode. This is an agency run by the CEO, Mr Bielecki. This agency is so transparent that, when you go to its remuneration tables, it doesn’t actually disclose what he earns—but it’s somewhere in the vicinity of $435,000. Chris Enright is also employed at the Registered Organisations Commission. Again, his wages are not disclosed—a lack of transparency—but, from my reading of the annual report, he’s probably paid about $370,000.

It’s clear that these two people, who were intimately involved in the AWU raids, have been willing—and I say this deliberately—to corrupt themselves by pursuing nakedly politically motivated inquiries of the kind we saw in relation to the AWU, and particularly regarding the member for Maribyrnong. Why? Because he was the opposition leader. That was a politically motivated attack. This is not an independent and impartial agency, yet this is the agency that those opposite would have to ensure that this Orwellian-named law, the ensuring integrity bill, will be seen to be acting properly. These people, I am telling you, are incapable of doing that.

Some social workers use the term ‘lived experience’—not my favourite term; I would say that all experience is lived—but some people do not realise the lived experience of those in registered organisations in dealing with the Registered Organisations Commission. They lose documents. They are incompetent as well as malevolent. The Registered Organisations Commission is like Javert in *Les Miserables* pursuing Jean Valjean. They play favourites. Mr Enright, in particular, favours some unions over others and plays politics with them in some sort of bizarre power exercise. He leaks to his friends in the media routinely. Mr Enright is as corrupt—and I use that word again deliberately—a public official as I have ever encountered in all of my dealings with government. I’m not suggesting he takes bribes but I certainly suggest that he is drunk on power. He is an abuser of power. He is a thug in a suit.

The very real prospect of the most vulnerable Australians being left to the mercy of the free market without a union, without a helping hand, is the very consequence of this legislation. The combination of this bad law and this perfidiously bad federal agency—with its lavishly paid executives who play politics, who leak to the media and who have their own deep-seated agenda of maximising their own power in a totally unaccountable way—could have very clear and devastating consequences for the working people whose votes and whose taxes send us here and keep us here.

Unions are responsible for the standard of living that we enjoy today. It’s been unions that have entrenched so many of the norms of fairness in Australian society. While we take many of these things for granted, behind each one of those standards of living that we enjoy was a struggle and a sacrifice by a union and by the workers they represent. The basic awards structure that sets out workers’ entitlements was a design of the Australian Workers Union in 1908 to cover pastoral workers. It was the unions who first secured paid annual leave. This was achieved through a campaign by printing workers in 1936. This builds upon sick leave provisions included in awards beginning in the 1920s. Penalty rates came into effect in 1947 after the unions won an arbitration commission ruling. A more recent example of a union’s victory is securing maternity leave. Everyone here and all of the public servants who are here in this building all enjoy that now. It was the Gillard government that saw through the introduction of the Paid Parental Leave scheme in 2011.
Central to the Hawke-Keating government's legacy is superannuation. Superannuation is in Labor's DNA, and, despite the constant attempts to wind back, to cut, to deny, to denigrate, to outright extinguish this entitlement, Labor has fought those opposite at every turn to ensure that working people can retire with the dignity they deserve after a lifetime of work.

The Australian Conciliation and Arbitration Commission finally decided in 1969, after decades of union advocacy, to introduce equal pay for women. However, this fight is not yet over and, sadly, the gender pay gap still exists today. Indeed, as many of us are aware, a third of all women still, in this day and age, retire into poverty. That is simply not acceptable. I would say to those opposite: if you want to make a difference then you tackle issues like that; you don't try to make it much more difficult for registered organisations, who represent working Australians, to do their job.

While workers compensation was seen as far back as 1902, it wasn't until 1985 that unions won the right for workers to maintain safety standards on the job. Many families around the country thank the unions every day because mum and dad come home from the dirty, dangerous and difficult jobs that others do not want. Meal breaks, rest breaks and redundancy pay are components that are now a given in any employment contract, and those rights come from unions and the work that they have done. It was unions who succeeded in banning the use of asbestos and other carcinogenic materials, and that has resulted in saving countless lives today. Sadly, this struggle was too late for those already affected by asbestosis and mesothelioma.

As a result of the coal workers' strike in 1949, New South Wales saw long service leave instituted this 1951, a move followed shortly thereafter by other states. The adherence to fairness is central to everything the unions do. This is articulated by the concept of fair pay for a fair day's work and a fair go all round. The fair go underpins the unions' fight to make sure employers could not unjustly or unreasonably dismiss someone, a concept known as unfair dismissal protection.

Those opposite champion individual bargaining. But many disenfranchised and marginalised groups—such as for those whom English is not their first language, those who didn't obtain a higher education or those at lower levels of larger companies and organisations—rely on unions to collectively bargain on their behalf so as not to be left further behind. There is strength in numbers. As we enter a period of inequality not seen since the Great Depression, this government wants to take away the one way in which workers are properly represented: an effective union.

Eight hours to sleep,
Eight bob a day,
A fair day's work,
For a fair day's pay.
That's what people still deserve. That is actually at the base of a statue opposite the Trades Hall in Victoria. We still deserve that, and people are still fighting for that because we do not still see that in our society, not for everyone.

The bill that the government seeks to introduce creates new powers, aimed at workers' representatives, that are not only at odds with the basic principle of freedom of association but also undermine obligations under the International Labour Organization's 1948 Freedom of
Association and Protection of the Right to Organise Convention as well as the 1949 Right to Organise and Collective Bargaining Convention. These proposed laws are reminiscent of the draconian measures taken by some of the world's worst authoritarian regimes and are at odds with the basic tenets of freedom of association. They severely restrict a worker's ability to exercise their rights and, even at the most cursory of glances, clearly breach the multiple ILO conventions which state that workers have the right to assemble and collectively organise. These laws will create legal uncertainty and further foster an environment where this unaccountable government continues to vexatiously pursue unions for no other reason than to allay their sick, ingrained, philosophical fetish of holding their foot to the throat of the Australian worker.

Those opposite bandy around words like 'freedom', 'human rights' and 'democracy' yet look down their nose at Cuba while it oppresses its free trade unions. There are some members of the party opposite who march with Hong Kongers yearning to be free. Yet, when it comes to whether they will vote on the choice of workers to be fairly represented, they will vote with the side of the jackboot. This means that, by extension, those opposite associate themselves with the worst excesses of those types of regimes—the side that has tanks running down protesters, the side that has tyrants jailing unionists. So I don't really want to hear a lecture about freedom from those opposite while they're pursuing this type of ideological agenda. We know whose side they are on, and it's not the workers' side. The Prime Minister would claim some of these working Australians as 'the quiet Australians'—but I can assure you, Madam Deputy President, that that is not the case. He mistakes his base.

The Prime Minister this morning described Labor running a protection racket for unions. This is the man who, on the Monday after the election, the first working day after that election, having complained about the nastiness of the campaign, said: 'I'm going to lead discussion in a better way so that we can work together.' What does he do with this bill? He is actually creating divisions—going back to capital versus labour, trying to ensure that workers are not able to collectively bargain or to assemble, or to associate freely with those who have a commonality of interest. He is going to make that more difficult. In fact, because this bill will have unintended consequences—and people have raised the paperwork penalty regime, which is only the beginning, I think, of the unintended consequences that will ensue from this legislation—he is not only creating divisions but also making divisions much more likely.

I'm going to tell you some of the things that I have observed at the Registered Organisations Commission. They lost the paperwork—not once, but twice. They then denied they had and blamed the registered organisation in question—which they then couldn't do because one of their compliance officers sent an email apologising for losing the paperwork. This nearly ended up in the Federal Court, so you can imagine the cost of all of this. No wonder unions are worried about the paperwork penalties regime. At one of their meetings, a senior official described to me: 'This is the best gig I've ever had—easy-peasy,' he said. They are not the organisation one wants ensuring these laws are followed. They are incompetent. Just yesterday, the Federal Court quashed the Registered Organisations Commission's decision to conduct its illegal, partisan investigation into the Australian Workers Union. They will now have to hand back all of the documents seized during this bungled 2017 heist aimed at nothing more than the intimidation of working Australians. I could speak about a union member who wasn't able to negotiate something as simple as a roster by herself, partly
because she had very complicated childcare arrangements in her personal life and, when the managers changed the roster, she thought she would lose custody of her children. I spoke about her in my first speech. I have never forgotten that phone call.

This is a government that is unable to ensure integrity in its own front bench or in its own back bench. We have the member for Chisholm, who's self-auditing her own donation and has yet to explain where the money came from. If those on the crossbench vote with this government, they will be tarred with the same brush that allows the member for Hume, Mr Taylor, to not disclose why native grasslands were poisoned and to not explain meetings with the department that no-one else could have organised—and now he is being investigated by the police for a dodgy document. No wonder it's called Strike Force Garrad. I am aware of the President's ruling on organising functions in breweries, but if you go to the Urban Dictionary's definition of garrad, it is: 'the dumbest'—person; but it doesn't use the word person—in all the land. Maybe the New South Wales police deliberately chose that name for the strike force and its inquiry into Mr Taylor. The Prime Minister himself has phoned the New South Wales Police Commissioner, a phone call that a former prime minister, Mr Turnbull, says is a call he would not have made. This is yet another example of attempting to suborn law enforcement—and those opposite say they wish to ensure integrity. I would say that they are not capable of doing that, because they cannot do it in their own ranks. I would say to the crossbench: do not allow yourselves to be tarred with the same brush that those opposite are tarred with. This legislation goes to pointing out that they are not able to govern and they are not able to ensure integrity. This bill should not proceed.

Senator WATT (Queensland—Deputy Opposition Whip in the Senate) (11:40): I also rise to speak on the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019—‘ensuring integrity’ in inverted commas! As has already been stated by a number of my colleagues, Labor strongly opposes this bill. We opposed this bill in the last term of this government and we oppose it again now. That is because this bill is again a blatant attack by this Liberal-National government on the working people of Australia and the organisations who work to protect them.

The original version of this bill was dangerous and extreme. That is why the 45th Parliament rejected it. This current version of the bill remains dangerous and extreme, and that is why the 46th Parliament should also reject it. We opposed this bill in the last term of this government and we oppose it again now. That is because this bill is again a blatant attack by this Liberal-National government on the working people of Australia and the organisations who work to protect them.

The original version of this bill was dangerous and extreme. That is why the 45th Parliament rejected it. This current version of the bill remains dangerous and extreme, and that is why the 46th Parliament should also reject it. We know that the reason that this government is bringing this bill back on for debate in the 46th Parliament is that they have remained as extreme as they ever were in relation to unions and working people, but this time they seem to have a friendlier Senate cooperating with them and being accomplices in their attacks on unions and working people.

This is what we see the Liberals and Nationals do every time they are in government. Every single time they have a little bit of power, they come after unions and they come after working people. I do not remember at any point in the election just gone the Prime Minister getting up and talking about his intention, should he be re-elected, to bring back this legislation and go after unions and go after working people. He does not have any mandate to do this, but here he is doing it again, just like every Liberal and National Party government we have ever seen try to do.

As has been observed by a number of my colleagues, it is 2007 all over again. It is 2007 and, indeed, before that, 2004 and 2005, when the Howard government, drunk on power and
having a majority in the Senate for the first time in decades, decided to bring in antiworker, antiunion legislation—the so-called Work Choices legislation—to smash unions and to rip conditions and pay out of the hands of working people. And here they are at it again. The minute this government got back into office, one of the first things it wanted to do was to bring this legislation back on, just like it did after it won the 2004 election, to come after unions and come after working people.

Well, I have news for this government. When they did in 2004 and 2005, it failed. They were thrown out of office in 2007, largely on the back of that Work Choices legislation and the impacts it was going to have on unions and working people. I predict that the same will happen again, because they have not learnt the lesson that the Australian people do not want their government going after unions, going after working people, reducing their wages and reducing their pay and conditions. The Australian people do not want that, but this government will just not hear the message. Its level of arrogance, having won the last election against the odds and against all expectations, knows no bounds. So here they are again, arrogantly bringing in legislation that they did not talk about during the election campaign, that exceeds their mandate and that yet again goes after unions and working people.

As is the Orwellian tendency of this government, they have decided to name this bill the ensuring integrity bill. As we have started to learn from this government, we need to understand from the titles of their bills that what is actually proposed within the contents is exactly the opposite of what is proposed in the title. So let us talk a little bit about integrity and what ensuring integrity might look like if this government was actually sincere. Let us begin by talking about integrity in the workplace. Take just one example that is throughout the media as being absolutely rampant within the workplace—I am of course talking about wage theft.

In recent months, we continued to see example after example of employers ripping off their workers—underpaying them, not paying superannuation, paying below award rates of pay, not paying allowances and various other things that are employees' legal rights. It started with the shocking abuses of largely migrant workers by 7-Eleven, but it has continued through Domino's, Woolworths, Michael Hill Jewellers and, it seems, through every single celebrity chef in the country. Still to this day we're waiting for this government to take any serious action to rein in wage theft. Every single time Labor senators raise this matter, we're told: 'Yes, it's a priority. We'll get to it at some point. We're looking at it. We think it's a very serious issue.' But where is the legislative action from this government to do something about a genuine problem in the workplace in the form of wage theft that is affecting millions of workers in this country? We're still waiting, because it's actually not their priority; this bill that we're debating here today, going after unions and workers, is this government's priority, not making sure that Australian workers receive the pay and conditions they are legally obliged to receive.

This week I met with some young workers, members of the United Workers Union. I asked them, 'What do you think is the major issue young workers in this country are complaining about and need action taken on?' Without prompting, every single one of those young people, whether they were working in food manufacturing, hospitality or other areas covered by that union, told me the major problem that needed to be dealt with was wage theft. Every single one of them and every single one of their friends had experienced wage theft. That's a
problem that this government should be dealing with. If it's actually serious about getting people's wages up, getting people what they're legally entitled to and getting this economy moving, it might do something about wage theft.

Not one of these young people was telling me that the major problem in their workplace was the odd occasion where their union might not complete paperwork correctly. The reason is that it's not a significant problem in need of legislative prioritisation by this government—but, of course, that is what this government's priority is. We are still waiting to see any serious effort by this government to tackle stagnant wages, the lowest wage growth on record in Australia, under this government. Nothing has been done about that, about wage theft or about other forms of workplace exploitation. That's one form of integrity that this government might care to actually think about.

Another example is the serial, ongoing misconduct of the largest banks in this country. Again, this government isn't serious about doing anything about banking misconduct. We remember they voted 26 times to stop a banking royal commission going ahead. That royal commission was forced upon them against their will, and they're now dragging the chain when it comes to implementing its recommendations. Even though the banking royal commission handed down its 76 recommendations a long time ago, so far only six have been implemented by this government. The rest are on the go-slow because, again, fixing banking misconduct is not a priority of this government, just like fixing wage theft is not a priority of this government; the priority of this government is smashing unions and therefore going after the workers that those unions represent.

Just in the last week we saw more evidence of misconduct in the banking industry, involving Westpac, who have been accused, by the federal government's own banking regulators, of breaking anti-money-laundering and counterterrorism financing laws 23 million times. Shockingly, in the process they seem to have facilitated serious crimes including child exploitation in overseas countries. Again, if this government were serious about ensuring integrity, they might want to do something about that, but, when the Prime Minister was asked about this, his response was that this was simply a matter for Westpac's board—not to mention that, despite ultimately stepping down in disgrace, their former CEO will receive still $2.68 million in his 12 months notice period for which he is being paid out. Twenty-three million breaches of the law by one of the biggest banks of this country can go largely unnoticed by the elected representatives of this government and can be left as a matter for the board, but three minor paperwork breaches by unions is enough to deregister them and disqualify their officials. We're supposed to believe the government are serious when they say this is all about treating unions and companies on an equivalent level. No-one believes that. That is absolutely ludicrous, and the fact that the government have an agenda to go after unions and working people, not serious corporate misconduct, was made plain this week.

You can't fault this government's timing. In the very week it chooses to bring on this debate about 'ensuring integrity', not only is one of the biggest banks in the country involved in serious misconduct but we also have problems yet again with ministerial integrity, involving one of the government's senior ministers, Mr Taylor. I'm glad that, when we're talking about ministerial misconduct and ministerial integrity, we've got another such person in the chamber with us right now. I'm talking, of course, about Minister Cash. Minister Cash set the benchmark for this government when it comes to lacking ministerial integrity and
misconduct. Who can forget the infamous raid launched by her organisation, the Registered Organisations Commission, in response to a 'complaint' or referral from Minister Cash, about allegedly serious misconduct that had occurred in the Australian Workers Union? Despite Minister Cash's denials in estimates, we of course learned that that raid by the police was leaked to the media by staff from Minister Cash's own office; they admitted as much in the Federal Court. She's sitting here nodding, saying: 'So what? We've heard this all before.' This is actually a serious matter, Minister Cash. I know you've never taken responsibility for it. That's because you, along with all of your other ministerial colleagues, lack the integrity that you now have the hide to say unions should serve up.

When the police were investigating—and Minister Cash's office was under investigation—and considering charges for leaking this information, Minister Cash wouldn't cooperate with the police. They requested on multiple occasions that she attend an interview, but she wouldn't turn up. That's because she knew that to turn up and tell the police what had actually occurred would incriminate her and incriminate other members of the government, along with her staff. That's how much integrity we saw from Minister Cash and that's why, to this day, not one Australian person takes Minister Cash seriously whenever she opens her mouth. It doesn't matter what she says, it doesn't matter what attack she's launching on the Labor Party or unions or any other group in the country, everyone just remembers: 'Oh, that's that Minister Cash; she's the one who was involved in the police raid on union offices that was leaked to the media.' Everyone knows this minister doesn't have any integrity, and yet she and her colleagues have the hide to come in here and lecture the rest of us about the integrity of unions and working people.

As I said, you can't fault this government when it comes to timing, because, in the very week that it's trying to introduce this legislation, we have another one of its ministers, Minister Taylor, now under police investigation. That will no doubt play out in the House of Representatives today. The fact that the Prime Minister doesn't think that that is a worthy reason for one of his ministers to stand down tells you all you need to know about the integrity levels of this government. Minister Cash set the bar by having her own staff leak information about a police raid on union offices and then not cooperating with the police investigation. Minister Taylor is just following Minister Cash's lead. He's ignoring the fact that the police are investigating him, and the Prime Minister is ignoring the fact that they're investigating one of his own ministers. And the Prime Minister thinks it's okay to get on the phone with the police commissioner and have a bit of a chat with him about how the investigation is going. Are we all of a sudden living in a tin-pot dictatorship under Scott Morrison? We know he doesn't want people to have the right to protest; now he thinks it's okay for the Prime Minister of the country to get on the blower to the police commissioner and ask him about this police investigation. Are they the standards of integrity that we can expect from this government, which has the hide to bring in and debate a bill that it says is about ensuring the integrity of the union movement and working people? This government has no integrity and has no place lecturing anyone else in this country about integrity either.

The fundamental problem that the government, the Liberals and the Nationals, have when it comes to this legislation is that they simply don't understand the importance of unions in this country. Indeed, they see the word 'union' as interchangeable with the word 'criminal'. You only have to look at the public debate that has been engaged in by ministers of this
government in recent months and the number of times they talk about this bill in the context of criminal union officials. It happens every single day. They see the word 'union' as interchangeable with the word 'criminal'—I know that, on many occasions, I and other members on this side have been referred to as union lawyers and union officials as if that's some kind of epithet for 'criminal' that can be thrown at people—rather than recognising what unions, and the lawyers and officials who work for them, do. They're out there every single day trying to defend working people against the latest attacks from this government and from employers that don't want to do the right thing. I've seen, over and over again, Labor candidates who have worked for unions or are members of unions referred to as 'union officials', 'union thugs', 'union this', 'union that'. It's this continuing pattern that we see from this government to delegitimise unions, to try to gradually take them out of the workplace so that employers, like the banks that we were talking about before, can get moving, unfettered, and do whatever they want to working people. That's what this government is actually about.

I am a proud union member and I have been a proud union member for my entire working career, going back to my days working in hospitality when I was paying my way through university. My parents were proud union members. Most members of my family are and were proud union members. I've got no shame whatsoever in referring to the fact that I spent a number of years of my working career working as a lawyer for unions and for working people. I was proud to do that, every single day, because it meant that every single day I was going into bat against employers who are doing the wrong thing—underpaying their workers and denying them the conditions that they were entitled to, and sending workers into unsafe conditions. I know whose side I'd rather be on in that fight. I'd rather be on the side of the unions and the working people who are trying to resist that kind of misconduct, rather than with the people we see on the other side of this chamber who are very happy, every day, to saddle up with the rogue employers who are denying working people their rights.

I remember working for workers as a so-called union lawyer, defending employees and representing workers who'd been unfairly dismissed, who'd been discriminated against in the workplace and who had been underpaid on a serial basis by employers. I remember acting for the Finance Sector Union when it tried to prevent, and successfully prevented, the Commonwealth Bank from making its entire workforce go onto individual contracts. I remember working for the Transport Workers Union as they defended owner-drivers, who were being grossly underpaid and denied all of their entitlements by big trucking companies. I remember working for the Manufacturing Workers Union and their members, when companies were going belly up—after, usually, director misconduct—and were left with no money to pay the entitlements of the staff who'd all lost their jobs. Those were good things to do. They were good, deserving people who actually deserved our support rather than more and more attacks as we are seeing from this government.

I won't go over in detail what this bill does—it has been traversed in detail by a number of other speakers—but we know that, as to the effect of this bill, all it will do is to make it harder for unions to organise and harder for unions to stand up for the rights of workers, and, therefore, harder for workers to get a fair pay rise and the conditions that they are entitled to. I will not, and this side of the chamber will not, support a bill that will leave workers without the representatives that protect them from the wage and superannuation theft and the dangerous workplaces that this government should actually be taking action on.
This bill represents a politically motivated attack on workers' ability to organise and represent workers, run their own unions and determine who leads them. Workers in this country should get to choose who leads them and represents them—not Scott Morrison, not Minister Cash, not Minister Taylor and not any other minister over on that side of the chamber who lacks the integrity that they now demand of the union movement.

I do want to mention, in passing, one aspect of this bill, which is that it intends to give even more power to the Registered Organisations Commission—and I'm of course referring to the organisation that was Minister Cash's accomplice in launching that disgraceful and now invalid raid on the Australian Workers Union. The Registered Organisations Commission is now a body that is so thoroughly politicised and discredited over its AWU raid scandal that it should actually be abolished. It should be deregistered. The Registered Organisations Commission is the group that should be deregistered, not the unions that it continually goes after. Instead, what this government wants to do is to give this disgraced, partisan body even more power.

In conclusion, I was going to talk about evidence that came out at the hearings that I attended on this bill in Brisbane, but unfortunately time doesn't permit that. I do want to reflect, in closing, on what this bill is really all about. It is another attempt by this government to do just what they did after the 2004 election, when they overreached with a friendly Senate and introduced the Work Choices legislation that ripped off unions and working people; they're at it again with this bill now. What this bill is really all about is taking out the unions that protect working people so that the government can then go after the people they really want to get, who are the working people of this country. This government is sitting by, while we see wages growing at the lowest level we have ever seen in Australian history, while we are seeing penalty rates cut as a result of the government's inaction and while we see wage theft running rife across almost every sector of the economy. While all of those things are happening, the government does nothing, because their priority is to go after unions and take them out of the way so that they can then go after the working people, who are the real targets of the Liberals and the Nationals.

The government's cover was actually blown yesterday in question time when Minister Payne was asked questions about what the government's plans were for its so-called IR reform. Last week the Minister for Industrial Relations flagged an intention to bring in new industrial laws, and yesterday Minister Payne was given every opportunity to rule out watering down unfair dismissal laws or changing the way enterprise agreements are assessed. The minister would not do that yesterday. We know that this bill is about taking out unions so the government can come after working people in the next few months. (Time expired)

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (12:00): I rise to speak about the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019 today. This is a bad bill and Labor will be voting against it. But this is a dangerous bill—dangerous because it will erode the ability of unions to represent their members and keep them safe, dangerous because it further singles out one group of organisations across civil society and treats them differently to others and dangerous because it directly attacks, in a legislative form, and seeks to dismantle the rights of working people in this country to organise and be represented as a collective movement.
Those opposite will say it does none of these things, but that's not the truth. The bill will erode the organisational capacity and capability of unions to represent their members. Let's not forget that this is the government of Work Choices. This bill is Work Choices in a different form but with exactly the same outcome in mind. If unions are not able to operate or are crippled by regulation so they are unable to do the work they need to do for their members, it will deliver exactly what this government wants. We know this government thrives on division and prioritises the driving of wedges between political opponents. It would be easy to look at the bill in isolation and see it in this way. But this legislation and the union bashing that comes with it, I think, actually part of a much more sinister and underhanded agenda of this government, an agenda which seeks to demonise and isolate those organisations and individuals who seek to disagree with or actively agitate against this government. It is coordinated, it is planned and it is being rolled out right under our noses.

We have a Prime Minister who governs for the 'quiet Australians', an ill-defined group that includes those who are too busy to follow politics. Sometimes quiet Australians are referred to as the 'quiet masses' or the 'quiet army'. Anyway, you're left without any doubt that to be quiet is to be revered by this Prime Minister. It may surprise the Prime Minister, but my guess is that many of those quiet Australians are union members or people who rely on unions to support them and to speak up for them. The Prime Minister doesn't seem to like those who speak up. Take the environmental movement. Our Prime Minister refers to these people as anarchists who engage in economic sabotage with 'indulgent selfish practices' and who deny the liberties of Australians before threatening to crack down on them. The Prime Minister has referred to street protests as an insidious threat to our society. We have a Prime Minister who demeans the role of politicians and the important work done by the Public Service by referring to the 'Canberra bubble' in negative terms. He's redefining a Prime Minister's traditional accountability to the public by simply refusing to answer questions in press conferences by writing them off with the 'Canberra bubble' defence when it is actually he who presides over and controls the agenda of that bubble. And don't forget the Prime Minister's warning to senior business leaders who would involve themselves in debates and campaigns across civil society. He wanted to make them quiet and instructed them to stick to their knitting.

This government is all about quietening down participation in public life, and it knows that unions get in the way of this. The government doesn't just want Australians to be quiet; it wants them to be silent. Now, with the typical mindless marketing guff that passes for policy in this government, we have before us a bill that purports to be about ensuring integrity—but this bill does no such thing. It's a silly name for a bill with a sinister purpose. It's not about integrity. It's about quelling political dissent and making Australian workers stay quiet, compliant and obedient—quiet about fair pay, quiet about conditions, quiet about safe workplaces and quiet about taking collective action or bargaining wage outcomes together as a group.

This bill seeks to impose on one part of civil society a set of standards that the government are unwilling to apply elsewhere, least of all to their frontbench. It takes a special kind of gall for this ethically adrift government to stake out political ground in the integrity stakes. If they really wanted to do something about integrity in Australian public life they'd be legislating to mandate a bit more integrity closer to home. Where is the 'ensuring integrity in Minister
Taylor's fake documents' bill, or the 'ensuring integrity in grasslands assessment and investigations' bill, or the 'ensuring integrity in Minister Dutton's au pair migration for mates' bill, or the 'ensuring integrity in Minister Robert's $38,000 home internet bill' bill, or the 'ensuring integrity in the NDIS' bill, or the 'ensuring integrity in robodebt' bill, or the 'ensuring integrity in the half a billion dollars in contracts to Paladin' bill, or the 'ensuring integrity in spending $185 million reopening and then closing Christmas Island' bill? Where are all those bills? More fundamentally, where is the Liberal and National parties' commitment to integrity in government more generally? Where is their policy framework for rooting out, investigating and exposing corruption? Where is the proposal for a national integrity commission with teeth?

This government doesn't care about integrity. It cares deeply about silencing its political opponents. We have a government that refuses to take responsibility for anything, regardless of the fact that it has been in government for seven years and three terms and with three Prime Ministers. Their first response to any issue or challenge facing the government is to blame Labor. There was a time when the role of the Prime Minister was to unite the country, to encourage social cohesion and to provide leadership. Where have those days gone?

This is a government that doesn't have a plan. It doesn't have a plan for the economy, with economic growth at its lowest level since the GFC, household living standards declining and wages growing at one-sixth of the rate of profits—the worst wages growth on record. Yesterday we found out that low wages growth is now the new normal. There are now 1.9 million people unemployed or underemployed. Household debt is at record levels, and business investment and consumer confidence are down. Productivity is declining, and the government have, uniquely, managed to deliver skill shortages and wage stagnation at the same time. This government doesn't have a plan. It doesn't have a plan for skills, productivity, climate change, aged care or health care. Where's your energy policy? Where's the plan or vision in education? How is the government going to provide dignified support for Australians who are ageing? How is the government going to deal with escalating costs in child care? How is the government going to deliver the dream that is the NDIS, instead of using it as a vehicle to bolster the budget bottom line? Where is the plan with the federation as we head into 2020? Why is there a delay in implementing the banking royal commission recommendations? And what has happened with the integrity commission? There were promises made, before the election, of a hopelessly inadequate body, and there is silence after it.

The only plan this government has is to undermine, attack and dismantle, through the incumbency of government, the features of our civil society which have been fundamental to the success of and trust in our democratic processes, and that means unions and their leaders are well and truly in its sights. This Senate, if it votes to support the government with this bill, will be complicit in that. We know they won't stop with this bill. They'll be back. Of course they will. This is a government without values, ideas or principles that guide it. They will be back with legislation to continue to attack or dismantle whatever organisation or group they disagree with. This bill strikes a knife right in the heart of the role of organised labour across Australian society. Unions have always been at the heart of democratic progress in this country and they have always been at the heart of the Australian Labor Party. This government knows this. Their blind hatred of their political opponents is what's motivating
them with this bill. The bill is political. It's a political attack against the Labor Party and it's a political attack on union members.

For as long as I've been a member of the ALP, we have had to fight conservative politicians in their never-ending campaign to curtail the power of organisations that represent working people. That's been over 24 years for me, and I know these battles were being waged long before I joined the ALP. Unions have been a force for good, for fairness, for equality, for inclusion and for diversity in Australia. They have delivered all of the workplace conditions most Australians enjoy, and history shows Australian trade unions have been at the front of all campaigns to expand democratic rights—the right to vote, the right to an eight-hour day, rights for First Australians, equal rights for women and removal of discrimination.

This government, through this mean and menacing legislation, is wanting to break apart the strength of that collective movement. That's what really drives this government and that's what's motivating this dreadful bill. Sure, they will dress it up with talk of inappropriate behaviour by some union officials, which no-one in this place, including the Labor Party, endorses in any way. But make no mistake: the big play here is to begin to dismantle the collective strength of working people. In the new world of Morrison's desire for a quiet and compliant Australia, unions get in the way. Today, with a smaller, more conservative-leaning crossbench, the government is now within arm's reach to deliver on this long-awaited agenda.

Unions in Australia today are not simply a product of a democratic system—they are champions of future democratic change and an essential safeguard against backsliding. Today, Australian unions are working to secure gender pay equity, tackle workplace discrimination, stop the exploitation of migrant workers, and uncover and deal with wage theft. They campaign to prevent workplace deaths and provide support to those families who, unfortunately, lose loved ones.

In 2019 alone, 138 Australians have been killed at work. I wonder how many of those people opposite have sat with the families and friends of those who've lost their lives in avoidable workplace accidents. It's not many, I imagine. I have, and I'll never forget it—the sound of a mother crying for a lost son, devastated and blindsided that this could have happened in Australia. I will never forget that meeting, nor the presence of the union that sat beside her and the pain that that woman was in. It chilled my blood, and it was all avoidable.

If this bill passes, it will provide unprecedented power for any person with a sufficient interest to interfere in the operation of unions. In the other place, the government failed to provide any clear indication of who would have a sufficient interest. It could be a powerful businessperson, such as prominent Liberal Party donor and industrial law-breaker, Gerry Hanssen, who is said to be driven by a blind hatred of unions. It could be a corporate lobbyist or even the relevant minister. Under this bill, anyone with a sufficient interest will become empowered to seek the disqualification of a union official, request the deregistration of a union or ask for a union to be placed in administration.

The government has tried to claim that the bill gives unions the same treatment as corporations—what a ridiculous comparison. We would never see corporations wound up on the basis that their directors made an administrative error or some technical breach of a workplace rule. All the time we see senior executives of large companies not only keep their job after serious accidents or wage theft but then go on to claim large bonuses.
Many of the speakers in this debate have raised the issue of Westpac—23 million breaches of the money laundering law and links to the sexual exploitation of women. The response to this from the government has been: 'This is a matter for the board.' How inadequate, and what double standards. We know now, today, they will continue to run their protection racket for the banks by refusing Labor's very legitimate call to have Westpac recalled to the House Standing Committee on Economics. What a surprise! A corporate entity is facing these extraordinary charges of the most serious offences that involve the lives of children, and what is the government's response to this? Will they recall them to face questioning by the community's elected representatives? It doesn't seem so. These people are untouchable.

The word 'integrity' is being used a lot in this debate. The standard definition of 'integrity' is 'the quality of being honest and having strong moral principles'. The government attacks the organisations which represent nurses, teachers, flight attendants, scientists, shop assistants, retail workers, construction workers, aged-care and community-care workers and public servants—indeed, all of the workers in this building. Just open the pages of the newspaper this week—if you still have papers—and you will be confronted with examples of the double standards with which this government's so-called integrity agenda operates.

I've already made mention of Westpac and the lack of response from government other than to provide protection for them, but look at the results of the Registered Organisations Commission—the dodgy organisation that investigated a 12-year-old donation to the AMWU. Considering the timing and the subject matter, presumably under some political direction, it has just suffered a massive defeat in the Federal Court—two years of taxpayers' money wasted, with more to come and with news, of course, that they will appeal. The cost to taxpayers, once this is finished, will be in the millions.

And of course this is the same organisation whose initial raids were leaked to the media by the responsible minister's office. Don't for a minute pretend that this wasn't a politically motivated raid. Everyone knows it was. Incredibly, under this bill we are debating today the same organisation will get dramatically increased powers. The passing of this bill this week on those grounds alone, if it does occur, will be a very dark day for Australian democracy.

We have a bill before us that, amongst other things, will impose tests on unions, union officials and union members that are not imposed on other organisations or corporations. We have ministers in this government who will be able to control whether or not amalgamations and mergers go ahead, regardless of what the members of those democratically elected organisations have voted to do. The bill will allow others to insert themselves into who runs a union and how it's run. Under this bill, anyone with a sufficient interest will become empowered to seek the disqualification of a union official, request the deregistration of a union or ask for a union to be placed into administration. The government has tried to claim that the bill gives unions the same treatment as corporations. This is a ridiculous comparison.

This bill should not be passed. Any member of this place who cares about democracy should not support this bill. And, if this bill does pass, we will not become quiet. We will continue to fight for the rights of working people and to fight for the rights of unions to organise, represent, challenge, agitate, disagree, lobby for change and work to build a better society. We will always stand with working people, as we have done before, and we will
build our campaign and continue to fight for change right up until the next election. This bill is dangerous, and it won't be the end if the Senate supports this Prime Minister's anti-working-people agenda. There is no doubt this Prime Minister supports a quiet Australia, but his real agenda here—and we will resist this every step of the way—is to create a silent Australia. We can't allow that to happen to our democracy, and I urge the Senate to reject this bill.

Senator ROBERTS (Queensland) (12:17): As a servant to the people of Queensland and Australia who listens to the people, I know that everyday Australians are concerned about the many rip-offs, rogue businesses, dodgy organisations and rogue officials repeatedly breaking the law. I stand today for honest workers, honest union members and honest unions who are concerned about what this bill, the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019, might do to them because of a few rogue union bosses and employer organisations.

Early in my career I worked as a coalface miner, mostly underground, and was a member of the proud Miners Federation that took strong care of miners. I went on to manage Hunter Valley coalmine. At every mine I led, people had greatly improved safety and productivity. Later, as a mining executive, I worked with miners and union delegates to establish a pioneering award that set new standards for our industry and improved performance and safety benchmarks across the Australian coalmining industry. My concern then, as it is now, was to ensure that our miners and workers returned home safe and well to their families after every shift. Yet some company executives and union bosses today still do not realise that a real focus on safety results in higher productivity and safer, happier, more satisfied workers.

My father, Ieuan, devoted his life to improving coalminer safety and livelihoods in New South Wales and Queensland. For his efforts, he was inducted into the Australian miners' hall of fame and appointed a member of the Order of Australia. His career followed his father's, that of my grandfather William, who died a painful death from black lung in Wales. My father helped eradicate black lung through huge improvements to mining safety legislation when he was Queensland's Chief Inspector of Coal Mines. As the mine manager of Hebburn No. 2 underground coalmine near Cessnock in the heart of the Hunter Valley, Dad worked closely with Bill Chapman, who was at the time miners' lodge president. Although the pair had their battles, both earned each other's respect and regard. My dad fondly remembers the note that Bill sent him when my dad retired. Years later, I remember speaking out alongside Bill when he was president of the proud miners federation in the Hunter. I publicly stood beside him and spoke in support of his advice at a union meeting, when I was an underground coalface miner on night shift. My life and history in mining is why I stand up for everyday Australians and honest workers.

Over recent months, One Nation has worked constructively with many employer and employee organisations and unions, including representatives of the Queensland Council of Unions and the ACTU, who raised a range of genuine concerns about this bill. I personally read, for example, every page of the CFMMEU's lengthy submission. The earlier version of this bill raised real concerns from many Australians, such as procedural fairness, further clarity around the court's use of its discretion, clarity as to who is a person of sufficient interest and the presumption of innocence that everyday Australians expect. The Queensland Law Society expressed concern to us over a number of issues.
One Nation listened extensively to all. We took these real concerns to the government and demanded real protection for honest employers, honest workers and honest unions. One Nation would not stand and will not stand for union bashing and could not in good conscience support a bill that would deregister organisations for misdemeanour offences like not getting their paperwork in on time. In the interests of a fair go, we want to ensure that everyone starts with a clean slate.

Back in 2017, former One Nation senator Peter Georgiou—my predecessor—identified that, as it was, this bill needed to improve and align with the Corporations Act, and I acknowledge his efforts. We proposed positive improvements to this bill, and these have been accepted. The community gives registered employer and employee organisations, including unions, many rights and privileges, and with these rights come responsibilities. In fact, the 2018-19 Registered Organisations Commission’s annual report discloses that, in that year, it handled three inquiries, all on employer organisations. It handled eight investigations, half of them into employer organisations. It investigated 24 referrals from the Hayne royal commission and five court actions, including taking an employer organisation to court. While it is not pleasing to see these breaches, it is pleasing to see that this report does demonstrate that employer organisations such as the Australian Hotels Association are being held to account when they do wrong. The hotel association was fined over $157,000 in September for failing to hold elections and for recordkeeping breaches.

Now we need to talk about the sort of organisational misbehaviour that should be stopped and about the rogues that tarnish honest unions and employer groups and give them a bad name. Consider Ian Kirkwood’s article two weeks ago in the Newcastle Herald, after he spoke with two women. Both were injured at work while driving trucks for the Japanese labour hire firm Chandler Macleod at BHP’s Mount Arthur mine. Both women say that they have been treated appallingly. They were injured and abandoned by BHP, abandoned by Chandler Macleod, abandoned by the CFMMEU and abandoned by government agencies who were supposed to care for their health and safety.

When raising the plight of a number of Hunter Valley black-coal miners in Senate estimates hearings last month, I called out the parties responsible for scamming and exploiting Hunter Valley miners. Here are some examples of injured employees who Chandler Macleod dumped at BHP’s Mount Arthur mine. There is a coal-truck driver who is now 67 per cent disabled after a 600-tonne coal excavator belted his truck. In breach of safety laws, this incident was not reported by Chandler Macleod or BHP. Another person rolled and broke an ankle. Once fit to return to work, no job was provided. That is yet another incident, one of many, that Chandler Macleod and BHP did not report. One person was told that the mine had had a large number of safety incidents and that, if he reported his injury and his incident, he would be fired; he would lose his income. These people and others have shown authorities documentary evidence that their injury was not correctly reported. Yet BHP, Chandler Macleod, the New South Wales government and the CFMMEU don’t care.

The 1996 Gretley mine disaster killed four workers. The report, entitled The politics of a tragedy, later looked in detail at how the New South Wales occupational health and safety act should have applied. The men’s employers should have been prosecuted. Three of the deceased men were employed by the labour hire firm United Mining Support Services,
UMSS, yet it was never prosecuted or even investigated, but the employer of the fourth deceased man was prosecuted. The majority owner of UMSS was the CFMEU. The failure to prosecute UMSS raises serious questions about the integrity of New South Wales health and safety investigation and prosecution processes.

And there's more! The CFMMEU, as it is now known, not only represents workers in mines like Mount Arthur; it is in partnership with the New South Wales Minerals Council, the employer body, and between them they own the workers compensation insurer. Yes, the CFMMEU part-owns the workers compensation insurer for coalminers, called Coal Mines Insurance. This same CFMMEU owned insurer was the one that refused to pay injured Hunter Valley coalminers their lawful entitlements. This is a clear conflict of interest. In the Hunter Valley, the CFMMEU stands for money, not people—for money, not its members.

Here are some more solid facts: Chandler Macleod, a Japanese owned multinational, dishonourably refused to pay injured coalminers their accident pay. Chandler Macleod supplied misleading information in regard to New South Wales compensation claims for injured coalminers—fraud. BHP allowed Chandler Macleod on their mine site with no workers compensation in place for four years, and, knowingly, the CFMMEU did nothing. BHP and Chandler Macleod do not report all injuries sustained at the Mount Arthur mine, and the state government does nothing. The CFMMEU know about this and do nothing. They are the part-owner, as I said, of Coal Mines Insurance, and they save money by not paying out to deserving workers.

Government organisations like Coal LSL don't check their facts, and they push injured miners away. The so-called casual workers are underpaid 40 per cent. Yes, they're underpaid 40 per cent! They have no leave—no sick leave and no annual leave. The CFMMEU approved the substandard conditions and pay rates of the casual miners working on coal production. They're called 'casual miners' even though they work the same hours, the same roster and the same duties as the full-time production workers who work beside them at Mount Arthur.

Worse: I have seen a letter, dated 14 April 2015, from Chandler Macleod to the CFMMEU's Peter Jordan, the president of Northern Mining, in which Chandler Macleod said, 'The CFMMEU would cease from any current and future actions and claims, in its own right or on behalf of members, directed towards ventilating and agitating its view that employees currently employed by Chandler Macleod as casuals to perform black coalmining production work may be entitled to leave and other entitlements associated with permanent employment, or that Chandler Macleod is not paying employees their lawful terms and conditions.' In other words: drop it. And the union agreed. The relevant award, which the CFMMEU accepted, does not provide for casual mine workers, yet the CFMMEU did the deal.

But it gets worse. Right now, every day, hundreds of so-called casual coalminers are being exposed to needless risk, with reduced and apparently illegal and inferior protection in terms of workplace insurance, workers compensation and accident pay. And what does the CFMMEU do for them? Nothing. This is collusion at the highest level against workers. If coalminers who once had a proud and strong union are abused and exploited like this today, what chance do other honest Australians have against these rogue employers and rogue union bosses? Affected mineworkers have shown me documents, including letters and pleas to union bosses and New South Wales state government agencies, who did nothing. Currently,
millions of dollars each year flow to unions and some employer organisations—yes, some employer organisations—from very large, inappropriate commissions paid to them by insurance companies. Yet these companies offer union members substandard income protection insurance products at grossly inflated prices.

Again and again, everyday Australians have seen the corrupt antics of the likes of the Health Services Union officials stealing money from union members to pay for prostitutes. Workers in the Shop, Distributive and Allied Employees Association and the AWU have lost entitlements including penalty rates in grubby deals between union bosses and multinationals and large Australian employers. Workers suffer under the aggressive and collusive misbehaviour of the CFMMEU in the Hunter Valley. These rogue officials are not interested in everyday Australians or honest workers. Some trade unions have now just become rich big businesses and political entities, with access to rivers of gold ripped from the pockets of hardworking union members and employee superannuation funds. Some collude with employer organisations.

The investment earnings on workers' entitlements do not legitimately belong to unions or to employer associations and should not be able to be transferred to these associations through resolutions passed by their representatives on boards of worker funds. It is completely unacceptable that worker entitlement funds that contain more than $2 billion in worker entitlements are subject to extremely inadequate governance arrangements. Employers have contributed this money for the benefit of employees, not for the benefit of unions and employer associations. Two billions dollars is a vast sum of money, and these funds would have paid members more if their investment earnings over the years had not been siphoned off to unions and some employer organisations. Right now, these rogue bosses are using everyday workers' cash for their own personal political agendas.

One Nation wants to ensure that industrial laws are fair and protect honest employers, honest workers and honest unionists. Mt Arthur Coal ignored these workers' long service leave entitlements. Fair Work and the NSW Workers Compensation Independent Review Office ignored them. They knew that these people at Mt Arthur Coal were casuals. These workers were employed this way for many years by a company that should know better. These honest workers were not insured properly, and legitimate complaints and injuries were covered up. They all know this. BHP does not care. It's gutless, intimidatory and unprincipled and lacks sound governance; that is clear. Chandler Macleod does not care and the CFMMEU does not care for honest, hardworking Australians. I want to acknowledge again, as I did a couple of weeks ago, Mr Simon Turner, a man who was crippled while working for Japanese owned labour-hire firm Chandler Macleod at Mt Arthur Coal. There are more and more affected workers coming forward every day. Today I call for action for them.

In subsequent talks with the government, I clearly stated my aim as being to protect these workers. I thank the government and I particularly thank Senator Marise Payne for her interest. These are the needs I see for these workers: (1) ensuring that all workers who have been scammed, exploited and denied their legal and moral entitlements receive their fair entitlements as production workers in the black coal industry, plus compensation for their suffering and trauma; (2) ensuring that the rorts and unsafe practices that the CFMMEU has either agreed to, done backroom deals with employers about, or been blissfully unaware of are stopped immediately across our industry; and (3) securing justice for the workers and
penalties for the perpetrators of the BHP Chandler Macleod CFMMEU scam hurting hundreds of coal miners and their families. This exploitation occurred under the watch of BHP Chief Executive Officer, Andrew Mackenzie, and Mike Henry in his role at the time of as head of the BHP's coal division. The CFMMEU's bosses include Peter Jordan and Tony Maher in the Hunter.

Regarding casuals, I can see that mine owners and employers need some casual workers because of the cyclical workload peaks at mines. Casual workers, though, must be paid and treated fairly, honestly and openly. Those same casual workers who were employed or formerly employed as casuals advised me that the Fair Work Commission's website states clearly that production miners can only be employed full-time—permanents, not casuals. It seems that even the Fair Work Commission missed that one when they were rubberstamping the enterprise agreement, as did the CFMMEU when it signed off on their EA. The CFMMEU's New South Wales division's sinister web of alliances and deals with organisations like BHP, Chandler Macleod and the New South Wales Minerals Council gives them access to play with many millions of workers' dollars through overseeing basic entitlements such as worker safety, long service leave, superannuation, medical, and health monitoring. The CFMMEU stands for money, not members.

You know, these workers took their concerns to the ALP member for the Hunter federal electorate, Joel Fitzgibbon, six times, and they were shown the door again, again, again, again and again. Finally, these workers went to One Nation's Stuart Bonds, an experienced and trusted figure in the Hunter Valley community, and a CFMMEU member himself. Stuart gave them a voice at last, because he brought them to me and to Senator Hanson's chief of staff, James Ashby. I travelled to the Hunter to listen to eight injured miners, physically, mentally or emotionally crippled, on their experience with BHP, Chandler Macleod and the CFMMEU. We got the facts and started the action we are now taking, and we will continue to take it until all the miners' needs and my three aims for them are fulfilled. The Attorney-General's Department has confirmed our analysis, as has Ian Kirkwood, journalist at the Newcastle Herald, who I tip my hat to, who continues digging into this and other events surrounding the CFMMEU.

I ask yet again why the CFMEU donated $1.3 million to founding the activist group GetUp!, whose No. 1 campaign is to kill the coal industry in our country. The outcome of this bill, if it is to pass, must be to hold both employer and employee organisations like these rogues to account.

In relation to this bill, everyday Australians expect to see honest employer and employee organisations, honest unions, to be free to thrive. At the same time, they want the rogue organisations to be held accountable for exploiting union members for personal and/or political gain and power.

Bob Hawke, the respected leader of the ALP of the 1980s, when introducing legislation for the deregistration of the BLF, stated, as Prime Minister, that we should remain 'mindful of community concern that the deregistration powers we now propose should not be used indiscriminately or capriciously'. Bob Hawke said that. We endorse his comments. What the concerned stakeholders and employee organisations who have approached One Nation want is to ensure that this bill does not punish honest unions. Technical breaches should not be
triggers for deregistration; nor should they affect hardworking union officials who are standing up for their members.

One Nation will continue to stand up for workers and for honest unions. We will continue to stand up for people such as farmers and small business people who are being belted at the hands of rogue banks or stupid government red tape like the Murray-Darling Basin Authority. One Nation members include a high proportion of everyday Australians from working and trades backgrounds, and we are proud of it. We are proud to stand up for workers, for farmers, for families and for everyday Australians who deserve a fair go. It's time for improved accountability and for integrity, as everyday, honest, hardworking Australians rightly expect.

The ACTING DEPUTY PRESIDENT (Senator Fierravanti-Wells): Thank you, Senator Roberts. Senator Smith.

Senator MARIELLE SMITH (South Australia) (12:37): I rise to speak today because, as a Labor senator and as a person who believes in the fundamental principle that workers have a right to choose their representatives and to defend and protect their workplace rights, it is my responsibility to add my name to the chorus of working Australians who oppose the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019. Make no mistake: this bill is bad for workers, it is bad for unions and it is bad for Australia, because, at its heart, this bill is just another Liberal attack on workers and their representatives.

In the first 'ensuring integrity' bill, which was considered and rejected by the 45th Parliament, the Liberals sought to bring in dangerous and extreme measures that were, by design, intended to weaken the union movement. This parliament was right to reject that bill, and we should be rejecting the version in front of us now, because, ultimately, the original bill, with all of its damaging intent, is back, and the Liberals are back to their favourite stomping ground of attacking Australian workers and attacking our unions. This bill, like its predecessor, is draconian, it is antidemocratic and it is unnecessary. Despite its name, this legislation has absolutely nothing to do with ensuring integrity, but everything to do with ideology and opportunism and this government's pathological hatred of unions and the workers that they seek to represent and protect. It's an attack on the union movement, an attack on union officials and an attack on volunteers. It's an attack on Australian workers. It's an attack on freedom of association and it is an attack on democracy itself.

And what will it ensure? It will ensure less safe workplaces. It will ensure more wage and super theft. It will ensure a less effective union movement—more preoccupied with getting its paperwork right than doing the job which has delivered better wages and conditions for workers in Australia for well over a century. This bill will not ensure wage growth for Australian workers and it will do nothing for our economy. In this current economic climate, it beggars belief that the Liberals are prioritising attacking Australian workers over fixing the economy. They are back to pursuing their ideological agenda at the expense of practical industrial relations reforms that would actually improve the lives of working people in Australia.

In recent years we have seen example after example of employers ripping off their workers. There's 7-Eleven, where operators at 11 stores across the country were found to have underpaid and exploited vulnerable workers. Subsequent investigations found that this exploitation was systematic and came from the top. The franchisor had set up the franchising arrangements in such a way that it was impossible for the stores to make a profit unless they
underpaid their staff. Another example is Domino's pizza where, in a class-action law suit, the company was accused of underpaying staff for weekend and afterhours work for 4½ years. And then there's Michael Hill jewellers, who are reported to have stolen an unbelievable $25 million from their workforce over a period of six years.

Each of those examples tells us why we need our unions—and they are not the only examples of workers being systematically ripped off across Australia. Across our country, far too many workers are seeing the most basic entitlement from their labour, their pay, under attack. It's happening in industries from transport to manufacturing and from the retail sector to cafes. But this bill won't help those workers. This bill does not seek to go after dodgy employers. It is not about tackling stagnant wages, wage theft or worker exploitation. It's not about the issues that working people are talking about and are worried about. It's not about easing cost-of-living pressures for Australian families. It's about attacking the union movement. It's about attacking Australian workers at a time when they need our support in this place the most.

Countless examples of the real-world problems in our workplaces are provided to us regularly by the Office of the Fair Work Ombudsman, who says that the flood of companies rushing to declare that they have underpaid their workers has become a torrent. Just recently, reports of Woolworths' systematic wage theft of nearly 6,000 employees by as much as $300 million shocked Australia. But this was just one example that, when combined with other cases across the nation, adds up to $40 million in unpaid wages being handed back to Australian workers in the last year alone. This $40 million was taken unfairly from over 17,000 workers, with the workplace watchdog confirming that fast-food restaurants and cafes are a key priority, with a series of high-profile wage theft scandals plaguing the industry in recent years. According to the Fair Work Ombudsman, there have already been 22 separate large underpayments reported this year. These, of course, are just the cases that we know about.

What is clear as day, what we do know, is that these issues aren't a priority for this government. Working Australians and their families aren't a priority for them either. Workers in the sharing economy know this all too well. More and more workers are joining the sharing economy, and while, of course, there are opportunities in this emerging sector, currently there are also far too many workers facing exploitative conditions and unfair sackings. For example, a case recently brought to public attention by the Transport Workers Union was that of a food delivery driver from Adelaide who was allegedly sacked for delivering food 10 minutes late. The existing unfair dismissal laws do not currently apply, because of a workplace structure loophole that sees drivers as contractors and not employees. These workers are not covered by workers compensation laws, unfair dismissal laws or even the minimum wage. These are the kinds of issues that demand action from this parliament, not this antiworkers bill that will threaten the pay and conditions of even more workers.

Debate interrupted.

STATEMENTS BY SENATORS

Heart of Australia

Senator RENNICK (Queensland) (12:45): During the winter break I undertook a rural and regional listening tour of my home state of Queensland. While in Emerald, I had the
pleasure of visiting one of the teams of Heart of Australia while they were operating out of the Emerald Showground and of seeing firsthand the capabilities of these trucks and the staff who operate them. I give special thanks to Maria Abrigo, medical aide and cardiac specialist, and truck driver Greg Hislock for taking time out of their busy schedule to show me what they do.

I would also like to acknowledge Dr Rolf Gomes, founder of this worthy organisation. Dr Gomes was driven to create what would become known as the Heart of Australia when he was a young trainee doctor on rural rotations and was struck by the lack of medical services available to people in the Queensland bush. Heart of Australia clinics travel more than 8,000 kilometres a month and deliver monthly specialist medical investigation and treatment clinics out of customised trucks to rural and regional Queensland, including Dalby, Goondiwindi, Stanthorpe, St George, Charleville, Roma, Emerald, Barcaldine, Longreach, Hughenden, Charters Towers, Moranbah, Cloncurry, Blackall and Quilpie. The Heart of Australia clinic is essentially a ground based Royal Flying Doctor Service for specialist services rather than emergency services.

The Heart of Australia mobile cardiology service has had a significant impact in reducing the severity and incidence of cardiovascular disease since 2014. Remote and very remote areas of Australia have heart disease hospitalisation and death rates 30 per cent higher than in major cities. Australians living in rural and regional remote locations often don't have access to the health services and professional care found in our major cities. Heart of Australia is breaking the tyranny of distance that denies rural and remote area Australians access to services when and where they are needed most. This includes training doctors and allied health professionals, offering work experience and professional development scholarships, and hiring staff locally wherever possible.

Heart of Australia quite literally offers life-saving services. These include cardiology consultations, general medicine consultations, gynaecology consultations, neurology consultations, geriatric consultations, stress echocardiograms, exercise stress testing, echocardiograms, electrocardiograms, Holter monitoring, ambulatory blood pressure monitoring, sleep apnoea testing, CPAP trials, and sleep and respiratory specialty consultations.

I am pleased to note that, in January of this year, the federal Liberal-National government committed $12 million in funding to Heart of Australia. This crucial funding will support their two mobile specialist clinics and help provide a third service which will target Northern Queensland, including the cape, bringing the total number of communities serviced by Heart of Australia across Queensland from 16 to 25.

Back in October I attended, with my wife, the Heart of Australia gala ball. Dr Gomes gave a very moving speech, and with your indulgence I'll read a portion of that out to the chamber and into Hansard: 'A few weeks ago I met a patient for the first time in Hughenden. She smiled. We said hello. Then she leant over the table, burst into tears and said, "Do you think I might be depressed?" She said she thought she'd ask me because, in her own words, anyone who went to all this effort to build this truck must have a good heart. Ladies and gentlemen, in difficult times such as now, with the drought and floods and economic hardship, the Heart of Australia program does not just deliver a health service but also hope and compassion to many living in these communities. Simply knowing that there are people, companies and
governments out there who have a good heart and who give a damn is comfort in itself. It brings us back to our basic humanity and love for our fellow human beings.

Having now spent five years on the road, we can boast a few statistics. With over 7,000 patients seen and perhaps 300 to 350 lives saved, it is reassuring to know that the program is not just bells and whistles and tokenistic fluff; the benefit is real, and the appreciation is undeniable. The words and phrases used by patients to describe the program are never beige. Patients don't say, "This is an interesting idea," or, "Can I see how this would have a role to play?" They say: "This is fantastic. This is amazing." The reality is that they absolutely love it.

The much-anticipated federal government funding will see the service expand from 16 to 25 towns across the state, the inclusion of mental health services and the incorporation of students into the program. Starting with three cardiologists in 2014, Heart of Australia now boast 23 participating specialists from a multitude of specialities, including neurology, gynaecology and urology to name a few. In fact, I recently saw a patient in Dalby who had seen a cardiologist, an endocrinologist and a gynaecologist, all through the Heart of Australia service.

I think we should be proud of what we have collectively achieved, but the most exciting times still lie ahead of us. There is still much work to do in Queensland, and, certainly, we intend to overdeliver on our commitment to the federal government. With the backing of federal government funding, we can now lift our gaze towards a national expansion. In the next five years, with government industry and our Indigenous brothers and sisters working side by side, we will transform Heart of Australia into an iconic bush institution, delivering health and a sustainable workplace across this great nation of ours. We will continue in the pioneering spirit of our ancestors and forefathers who built this country.

Thanks to the federal government funding, Heart of Australia services will be expanded to nine new locations including Richmond, Weipa, Cooktown, Sarina, Palm Island, Biloela, Childers, Proserpine and Ayr. I'm proud to be part of a government that recognises that Australians living in rural and remote locations often don't have access to the health services and professional care found in our major cities. The federal government is doing its bit to help the bush. I commend and thank Dr Gomes and Heart of Australia for all they do in our rural regions. Thank you for this indulgence.

Queensland: Goss Government

Senator CHISHOLM (Queensland) (12:52): Next Monday, 2 December, marks 30 years since the election of the Goss government in Queensland. Whilst there will be an element of sadness, as Wayne's passing means we won't be able to recognise him in person, there's still so much to acknowledge in his and his government's achievements, 30 years on. I think recent generations look back on that period and think that that election was an easy one for Labor to win. Given that there was such a tarnished administration and a corrupt and backward-looking government, the thought was that the 1989 election was always going to be a fait accompli. But it wasn't, and there was so much to overcome. There was the vested interest and the institutionalised corruption, let alone the outrageous gerrymander that made it so hard for the Labor Party to win a majority government. To just get the Labor party in a position to win an election was a remarkable achievement, let alone to go on and form government and then set up a modern Queensland. It was a fantastic effort by a group of passionate Queenslander
who were true believers, very diligent and professional. All they wanted was fair, decent and
good government for Queensland. That election on 2 December 1989 really heralded the
modernisation of Queensland. The Goss government were elected with a big agenda—
modernising Queensland and bringing integrity and accountability to public administration in
Queensland—and they built a remarkable list of achievements during their two terms of
government.

I think, as Labor people, we always think about those first two decisions that they made.
The first was abolishing the imperial honours system, which obviously the previous Premier
used to curry favour with the business community through corrupt acts. They disbanded the
Special Branch that was used by the corrupt police force to target political opponents and
target people who were standing up to the administration. They went on to set up a lasting
legacy that Queensland still benefits from today: they implemented the recommendations of
the Fitzgerald inquiry—the inquiry that was undertaken into the Bjelke-Petersen government
and police corruption. The Goss government were responsible for implementing that. They
removed the gerrymander and restored electoral fairness to Queensland—one vote, one
value—and set up the Electoral and Administrative Review Commission. There were merit
based appointments to the Public Service and public service reform. The Public Sector
Management Commission was the first piece of legislation passed by the government. Labor
made it mandatory to advertise and interview for senior Public Service positions. They
allowed street marches—something that was taken away from Queenslanders during the
Bjelke-Petersen government. They decriminalised homosexuality and brought in
antidiscrimination and equal opportunity legislation.

They set a remarkable list of environmental achievements. They created new national
parks. Fraser Island is one example, and it came with an economic and social package for the
workforce of the Wide Bay area. There were environmental protections and heritage and
pollution acts, and they ended the logging of rainforests. They established a World Heritage
area in the Wet Tropics and protection for the Great Barrier Reef, let alone what they
achieved in social progress. They appointed Labor's first female cabinet minister and
Queensland's first female Governor. They introduced the first freedom of information
legislation and created the Office of the Australian Information Commissioner, whistleblower
protections and judicial reviews. The tertiary entrance system was reformed, including the
introduction of the OP system. They provided a couple of thousand university places and
hired a couple of thousand teachers. Standardised testing of literacy and numeracy was
introduced for primary schools and an Asian languages program was brought into schools.

A public works program during the 1990s recession helped the Queensland government
balance the books, retain the AAA credit rating but keep Queenslanders in work. That
included a 10-year hospital rebuilding scheme that was so desperately needed after 32 years
of neglect. They worked hard to increase spending in areas of need whilst maintaining the
state's enviable low tax status. The structure imposed an overarching policy of no new taxes,
full funding of government liabilities and no borrowing for recurrent purposes. Borrowing
could only take place for commercial assets with a demonstrable rate of return. There was
increased spending each year on education, health, family services and the environment. A
determination meant that Queensland was net debt free by 1995—the only state in such a
position.
They set up the estimates committee in parliament to ensure that the parliament was being held accountable and that ministers were being held accountable. For the first time, precise rules of engagement, deliberation and consultation were introduced and documented in the Cabinet handbook. They abolished ministerial credit cards and cash advances to ministers and introduced a ministerial code of conduct and a pecuniary interests register for all elected representatives. They reformed censorship provisions for films and magazines, promoted public housing and introduced the Home Ownership Made Easy scheme. The Office of the Coordinator-General was re-established to expedite major projects and assist with government approvals.

As you can see from that list, there is such a legacy that the Goss government delivered for Queensland. Obviously, I was quite young during the Goss government. I can certainly remember the headline from The Sunday Mail the day after the election: 'Goss the Boss'. I subsequently got to know Wayne on a personal level. He was always thoughtful, tough, fierce and so demanding of high standards. In some of the conversations I had with him when I was a party official, I thought I was having a casual conversation and then, all of a sudden, he would ask questions about the state of the Labor Party or state of the particular government at the time. You soon realised how fierce and uncompromising he could be. He certainly drove high standards—high standards from his government but also high standards from his ministers and the Labor Party in general. In Queensland, we've always maintained a professional standard as a result.

He has a legacy of careful economic management—something that he was very proud of and the party remains very proud of. He modernised Queensland's social services and put them on a path to proper funding—something that took a long time to catch up on, but it wouldn't have happened without the election of the Goss government in 1989.

He was certainly environmentally ambitious. There was so much that had been neglected after 32 years of conservative rule that needed the Goss government to come in—the protection of national parks, the protection of the state's heritage, which had been so badly damaged, and also the protection of a place like Fraser Island, which was able to phase out of sand mining and maintain its status as such an environmental icon today that so many people want to go and visit.

Integrity and accountability with the Goss government and with Wayne in particular were non-negotiable. It is something that he obviously witnessed from his time in the parliament. He saw how tough it was to overcome, but he never wanted to see Queensland risk returning to those dark old days. There is no doubt that he was a government for all of Queensland. That is something that Labor governments in Queensland continue to this day. They understand that Queensland is a big and diverse state, that you need to be a government for the whole of Queensland. Whilst Premiers Beattie, Bligh and Palaszczuk, who have come after him, deserve credit in their own right for what they have achieved, there is no doubt that that Goss legacy provides a platform for Labor governments to have been in power now for 25 of the last 30 years.

I look forward to gathering with true believers and some members of the Goss government on Saturday night. I pay tribute to those people who played such a significant role in the election and the modernisation of Queensland. I look forward to celebrating with them on Saturday night, when we can pay tribute to a remarkable legacy and a remarkable premier, but
we also acknowledge the work that has gone on since to continue to ensure that Queensland becomes the modern, vibrant state that it is and remember when it all started on 2 December 1989.

**Australian Broadcasting Corporation**

**Senator McGrath** (Queensland—Deputy Government Whip in the Senate) (13:01): It has been nearly a month since the national broadcaster, our ABC, broadcast comments on its flagship show *Q&A* which promoted the use of violence as a political tactic. At the time those comments were broadcast, I wrote to the chair of the ABC, Ms Ita Buttrose, and asked some obvious questions about how this could occur. Yet more than three weeks after asking these Q's, I am still waiting for the A's from the ABC. We have heard a lot over recent months from the ABC and the wider media about the public's right to know, yet ironically, when it comes to answering questions from taxpayers about how their money is spent, the ABC seems hesitant to respond—a classic case of the ABC telling Australians to do as they say, not as they do.

What we do know is that the ABC has confirmed in estimates that they are reviewing their property portfolio, that the recent controversial episode of *Q&A* is under review and that, despite having a property portfolio of more than $500 million and an annual budget of over $1 billion, the ABC cannot find $1 million for the radio broadcast rights for the 2020 Tokyo Olympic Games. By the ABC's own reports, this decision will mean that, for the first time since the 1952 Helsinki Olympics, the ABC will not have a live broadcast of the games.

**Senator Farrell:** Shame!

**Senator McGrath:** That is shame—I will take that interjection from the Labor Party. For the first time since 1952, there will be no live broadcast of the Olympic Games. I say to the ABC as your friend—and I am a friend of the ABC, but the best friend you can ever have is an honest friend—that you are becoming the Westpac Bank of the media world in that you are focusing on everything else apart from your core business. If you cannot broadcast the Olympic Games across Australia through your radio networks, then what is the point of having a $1 billion funded national media organisation? It is no wonder that the ABC is increasingly being seen as the un-Australian broadcaster rather than the national broadcaster.

I have a three-point plan to save the ABC, because I do want the ABC to be saved from itself. Point one: I believe there should be a wide-ranging independent review of the ABC, including the ABC Act, and the corporation's charter. I think we need to look into whether there should be advertising on the Australian Broadcasting Corporation.

I also believe that the centralisation of the ABC is reflected in its property portfolio. Answers provided in Senate estimates to questions on notice earlier this year stated that, of the 37 properties in the ABC's portfolio, three of them account for 81 per cent of the property portfolio's value. That's $426 million. What is this achieving for the taxpayer? What I'm saying is that those three properties in Sydney, Melbourne and Brisbane should be sold off and those ABC headquarters moved to the regions or to the suburbs. This will deliver greater value for all Australian taxpayers. Sales of property assets are not without precedent at the ABC and could help contribute to retiring our national debt.

Lastly, the third point of my three-point plan to help save the ABC from itself is that I want to make sure that the ABC increases transparency with regard to appointments to broaden the
diversity of views within the organisation and better reflect the views of the corporation's most important stakeholder, and that is the Australian public. The problem with the ABC is that it has become this giant group-think, this giant blancmange, this giant left-wing jelly of progressive views. I don't want the ABC to be the left-wing ABC or the right-wing ABC; I want the ABC to be our national broadcaster and reflect all views. I challenge Australians to name one presenter on the ABC who they might regard as being right of centre. If the challenge, on the other foot, was to name one presenter on the ABC who is left of centre you could just get the staff directory out, because they're all left of centre. The ABC, which is funded by taxpayers, those hardworking Australians, should reflect the views of the taxpayers, not those latte lickers in those inner-city suburbs. The ABC should be broadcasting the Olympics for $1 million instead of wasting its money on these inner-city headquarters. Shame on the ABC. As for the chair, I look forward to your response—it is about time you answered our questions.

Australian War Memorial

Senator STEELE-JOHN (Western Australia) (13:06): The Australian War Memorial is a vital national space of learning and of reflection. It is where our community pays its respects to those who have lost their lives in conflict, shares stories with those who have survived and reflects collectively on the importance of creating a peaceful world, free from violence. Unfortunately, this greatly important role, this vital purpose, is currently being undermined by the presence within the funding for the War Memorial of the donations of corporate weapons manufacturers.

The major parties have allowed these corporate arms dealers to make donations to the War Memorial and to use this important space as nothing more than a billboard. The memorial now hosts events sponsored by these arms dealers and has even allowed BAE Systems, a British corporate weapons maker, to build a theatre within the memorial grounds in their own honour. Over time the major parties have eroded the transparency around donations to the memorial, meaning that the community now has no way of knowing how much these corporate arms dealers are donating. Our Australian War Memorial has become a space influenced by the same corporations, the very same entities, that have profited from the conflicts that took the lives of those remembered there. The only reason these corporations have the money to donate is that they profit from violent conflict. There is no other phrase for this than 'blood money'. Corporate arms dealers have no place in our War Memorial. It is far past time to end their influence on this vital public space and make sure that it is transparently, fully and publicly funded.

Unlike the major parties in this place, the Greens will get corporate influence out of the War Memorial so that it can once again be the space that the community needs it to be. We will take on these corporate arms dealers and their shills here in the parliament and get their influence, once and for all, out of our War Memorial.

Workplace Relations Legislation

Senator O'SULLIVAN (Western Australia) (13:10): I take this opportunity this afternoon to make a statement on the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019. We've all heard the contributions from those opposite, trying to justify why this bill should not proceed. Their hypocrisy is rank. Day after day, they continue to stand up for the union bosses over the workers they claim to represent. They stand up for
unions over small and family businesses, they stand up for unions over everyday Australians who are out there having a go, and they stand up for unions over the law. It might come as a shock to them, but it's us—only us—on this side of the chamber who are standing up for everyday Australians. We've banned dodgy secret payments between employers and unions, we've protected over 35,000 owner-operator truckies, and, despite the nonsense that Senator Watt spouted this morning, we've stopped a hostile union takeover of 60,000 CFA volunteers, and we're protecting 1.1 million construction workers and 380,000 small businesses from their thuggery.

We often talk about the pub test in this place. I can tell you that Australians reject the idea that the unions should be a law unto themselves, they reject the notion that they're immune from our legal system, and they reject the double standards of those opposite here. We believe in enforcing the rule of law and in holding law-breakers to account. Our reintroduction of the ensuring integrity bill demonstrates that commitment. We're making organisations, whether they be unions or otherwise, more accountable, ensuring they're delivering in the best interests of their members, keeping Australian industries moving and the economy growing and making sure the jobs are being created.

As a senator and also a member of the Senate Standing Committee on Education and Employment, I sat through the hearings on this bill, and I had the great pleasure of enduring the many hours of questions from those opposite to employer organisations and to unions. After all of that, it became clear to me that they have little to no reasonable justification for standing in the way of this bill. They have nothing. They've published a dissenting report, which is no surprise, but what is it? It is a long bow that they've tried to draw, a very, very long bow. So concerned are those opposite about the impact on lawlessness and on their campaign coffers that they've claimed that this bill would have adverse impacts on 'the state of democracy in Australia'—I mean, how far can they go! They say that it's going to take us down 'an authoritarian path', and that it undermines our human rights obligations in relation to freedom of association. Give us a break. This is just about ensuring that those who have the great pleasure of being a union official or representing workers might need to comply with the law. Yet they take it so far. That being said, I do find it interesting that in their view there is no policy justification for this bill.

Some of Australia's best legal minds have made the following comments in their judgements:

The union has not displayed—
this is what was said—any contrition or remorse for its conduct.

Substantial penalties for misconduct, prior to that presently under consideration, have not caused the CFMEU to desist from similar unlawful conduct.

In another judgement, they said:

... the facts demonstrate the need to impose penalties which meet the objective of specific deterrence, particularly in relation to the CFMEU whose organisers appear to have shown a somewhat cavalier disregard both of the need to comply with the law and of penalties which have been previously imposed on the union for similar conduct.
It paints a pretty depressing picture for those opposite and their dwindling union membership base.

The Leader of the Opposition in this place went on live TV just yesterday morning claiming that these laws were undermining the ability of workers to do their job. This is the best that they can do, and this is what they expect us to believe. When they can't win on reason—we've seen how hard they've tried and failed in the inquiry into this bill—they just set out to scare people they claim to represent. I would urge the Senate to support the bill when it comes up, finally, and get on the right side of history.

The ACTING DEPUTY PRESIDENT (Senator Polley): Order! Can I just remind the chamber and the good senator that the bill you referred to in your comments is still before the chamber and it's inappropriate to make a statement in this part of the day in relation to a bill that is still before us. You can certainly speak in the chamber in broad strokes in the speech, but I will bring that to your attention, Senator.

Senator O'Sullivan: Madam Acting Deputy President, I was speaking merely about the concerns Australians have about their workplaces.

The ACTING DEPUTY PRESIDENT: I just remind senators, for everyone's benefit, that when there's a bill before the chamber it's inappropriate to refer to that bill in the detail in which you did, Senator. You have given your contribution. We will move on now to Senator O'Neill.

Dubbo

Senator O'NEILL (New South Wales) (13:16): I rise today to speak about my recent trip to the great inner New South Wales city of Dubbo, located in the very vast seat of Parkes, for which I have the privilege of being Labor's duty senator. Dubbo truly is the capital of central New South Wales. Anything you need, if you live west of Sydney, you can get in Dubbo. There's incredible diversity in that town. Growth is happening in Dubbo in transport, tourism, agriculture, health and education because it is such a critical hub for the region. It's a strong and resilient town. But, sadly, it seems to have been forgotten by those opposite here in Canberra, because there's no sense of a plan for the town at a federal level, especially when it comes to the drought—and I'll get to that in a moment.

I visited Dubbo most recently in September with my friend and colleague Mr Jason Clare to speak with the local community, farmers, business, council and charities about the impact of the drought and the recently implemented level 4 water restrictions. It was great to be in Dubbo with my colleague the shadow minister for housing and homelessness and shadow minister for regional services, local government and territories. We had sunny weather, which is a feature, sadly, of that part of the country right now, because it would have been much better if we had been visiting during rain. Dubbo absolutely needs rain. Nonetheless, I was privileged to listen to the council, the chamber of commerce, organisations and small local businesses that are helping people suffering and struggling through that drought.

The drought doesn't just affect farmers—it affects the entire community—but it particularly affects farmers and their families. At the time of my visit it broke my heart to hear that Dubbo had already lost one young HSC student to suicide. This is a real crisis. It's happened in a time of incredible trauma for the entire community. That particular issue had the whole town in its grip, with families under extraordinary pressure. We met with CatholicCare Wilcannia-Forbes...
CEO, Anne-Marie Mioche, who noted a frightening increase in the demand for domestic violence services. When things get stressful, it is a very sad reality but nonetheless a fact that domestic violence tends to increase. We are seeing this vicious cycle created right across Australia as a result of the drought. When your government doesn't have a plan, things fall apart.

CatholicCare Wilcannia-Forbes are doing absolutely amazing work supporting those impacted by the drought. I'll name just a few examples. They've established a wellbeing mobile service that provides support to adults in rural and remote areas experiencing hardship from the drought. It is so important, because often services are provided in a town, but, when people are struggling to put petrol in their car and drive hundreds of kilometres, having mobile services is a critical way to respond. That's an innovation from CatholicCare.

The wellbeing mobile operates from Nyngan and follows the tracks of the Bogan Bush Mobile out to small communities and isolated properties in Nyngan, Warren, Tottenham, Collerina, Marthaguy, Hermidale and even Gerilambone. The wellbeing mobile addresses the needs of adults, with a focus on mental and emotional wellbeing in the context of the current drought being experienced by western New South Wales, but it's not a counselling service. One of the things they do is provide haircuts. There's a bit of a chat that goes on while the men are getting their hair cut. They also organise a range of drought support events, such as community movie nights, to get everybody out together. To date, CatholicCare Wilcannia-Forbes have held 10 drought support movie events in a range of rural and regional locations across western New South Wales. These have been a big hit and have made a huge difference to people's lives.

We also met with Councillor Greg Moore and Mark Rayner from the Dubbo Regional Council, who talked to us about the measures that they're taking to ensure that when you turn on the tap in Dubbo the water keeps coming out. The council's dedication to developing a plan to manage the situation was impressive. Dubbo has a plan. Dubbo is open for business and is thinking ahead to ensure it remains the economic powerhouse of the western part of New South Wales.

This is far more than I can say about this Liberal-National federal government, which still has no idea, no vision and no plan. It's frankly disturbing how poorly this government has mismanaged water policy in this contrary. Yes, we need it to rain and rain. But what we need, in addition to that, is a government with a meaningful, futureproof plan. I think we can agree that the rural sector is tired of the ad hoc, piecemeal approach to drought reform that they're seeing from this government. Labor has been saying for years—remember: this is the third term of this failed and failing Liberal-National government—that we need to change what's going on. We will support any measures to support drought-affected farmers and communities. But how many ad hoc, poorly planned, kneejerk drought announcements can this government make? They're making this up as they go, jumping from one lacklustre drought announcement to another, all of them failing the basic tests of prompt and fair delivery of services to people who need them, when they need them.

The latest political drought manoeuvrings come only weeks after the Prime Minister was caught out embellishing what he keeps claiming is a $7 million drought package. But everyone in Dubbo, everyone in the seat of Parkes, knows what a load of nonsense that is. Let's not forget the Prime Minister's bungled Drought Communities program, announced in
September. Mr Morrison was left red-faced trying to give a slice of funding of his $100 million drought relief package to councils that aren't actually in drought, while ignoring communities, like the Cootamundra-Gundagai area, that actually are in drought and are livid that they've been overlooked. The Morrison government's inability to get it right simply comes down to what we're seeing constantly from them: a basic lack of planning, a withdrawal of funding from social services—on a scale we have never seen—and a failure to invest. It's a deadly combination which is taking away capacity from great Australians right across the country.

As I said, Dubbo is now on level 4 water restrictions. That means showers of less than five minutes and other extraordinary measures. But there's no extra help coming from the federal government for this community that's been in drought for a long, long time. I note that the member for Parkes, Mr Coulton, is quite silent on this, no doubt embarrased by the government of which he is a part. A member since 2007, Mr Coulton is now the Minister for Regional Services, Decentralisation and Local Government. He should be in a position to be investing in the community that he has the privilege of representing. But what's he done over the last six years to provide infrastructure that will provide water security for his community? I want to note that the local paper is clearly reporting the vision of the local council, talking about pipelines that they want to establish out to towns like Wellington. They've got a plan. They've got a set of policy statements. But Mr Coulton seems to be ignorant of them, or he's ignoring them. Either way, Wellington is at risk because of this government. We saw Senator Canavan here yesterday talking constantly about the money they've got in the pipeline, but they're not putting any pipes in the ground! There is nothing actually happening in infrastructure except for a lot of nonsense talk and claims, week after week.

Dubbo is resilient. It's got a great zoo, and it's a great place to visit. I want to encourage Australians who want to spend a bit of money in regional Australia to get to Dubbo and support it, if you're going to take a holiday over Christmas. It is a great town. There's enough water there for you to have a shower. There's enough water for you to look after your family. Support our local communities across this country, especially those in drought areas.

I want to acknowledge also the resilience of small businesses in this area. I'd like to talk about a very remarkable local Dubbo business that is powering through despite the drought conditions, ICaN Nursery. It's run by the Riley brothers, who are doing everything they can to continue supplying native plants to the broader community and provide training, skills, development and employment opportunities for locals of all ages and abilities. The programs that they run go beyond just helping participants to achieve qualifications, which is what many of the service providers seem to think is enough. They actually help people in a hands-on way to develop skills and learn how to grow plants in a relaxed and supportive environment. The brothers encourage people to just come in, put their head down and give it a go. That's acknowledging their humanity, not making them feel ashamed. They're about helping people face homelessness, face the problems that they have at home, manage to be successful with their disability or manage their way from unemployment to employment. Everyone is welcome, and they are achieving remarkable success—an inspirational business, no less.

I want people to understand that the Labor Party is standing up for regional Australia. We will fight for regional Australia every day in this place.
I rise to speak about the politics of hope. In February of this year I moved a motion co-sponsored by Senator McKim and agreed to in this chamber, congratulating Kurdish-Iranian refugee—and, I can now happily say, former Manus Island detainee—Behrouz Boochani on winning Australia's richest literary award for his memoir *No Friend But the Mountains*, a book he wrote documenting Australia's offshore processing and detention regime. It was painstakingly transmitted via WhatsApp, sentence by sentence, and translated in Australia. The motion expressed dismay that Mr Boochani was not allowed to attend the award ceremony for the Victorian Prize for Literature in Australia because of his continued offshore detention since 2013.

Mr Boochani's work has been celebrated the world over. Even if you've never read his book, Mr Boochani is remarkable for the way he has been able to continually highlight through social media the conditions faced by people in offshore detention. His efforts have ensured that they are heard even when the government has sought to silence them, dismiss their voices or denigrate them.

We are seeing this with things like the medevac legislation. If the government is to be believed—and it should not be—this legislation would be abused by murderers and rapists. In fact, the clinical review process commenced under the medevac legislation has instead highlighted the deterioration in health that people have suffered through prolonged detention and very substandard health care. You would think the government would care about this, but they're apparently too tone-deaf to hear facts that don't align with their punitive world view—a world view where they paint asylum seekers like Mr Boochani as undesirable and manipulative.

So it's good to see a positive story out of Manus and wonderful that Mr Boochani, at least, can now leave that personal hell behind. Over the last few months, an incredible international effort helped coordinate his flight to freedom. It was nothing short of a miracle, and I pay homage to Amnesty International, the UNHCR and all those involved in achieving this amazing feat. It was a long and arduous process to get him out of offshore detention. Mr Boochani travelled on a UNHCR passport, and his trip involved a transit stop in Manila on the way to New Zealand, where he is due to appear at a literary festival in Christchurch. Immigration officers in Port Moresby treated him suspiciously. They asked him a multitude of questions and made numerous phone calls despite all of his paperwork being in order. I can only imagine this would have been an incredibly nerve-racking experience for all involved but particularly for him. He could have been stopped in transit, and upon his arrival in New Zealand he might have run into issues despite being granted a visa by the New Zealand government.

Normally, Mr Boochani would have transited through Australia but, clearly, that was not an option for him and his team. They had to find a government that would allow him to make that onward journey. In the end they found a circuitous way to New Zealand through the Philippines. After 19 hours at the airport in Manila he boarded his flight to Auckland. After six years of offshore detention he could finally taste freedom. In total he spent 2,269 days in Australia's offshore processing regime—2,269 days! He has a one-month visa to stay in New Zealand and is still hopeful that he can resettle in the US, which has accepted him as part of
Australia's refugee swap deal that was struck between former Prime Minister Malcolm Turnbull and former US President Barack Obama.

I, like many other Australians, was deeply moved by images of a smiling Behrouz Boochani standing in the sunshine in Christchurch Botanic Gardens. He was welcomed by the City of Christchurch with a civil reception and a traditional formal Maori welcome. His presence and freedom in New Zealand so poignantly underscores their country's political divide with Australia over immigration. Can you imagine this government doing anything like that for an award-winning asylum seeker? No, you can't. I can't. He was formally greeted from the plane by the Mayor of Christchurch and the city's Maori leaders, who told him he was welcomed by the mountains, the rivers and the people of the city. New Zealand MP Golriz Ghahraman, herself a former Kurdish refugee from Iran, was also on hand to greet Mr Boochani. She said New Zealand was a nation that stood against 'hate and division':

I'm just so proud that New Zealand gets to stand as the counterpoint to the kind of politics that has led to Australia's prison camps being in operation for so long.

We've got a man like this, a human being … trapped for six years, and we get to be the country that stands for inclusion and for human rights and for freedom.

We need to remember Mr Boochani committed no crime yet spent years in detention and would face years more if not for the deal struck with the US. He battled bouts of depression. He wrote in his book of being jailed for eight days for reporting on a hunger strike. He was put in solitary confinement for reporting the torture of detainees to the outside world. He witnessed friends shot, stabbed and murdered by guards on Manus Island. He saw others die through medical neglect and watched many descent into mental anguish and suicide.

Behrouz Boochani has done more than any other person to document Australia's offshore detention regime, giving a unique and heartbreaking account from the inside. His future, though uncertain, is now filled with hope. He says he finally 'feels free'. He says he is never going back again to PNG, the place of his incarceration at the hands of the Australian government. It is a matter of record that the vast majority of asylum seekers in PNG were found to be genuine refugees, yet we kept them there in indefinite detention. Most have now left, either to Australia, to the US or to other countries. Seven men have died since 2012. About 267 men remain in PNG. Mr Boochani says he is distraught over the men who remain in limbo—in particular, 46 men being held at Bomana in Port Moresby. They have been deemed failed asylum seekers, but some of them have never had their applications for asylum properly processed. Their situation remains very much a concerning one.

I conclude with some quotes from Australians on social media, following Mr Boochani's departure from PNG and arrival in New Zealand. From Kate Winnall:

Behrouz, I'm Australian. I'm so sorry and ashamed for the way you and all on Manus Island and Nauru were and are being treated. Raise your voice, tell your story and hopefully change will come.

From Wendy O'Brien:

Behrouz. I have no words to describe how ashamed I am at what has been done to you and to all those incarcerated on the prison islands. Be free now, be free.

From Jasper Joy:

Would that they were all free. Behrouz, there are so many of us in Australia glad of your freedom today.
In this place we must all fight against the politics of fear and always strive for the politics of hope. Politics that rests on populism, misdirected anger and authoritarianism is doomed to eventually fail. History will ultimately be the judge of the pain inflicted by this cruel, inhumane experiment called Australia's offshore processing regime.

Asbestos Awareness Week

Senator PATRICK (South Australia) (13:35): Firstly, I'd like to thank Senator Dean Smith for ceding his time to me today. He was very generous and willing to do so, noting the topic of my statement and the fact that it is Asbestos Awareness Week.

Today we're joined by some special guests in the gallery from South Australia, Catherine Wegener and Lesley Shears. I met Catherine last year at a memorial for asbestos victims. Catherine was brave enough to share her story of her husband, Rex, who died in 2017 from mesothelioma. Catherine and Rex's story is sadly one of the many tragic tales to emerge as a result of the deadly dust known as asbestos. So, during Asbestos Awareness Week, and in honour of Rex and all the other victims of asbestos related diseases, I would like to share with the chamber the speech that Catherine delivered last year. Catherine's husband, Rex Elliot Wegener, died in 2017 at the age of 75 of mesothelioma.

I would like to tell you the story of a life of a man who went to work and died because of it. He grew up in Mannum, and, like most boys, rode his bike around the town, a friendly boy who the locals knew as Snowy. He learnt to swim in the river and consequently became a very strong swimmer. At eight, he joined the local boys' club and excelled at gymnastics. His other great love was rowing, and he joined the rowing club at the age of 12 and was a member of the winning crew state junior eights. He kept a lifelong interest in both gymnastics and rowing.

At 17, he was fortunate enough to get an apprenticeship with the PMG, now known as Australia Post. While doing his apprenticeship in Adelaide, he continued his gymnastics for the next four years. He joined the Goodwood Saints Football Club, but found he was the wrong size for the big boys' elbows and, after being wrapped around the pole twice, he decided football wasn't for him. He was awarded apprentice of the year and was given a set of tools from the Lions Club, which he kept and treasured all his life.

On completion of his apprenticeship, he moved from Adelaide to Woomera, to Broken Hill, to New Zealand, and to Melbourne, where he settled. That was where he first came into contact with asbestos. At that time, it was the go-to product, and no negative information was known or imagined by the workers. He continued carpentry and building houses all over Melbourne. He loved his work and he took pride in his good name. He played golf and tennis. He was community-minded.

They moved to Goolwa 13 years ago. He liked to keep fit and walked three kilometres each morning before breakfast. One day he returned saying, 'I found it too hard to breathe in the last kay.' He cut his walk down to two kays. Then he didn't have enough breath for one. This was a man who had been healthy and active all his life and had never had to go to the doctor with health problems. But the breathing was becoming a problem. He had to sleep sitting up in his chair, and all the time his health and energy were being slowly sapped away by a disease that was unknown to him.
Eventually, he went to the doctor. When told he had fluid on his lungs, Catherine and Rex had no idea what a terrible journey they were beginning. Finally, when the diagnosis of mesothelioma was given, they were ignorant of what that meant, how to spell it—and, like me, how to pronounce it!—or what lay ahead. Their life was dominated by doctors, blood tests, X-rays, hospital visits, operations, chemotherapy, radiation, and so much more. There were so many specialists that sometimes they had no idea to whom they were speaking. But none of them ever helped Rex and Catherine to understand the disease or the path it would take. It was Kat Burge, president of the Asbestos Victims Association SA, who answered their questions honestly and gently. They began to realise a little of what was ahead.

Kat suggested a visit from two volunteers, and Maxine Williams and Lesley Shears came to Goolwa. Rex was in so much admiration of these two women, who both had lost their husbands to mesothelioma but were there to help Rex and Catherine. They remained a constant presence throughout the ordeal. Rex's lung was being drained each day by the South Coast District Hospital nurses, until one day he told the nurse he had lost the energy to walk. When she suggested hospital, he said he wanted to stay at home. Her answer? 'That's all right, Rex; we'll bring the hospital to you.' And they did. He never left the bed and went down very quickly. The palliative care nurses took over, and Catherine and Rex were grateful to them. The pain was intense and the morphine patch with the highest dose available was not enough, so liquid morphine was added, plus other drugs to help.

This is a most dreadful disease, and Rex died of it because he went to work. Catherine is appealing to those of us in positions of influence and responsibility—senators and members, governments, employers, unions and anyone in the general public—to have the courage to speak out and seriously commit to safeguarding the workers of Australia. It's been said that for Australia to be asbestos free is a big task. Well, Catherine says she went to a conference on asbestos and heard these words: 'How do you eat an elephant? One bite at a time.' That story shows what many families face, right across Australia. I am privileged to have been able to share this story on behalf of Catherine and Rex. Before I conclude, I'd also like to thank the volunteers of Asbestos Victims Association SA. They're a community organisation, run entirely by hardworking volunteers who offer support, information and advocacy for people with asbestos-related diseases and for the wider community. I'd encourage all my colleagues in this place to support their local asbestos victims association by taking out a membership and taking part in the important information, seminars and events they offer to the community.

### Violence Against Women

**Senator McCarthy** (Northern Territory—Deputy Opposition Whip in the Senate) (13:43): I'd like to share with the Senate some more thoughts in relation to this week and preventing and eliminating violence against women. Sixteen days of activism against gender-based violence began on Monday. The effort to end violence against women never ceases, and the responsibility rests with all of us. Violence and abuse against women exists in many forms, including physical, emotional, financial and sexual. Preventing violence against women requires fundamental cultural and attitudinal change through awareness and education. Government and business, communities and individuals—everyone has a role to play, and men are an integral part of this solution. The government can and must make it easier for women to escape violent and abusive relationships. It can improve access to the
social security system. It can provide more safe places for women and their children to stay. It can ensure that women from non-English-speaking backgrounds and First Nations women are also able to access family violence support services.

It is a sad fact that First Nations women report experiencing violence in the previous 12 months at 3.1 times the rate of non-Indigenous women. They are 32 times as likely to be hospitalised due to family violence as non-Indigenous women. We know that supporting and resourcing programs and services run by First Nations people and organisations has the most effective impact, and the move to mainstream First Nations-specific services is a retrograde step. Labor has continually called on this government to rescind the decision in this year's budget to reverse decades of self-determination in the provision of legal services to First Nations people in our country by rolling the Aboriginal and Torres Strait Islander legal services into a single national mechanism for legal assistance. This decision runs counter to the findings of a 2018 government commissioned independent review, which found that, through ILAP funding, ATSILS provide cost effective, high quality, culturally appropriate and accessible services. It notes ‘an increasing body of evidence in Australia and internationally’ that the best practice approaches to addressing Aboriginal and Torres Strait Islander disadvantage involved communities controlling their responses to challenges that affect them.

More proof of this, if any is needed, is there in the work of the people at the Tangentyere Women's Family Safety Group in Alice Springs. This courageous group of women came here to Canberra more than two years ago to talk about the work they do on the front line in Alice Springs town camps to make their communities a much safer place. I speak often about groups like the Tangentyere women, because these women in particular, and those who are doing similar work across the Northern Territory and also right across Australia, deserve to be recognised consistently and constantly, because their tireless efforts out there are really making a difference. Despite very tight funding, this group of women have gone from strength to strength. They have developed models and programs that are being looked at nationally and internationally as examples of best practice in the training and involvement of First Nations people in tackling the scourge of domestic violence.

A recent example of their work is the Mums Can, Dads Can Project. This project is developed and informed by town camp men and women to challenge beliefs and attitudes about the roles of men and women, especially with respect to parenting. These town camps are around Alice Springs, and those of you who have been to Alice Springs are probably familiar with them. The Mums Can, Dads Can Project injects some play and humour—because we all need humour—into family violence primary prevention. It looks at the different roles men and women can have when it comes to raising children. For example, it shows dads looking after kids, playing dress-up, cooking and giving great hugs. These are all things dads can and should be encouraged to do, just as mums can kick a footy around, look after money and fix things around the house. Mums Can, Dads Can challenges the typical gender roles so men and women can be comfortable raising kids and consider their roles in the family. Seeing that mums can be strong and dads can be gentle will help raise the next generation of confident parents. The Mums Can, Dads Can Project builds on the work carried out in the Tangentyere Family Violence Prevention Program, with the aim of developing a framework with the capacity to be rolled out in Indigenous communities across the territory.
The Tangentyere women's work has been informed by their absolute refusal to be seen as just statistics. That is important—to be seen as more than just a statistic. I am very pleased to inform senators that the work of these women was showcased earlier this week on Monday night on national Indigenous television. The Tangentyere women's work stories are the subject of a documentary directed by Shirleen Campbell, the coordinator of the Tangentyere Women's Family Safety Group. The documentary Not just numbers is the story of this remarkable group of women who are having an impact far beyond the borders of their Alice Springs town camps. The documentary features the core group of women instrumental in forming the group and their work and achievements over the past five years to be seen and heard, not just counted. So if you did not get the chance, senators, to watch it on Monday night, I would urge you to stream Not just numbers from NITV and consider supporting this group of women who refuse to be quiet and seen as just statistics.

I would also like to pay tribute to the YWCA Australia's Women of Worth program, which has been recognised for empowering women in the Northern Territory justice system. The program received a gold award in the community-led category of the 2019 Australian Crime and Violence Prevention Awards this week. These awards recognise best practice in the prevention or reduction of violence and other types of crime in Australia. They play a vital role in highlighting effective community based initiatives to prevent crime and violence before it actually occurs.

The voluntary program supports women integrating back into Northern Territory communities on release from prison. It provides six months pre-release and 12 months post-release support to women involved in the justice system, predominantly Aboriginal or Torres Strait Islander women. Data provided by the Department of Correctional Services shows that women who are engaged with the Women of Worth program are 69 per cent less likely to return to prison. Women of Worth helps women to break the cycle of involvement with the justice system and to rejoin and contribute to their communities after release from prison.

This program has made a big difference to the lives of many women and their families in the Territory. An award like this shows the necessity and power of the program. It also acknowledges the clients, whose faith in the program and continuous input has helped shape the initiative. It shows that Women of Worth is an effective program that addresses a clear and important need. The program is innovative within the Northern Territory context for its engagement with women on remand and serving short sentences and the period of post-release support it offers. The annual Australian Crime and Violence Prevention Awards recognises the outstanding contributions being made across Australia for crime prevention, including the development— (Time expired)

Myanmar

Senator DEAN SMITH (Western Australia—Government Whip in the Senate) (13:53): I rise this afternoon to bring to the attention of the Senate and bring to the attention of the Australian government a very important human rights issue in Myanmar. That issue goes fundamentally to the right of parliamentarians in Myanmar to conduct their activities, to represent their constituencies and to argue their case in the parliament of Myanmar.

By way of background, I would like to remind the Senate that I had the very real privilege and honour of representing Australia as an election observer at the 2015 general elections that heralded a very important period in the continuing democritisation of Myanmar. I might just
add that I'm someone who prefers to call it Burma because, for many people, the word 'Burma' represents a federated union of Burma which allows the many ethnic minorities who make up Burma to be properly represented in a bicameral system of government. For this exercise, I'll use the word 'Myanmar', but, to those people listening, I think that point of clarification is an important one.

In addition to travelling to Myanmar to observe the 2015 general election, in recent years I've had, again, the honour and privilege of working very closely with the Chin community in Australia. The Chin community have been coming to our country predominantly as humanitarian refugees and have settled predominantly in Brisbane, Melbourne and Perth. Over the last few years, I have developed a very strong and committed relationship with them, making sure that their transition to life in Australia is as smooth and as comfortable as possible. And I'm very pleased, and I'm sure the whole Senate chamber will agree with me, to make this statement—that is, that I applaud the way the Chin community have settled in our country.

But the Chin Human Rights Organization, which visited Canberra on two separate occasions and had the opportunity of meeting with Prime Minister Morrison on their last visit, have recently communicated to me their concern over the fate of a Chin parliamentarian who serves in the upper house of Myanmar. I would just like to read that for the Senate chamber—and so that others interested in human rights issues across Asia, interested in human rights issues in Myanmar—might also give attention to this issue, and their advocacy. The Chin Human Rights Organization wrote: 'Senator Smith, you probably have heard about a Chin member of parliament from the Burmese upper house who was kidnapped and held in incommunicado detention by the rebel Arakan Army over two weeks ago. In the last 12 months, the Chin Human Rights Organization has documented the disappearance of 14 Chin civilians after they were abducted by the Arakan Army.' And the Chin Human Rights Organization have provided to me a variety of documents supporting their claim. This claim is one that is important for this parliament, for this Senate chamber and for the Australian government to give due recognition to.

The concerns of the Chin Human Rights Organization have been echoed by Amnesty International and by the ASEAN Parliamentarians for Human Rights. On 21 November this year, they said on their websites:

Amnesty International and the ASEAN Parliamentarians for Human Rights (APHR) are seriously concerned for the safety and well-being of Hawi Tin, an ethnic Chin Member of the Union Parliament of Myanmar (MP) from Chin State, who was abducted by the Arakan Army (AA), an ethnic Rakhine armed group operating primarily in the west of Myanmar.

Australia has been a strong supporter of democracy in Myanmar. Indeed, Australia is the largest contributor of education funding to Myanmar. Young Myanmarese children go to school because of the generosity of Australian taxpayers, who support education aid programs in Myanmar. In addition, this government has proudly associated itself with, and proudly funded, the work of various peace processes in Myanmar. At the core of those peace processes is the strong desire to make sure that ethnic minorities across Burma are properly represented in the future development of a democratic country in Myanmar. The Chin community are proud sponsors of democracy and make a very strong and proud contribution to Myanmar. The case of this particular Burmese parliamentarian needs to be noted and taken
on board. I encourage the Australian government—and I know the foreign minister is in the chamber with me now—to give every due consideration to doing what it can to support a free parliamentary process in Burma, in Myanmar, but, more particularly, to fight and argue for the safekeeping of this Chin member of the Burmese upper house.

**Carbon Pollution Reduction Scheme Bill 2009**

Senator KITCHING (Victoria) (13:59): I want to talk about the contribution of the Greens political party on the 10th anniversary of the Labor government's Carbon Pollution Reduction Scheme Bill. We on this side of the chamber remember the Greens political party very fondly when it comes to this bill. Let me take you back—albeit very briefly, for 11 seconds—to what happened at that time for the benefit of those too young to remember those events and also perhaps those who've chosen to forget it, like our friends down the end of the chamber.

The PRESIDENT: Order, Senator Kitching.

**STATEMENT BY THE PRESIDENT**

**Parliamentary Behaviour**

The PRESIDENT (14:00): Before we move to question time, senators, there was an incident in the chamber earlier with a laptop computer displaying a slogan, which a number of senators and people who are not senators have brought to my attention. I remind senators of the rulings of my predecessor about slogans on clothes and my own rulings with respect to the display of slogans in the chamber, be they on badges or in any other form. The display of any slogans is out of order, and I will rule accordingly.

Senator STEELE-JOHN (Western Australia) (14:00): I wish to give a brief explanation of no longer than one minute to the chamber in relation to the incident.

The PRESIDENT: Leave is granted for one minute.

Senator STEELE-JOHN: I am the source of the incident you just described, and I want to offer an apology to my parliamentary colleagues. I hurriedly had to make a contribution to senators' statements in the chamber earlier. I was unable to get that statement to print from my printer in my office, so I grabbed a team member's laptop, brought it in here, opened it up, made the speech and was only made aware of the presence of the slogan sticker on the back of the thing post the speech. I apologise for any offence caused or, indeed, for generally violating a ruling you have made.

The PRESIDENT: Thank you, Senator Steele-John. We will move to question time.

**QUESTIONS WITHOUT NOTICE**

**Prime Minister**

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:01): My question is to the Minister representing the Prime Minister, Senator Cormann. Mr Morrison has described the New South Wales Police Commissioner as one of his 'best friends' and confirmed that, as long-time neighbours, they used to take out their bins for each other. Does the Prime Minister accept that by calling his 'best friend' to ask whether one of his cabinet ministers was in trouble the Prime Minister has fallen well short of the high standards expected under his own ministerial standards?
Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:02): Firstly, I do not accept that—I'm not aware that the Prime Minister has made all of the comments that Senator Wong has attributed to him. But let me assist the Senate by referring to a statement that the Prime Minister is making to the House of Representatives, if I may.

Yesterday the Prime Minister informed the House on four separate occasions that he would be contacting and speaking with the New South Wales Police Force regarding the matters raised for the first time in question time by the Leader of the Opposition. The purpose of his call was to fulfil his undertaking to the House and to discharge his responsibility under the Statement of Ministerial Standards to inform himself of the nature, substance and instigation of the investigation underway. He does not intend, and neither should the Prime Minister, base serious assessments of his duties under the Statement of Ministerial Standards on media reports or comments made by the Labor Party. The commissioner considered it appropriate to inform him on the nature, substance and instigation of the investigation and was also advised of his subsequent statement to the House, and the Prime Minister of course advised the House that this was his intention in order to satisfy responsibilities, and he subsequently informed the House.

But let's be very clear: the implication of what the Labor Party is suggesting is that, based on a politically motivated letter from a political opponent to the police, somehow the Prime Minister should immediately terminate—

Opposition senators interjecting—

The PRESIDENT: Order on my left. I'm having trouble hearing the minister.

Senator CORMANN: that the Prime Minister should somehow dismiss one of his ministers on the basis of a partisan, politically motivated piece of correspondence by a political opponent to police, and that then, somehow, the Prime Minister shouldn't be able to satisfy himself of what actually is happening rather than to just take his lead from the Labor Party and The Guardian.

The PRESIDENT: Senator Wong, a supplementary question?

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:04): Did the Prime Minister or his office contact the office of the New South Wales minister for police and, if so, when was contact made and what was the purpose of the contact?

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:04): I'm not aware. I will take that question on notice.

The PRESIDENT: Senator Wong, a final supplementary question?

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:04): This morning, former Prime Minister Malcolm Turnbull said in relation to Prime Minister Morrison's phone call with New South Wales Police Commissioner Fuller:

… it would have been much better if it had not been made, because it is really, it is vitally important that that inquiry that is being conducted by the NSW police … is seen to be conducted entirely free of political influence.

Is Mr Turnbull correct? (Time expired)
Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:05): I refer Senator Wong to my primary answer. The Prime Minister gave an undertaking to the House of Representatives, and he fulfilled that commitment. Let me also again say—

Senator Wong interjecting—

Senator CORMANN: Senator Wong is suggesting that there shouldn't be any political interference. Hang on! There was a politically motivated letter from a political opponent to the—

Opposition senators interjecting—

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

Government senators interjecting—

The PRESIDENT: Order across the chamber!

Senator Wong: My point of order is on direct relevance. The assertion of political interference is Mr Turnbull's. That was the question.

The PRESIDENT: Interjections are always disorderly. There were many, and the minister, I think, if he was straying, was responding to interjections. I urge that interjections not be made nor taken and responded to.

Senator CORMANN: The Prime Minister gave an undertaking to the House of Representatives. Yesterday, he fulfilled that commitment. That was entirely appropriate. But, of course, this is an issue that first arose during question time yesterday. The Prime Minister answered questions on the basis of his state of knowledge at the time, and he undertook to seek further information. You know what? It turns out that the initiation of this assessment by the New South Wales police was due to a partisan, politically motivated letter by a political opponent. This is all about the politics of smear from the Labor Party.

Trade

Senator BRAGG (New South Wales) (14:06): My question is to the Minister for Trade, Tourism and Investment—

Opposition senators interjecting—

The PRESIDENT: Order! Please resume your seat, Senator Bragg. I can't hear you. This is a forum for non-government parties. The time that is wasted comes out of questions from non-government parties.

Senator BRAGG: My question is to the Minister for Trade, Tourism and Investment, Senator Birmingham. How is the Morrison government creating certain and stable opportunities for Australian farmers and businesses through trade that benefits Australia?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (14:07): I thank Senator Bragg for his question that relates to jobs for Australians, because that's the No. 1 priority of people on this side of the chamber. The No. 1 question that comes from those on this side relates to more job opportunities for Australians, while the No. 1 question from the other side is all about mudraking and mudslinging.
What our government has achieved has been to continuously create more opportunities for Australian farmers and businesses to be able to export their goods to the world. The end result of our work in that regard has been that Australian exports are at record levels. Around this time yesterday, I was pleased that, as senators would know, this parliament gave the final legislative approval necessary to enable us to proceed to ratify the Indonesia-Australia Comprehensive Economic Partnership Agreement. This is a fantastic agreement, and I was pleased to see some bipartisan support on this matter and for the passage of it. It’s a great agreement because it is going to allow some 99 per cent of Australian goods exports to Indonesia to enter duty free or under significantly approved arrangements starting from 2020.

This is a great opportunity, particularly for our farmers as well as many other businesses. Indonesia will guarantee the automatic issue of import permits for live cattle, frozen beef, sheepmeat, feed grains, rolled steel coil, citrus products, carrots and potatoes. All of these producers and farmers stand to gain significantly: some 575,000 potential cattle; up to $150 million of feed grains into Indonesia duty free; frozen beef and sheepmeat exports having their tariffs halved instantly and eliminated over five years; and dairy tariffs reduced or removed entirely. These are big gains that are helping our farmers, helping our businesses and creating jobs for Australians.

The PRESIDENT: Senator Bragg, a supplementary question?

Senator BRAGG (New South Wales) (14:09): Minister, how will businesses directly benefit from these trade agreements and continue to grow our economy?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (14:09): Businesses will benefit because they’re going to get those guaranteed permits to get into Indonesian markets. They’re going to face fewer or zero tariffs and open access in many markets. This is a huge gain. For example, small and medium-size businesses with vegetable and horticultural products, like Premium Fresh Tasmania, which are already benefiting from FTAs are going to stand to gain too, as will many in Senator Bragg’s home state and in my home state and right across Australia. Take Ironbark Citrus up in Queensland or Anchor Foods over in WA. They are great Australian businesses, each employing around 150 employees. They stand to gain in terms of food access. Others, such as Taurus Mining Solutions in Mackay in Queensland, provide services that make mining industries safer but also provide jobs for those Australians delivering those services—(Time expired)

The PRESIDENT: Senator Bragg, a final supplementary question?

Senator BRAGG (New South Wales) (14:09): Can the minister advise the Senate of support for these agreements?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (14:10): There’s been overwhelming support from Australian farmers, business and industry in relation to these agreements. The NFF have highlighted the extent to which they lock in new trade opportunities for our meat, grain, sugar, dairy and horticultural producers. The Australian Industry Group has described the Indonesia agreement as being a ‘groundbreaking agreement’ for dedicating an entire chapter to non-tariff measures, a critical component of this agreement in that it provides the
opportunity not just to address and reduce those tariffs that make it harder for Australian businesses to export but also to address those non-tariff measures that can get in the way.

The Australia-Latin America Business Council highlighted our Peru agreement and particularly the opportunities there not just for agricultural producers but also for those mining services companies, the likes of which I referenced before. And there was the Australian Services Roundtable—and I acknowledge, Senator Bragg and Senator Van, your attendance at meetings held here earlier—*(Time expired)*

**Minister for Energy and Emissions Reduction**

**Senator O'NEILL** (New South Wales) *(14:11)*: My question is to the Minister representing the Prime Minister, Senator Cormann. In refusing to stand Minister Taylor aside while he's being investigated for possible criminal behaviour by the special Strike Force Garrad, Prime Minister Morrison told the House of Representatives that he had spoken with the New South Wales police commissioner, Mick Fuller, and said:

Based on the information provided to me by the Commissioner, I consider there is no action required by me.

What additional information did the New South Wales police commissioner provide Prime Minister Morrison?

**Senator CORMANN** (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) *(14:12)*: I would refer the senator to my answers to Senator Wong's questions and, indeed, to the Prime Minister's statement in the House of Representatives last night, which I have already previously referenced. Let's just remind ourselves again what this is about. This is one letter from a political opponent to police that the Labor Party is suggesting should be a reason to dismiss or stand aside the minister. That is just a crazy proposition. If that was the test, I suspect that the serial letter writer Mr Dreyfus would be starting to write many more letters. You can't win an election by winning the confidence of the Australian people, so you want to start sending letters to somehow lead to the immediate dismissal of a minister. That is crazy. You are so juvenile and ridiculous. The Australian people can see precisely what this is.

The PRESIDENT: Senator O'Neill, a supplementary question?

**Senator O'NEILL** (New South Wales) *(14:13)*: Yesterday Prime Minister Morrison told the House that he had:

… spoken with the New South Wales Police Commissioner Mick Fuller about the investigation and the nature and substance of their inquiries …

Today Commissioner Fuller said the Prime Minister received no more or less information than what was in the media release. Did the Prime Minister tell the parliament the truth yesterday?

**Senator CORMANN** (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) *(14:14)*: Yes.

The PRESIDENT: Senator O'Neill, a final supplementary question?
Senator O'NEILL (New South Wales) (14:14): Given that Prime Minister Morrison is relying on his phone call with one of his best friends in refusing to stand Minister Taylor aside while being investigated for possible criminal behaviour by the New South Wales Police Force Crime Command's Financial Crime Squad special Strike Force Garrad, will the Prime Minister make public any transcript or notes taken during his phone call with New South Wales Police Commissioner Fuller?

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:14): I reject the premise of the question and I refer the senator to the statements that have been made by the Prime Minister on the public record—

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

Senator Wong: There is a direct question about the Prime Minister providing notes or the transcript of the call. I ask the minister be directly relevant to that. If he isn't, it will be apparent.

The PRESIDENT: The question contained, as I recall, a relatively extensive preamble. The minister is entitled to reject or otherwise agree with assertions contained in preambles to questions. He is being directly relevant.

Senator CORMANN: Thank you very much, Mr President. I just say to the Australian people again: there is one letter from a political opponent sent to New South Wales police—a partisan, politically-motivated letter from the Labor Party, which couldn't convince the Australian people to elect them into government—which is now being used by the Labor Party. One letter—a politically-motivated, partisan letter from a political opponent which the Labor Party is now hanging its head on.

The PRESIDENT: Order! Senator O'Neill, on a point of order?

Senator O'Neill: My point of order goes to direct relevance. The question is very simple: will the Prime Minister make public any transcript or notes taken during his phone call with New South Wales Police Commissioner Fuller. There was no other question, Mr President. That was it.

The PRESIDENT: Senator O'Neill, I made my rulings prior to this. I ask senators, when they're raising points of order, to not simply restate but make the point about direct relevance.

Senator Wong interjecting—

The PRESIDENT: Senator Wong, I'm ruling. Senator Cormann is entitled to address the preamble as much as he is entitled to address the question. Senator Cormann.

Senator CORMANN: Thank you very much, Mr President. The Prime Minister made an undertaking to the House of Representatives yesterday. He fulfilled that undertaking and he reported back to the House of Representatives. This is just a politically motivated Labor Party smear—nothing more, nothing less.

Climate Change

Senator WATERS (Queensland) (14:16): My question is to the Minister for Trade, Tourism and Investment, representing the Minister for Energy and Emissions Reduction, which I think is still Minister Taylor, despite the police investigation. The United Nations Environment Program released a report overnight showing that, for countries to fulfil the
Paris Agreement, we need to reduce pollution by 7.6 per cent every year over the next decade. What will the government do to bring down pollution by 7.6 per cent per year, or will Minister Taylor just try to doctor that climate report too?

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

Senator Cormann: The senator, in breach of standing orders, reflected on a member in the House of Representatives. I would ask you to call her to order and ask her to withdraw.

The PRESIDENT: Senator Waters, I ask you to withdraw that reflection and imputation about a member of the other place.

Senator WATERS: I withdraw and will await what the police investigation finds.

The PRESIDENT: When I ask people to withdraw, I ask them to withdraw unconditionally. I don't want to get into the rabbit hole where people start making qualified withdrawals.

Senator WATERS: I withdraw, Mr President. The question is: what will the government do to bring down pollution by 7.6 per cent per year?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (14:18): I thank the senator for her question, if not some of the commentary on the way through. Australia has a proud record as being a global leader when it comes to making and meeting commitments in relation to emissions reduction. Australia stands as a very rare country. In terms of the commitments of the first Kyoto period, we met those commitments and exceeded those commitments. We're on track in relation to the commitments of the second Kyoto period—to meet those commitments and to exceed them by more than 300 million tonnes of abatement. And our government has made further commitments in relation to the Paris Agreement out to 2030. Those commitments are for a reduction in Australia's emissions of some 26 per cent. That's Australia's contribution as part of a global effort, and we firmly acknowledge that it takes a global effort. That's why they are part of global agreements. Australia has met and exceeded all of our targets and we intend very much to meet and ideally exceed our 2030 target. That's why our government has outlined, very clearly and in detail, our Climate Solutions Package. The Climate Solutions Package contains the Climate Solutions Fund. That's identified to provide some 103 million tonnes of abatement over the target period.

Overall, it contains projects such as the Battery of the Nation and Marinus Link, contributing some 25 million tonnes of abatement; and energy efficiency projects, contributing some 63 million tonnes of abatement. Ultimately, we outline very precisely the 201 million tonnes of abatement as part of that Climate Solutions Package—all of it contributing towards Australia playing our role, a leading role in the globe, meeting and exceeding the commitments that we make and doing so in a way whereby we encourage others to join us on that journey.

The PRESIDENT: Senator Waters, a supplementary question?

Senator WATERS (Queensland) (14:20): Australia's current Paris goals have us on track for three degrees of warming, and the UNEP report says of Australia's climate policies, firstly, that we have 'no major policy tool to encourage emissions reduction'—and that's a quote—and, secondly, that the latest projection published by the government shows that emissions
would remain largely unchanged to 2030. Does your government accept your own department's advice that pollution won't go down in this critical decade?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (14:20): Our government has outlined—as I just went through in some precise detail—the mechanisms that are being applied to deliver emissions reduction and abatement right down to the tonnage allocated across the different policy measures.

We have seen in this country enormous change in terms of the energy mix across Australia. Last year, per capita investment in renewable energy in Australia was the highest of any country on the globe—in fact, twice that of the next nearest nation. In terms of Australia's track record in delivering emissions reduction, I've also seen that investment in new technologies and the work of programs such as the Climate Solutions Fund and our abatement purchasing mechanisms have demonstrated that we can meet the targets and that we can continue to make the contribution necessary to make sure that Australia leads the way in terms of change and reform. We absolutely stand by the success of the policies to date and our intent to deliver them over the next 10 years.

The PRESIDENT: Senator Waters, a final supplementary question?

Senator WATERS (Queensland) (14:21): We're certainly leading the way in per capita emissions and will continue to do so even under this government's targets, assuming you even get anywhere near meeting them.

A government senator: Question?

Senator WATERS: Yes, I'm coming to the question. Thanks so much for the reminder. The catastrophic bushfires, half-dead reef and crippling drought are products of just one degree of warming. Your policies have us on track for three degrees of warming or more. Why is your government prepared to accept the catastrophe that will result? Do you accept the science of climate change, which requires a 60 per cent reduction by 2030? (Time expired)

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (14:22): Our government is acting and is absolutely responding to science and evidence in all its forms. What we don't do is what the Australian Greens try to do, which is to take tragic events that Australia has a long history of facing and automatically link them to issues related to climate change. We absolutely recognise that, in terms of Australia's resilience and Australia's strategies, we have to respond to all of the advice that's available to us. But we also have to make sure that we do it as part of a global effort. This is something that the Australian Greens constantly overlook in terms of the role of other countries and their emissions profiles as part of the global impact. Australia is proud to be able to walk into climate change negotiations and highlight the fact that we have met and exceeded all of our commitments to date and that we have detailed plans to continue to do so into the future.

Trade

Senator HENDERSON (Victoria) (14:23): My question is to the Minister for Agriculture, Senator McKenzie. Can the minister outline how free trade agreements benefit Australian agriculture and farmers?
Senator McKENZIE (Victoria—Minister for Agriculture and Leader of the Nationals in the Senate) (14:23): Thank you, Senator Henderson. The widespread benefits for Australian farmers, businesses and investors are a step closer with the enabling legislation for major trade deals with Indonesia, Hong Kong and Peru passing through parliament yesterday. There are about 85,700 farming families working hard right across the length and breadth of Australia to produce safe, high-quality food and fibre for the world. Each of our farmers grows enough food to feed 600 people. That's more than 50 million mums, dads, kids and grandparents here and around the world.

Our export focus is great for consumers around the world but, more importantly, it's great for our farmers and our regional communities here in Australia. Trade and our free trade breakthroughs give Australian businesses, including our farmers, access to markets many times the size here at home and an opportunity for their businesses to grow.

When we came to office, 27 per cent of Australia's two-way trade was covered by trade agreements. Today, 70 per cent of our trade is covered by FTAs, and our ambition doesn't stop there. We're looking to increase that number to around 90 per cent by 2022.

The passage of the bill yesterday was a demonstration of our government's focus on increasing market access for our farmers. The Indonesian agreement will allow 99 per cent of Australian goods to enter Indonesia duty-free or with significantly improved preferential arrangements. That is great for red meat, live cattle, grains, dairy, horticultural products and sugar. Under the agreement with Peru, we've achieved significant new access to one of South America's fastest-growing economies, particularly for dairy, rice and sorghum being free from tariffs, with new quotas. And there are similar outcomes for Hong Kong.

There has been a lot of talk in this chamber about support for farmers. There's no greater support for farmers than giving them access to markets around the world to sell their produce.

The PRESIDENT: Order, Senator McKenzie. Senator Henderson, a supplementary question?

Senator HENDERSON (Victoria) (14:25): Can the minister update the Senate on what the Liberal and Nationals government is doing to promote free trade agreements, and specifically explain how they are helping Australian farmers?

Senator McKENZIE (Victoria—Minister for Agriculture and Leader of the Nationals in the Senate) (14:26): Australian farmers are world leaders when it comes to exporting and developing new markets. Our agricultural production is around $60 billion a year, and we export $45 billion worth of that. Our farmers rely on their exports for their livelihood. The Australian dairy council—and I know you're a big supporter of the dairy industry, Senator Henderson—supports finalising trade agreements, because they recognise that more and better access to markets is good for our dairy farmers. It's how they get a competitive price for their premium product. There's high demand around the world for safe, nutritious dairy products in international markets, and we need to capitalise on that.

Free trade agreements preferentially reduce the cost barriers to selling overseas and help us to get that product to people who need it. Just one example is the Chinese free trade agreement. Fifteen per cent tariff on infant formula—tick; already gone. Ten to 19 per cent tariff on ice cream—already gone. Elimination of 15 per cent tariff on liquid milk— (Time expired)
The PRESIDENT: Senator Henderson, a final supplementary question?

Senator HENDERSON (Victoria) (14:27): Minister, how is the Liberal and Nationals government building a strong economy for our farmers, and is the minister aware of any alternative approaches?

Senator McKENZIE (Victoria—Minister for Agriculture and Leader of the Nationals in the Senate) (14:27): A strong economy means we can give our farmers the support they need while they wait for the rains to come, but it also means we’re able to focus on increasing and improving market access. You cannot come into this place and claim to support our farmers if you do not support free trade agreements and increasing market access for their products. It is a mistake to think that a country like ours, where we export 70 per cent of what we produce, is somehow going to have a vibrant agricultural sector while we fail to sign up to free trade agreements and increased market access. The enabling legislation—

Senator Whish-Wilson interjecting—

The PRESIDENT: Senator Whish-Wilson.

Senator McKENZIE: We’re looking at the EU; the UK, post Brexit—

Senator Whish-Wilson interjecting—

The PRESIDENT: Senator Whish-Wilson!

Senator McKENZIE: And today I am hosting an agribusiness strategic roundtable to grow our market access with our farmers to India. It’s a market too big to ignore. Its food consumption is going to double by 2050. And India is somewhere we want to get our product— (Time expired)

My Health Record

Senator GRIFF (South Australia) (14:28): My question is to Minister Cash, representing the Minister for Health. I refer the minister to Monday’s ANAO report into My Health Record. This report stated that shared cybersecurity and privacy risks were not properly managed by the Digital Health Agency and had to be improved. It further stated that the last privacy risk assessment was undertaken in 2017, despite the Digital Health Agency providing funding to the Australian Information Commissioner to conduct at least four privacy reviews between October 2017 and June this year. Minister, why were these Digital Health Agency pre-funded risk assessments not undertaken?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:29): I thank Senator Griff for the question and for providing me with some prior notice. Senator Griff, I have been able to obtain the following information from the minister. The Morrison government welcomes the Australian National Audit Office’s reporting, noting its conclusion that the implementation of the My Health Record opt-out was largely effective. The public should be reassured by the ANAO’s findings that the government’s implementation, planning, governance and communication were appropriate and the objectives were clearly specified in the legislation and translated into operational objectives and plans. Responding to the recommendations is a high priority for the government. The Australian Digital Health Agency will lead implementation of the five recommendations, which are to be actioned within 12 months of tabling, in consultation with the Department of Health, the Office of the Australian Information Commissioner, the
medical software industry, clinical peaks, health care provider associations, professional indemnity insurers, and state and territory governments. In relation to the OAIC, it is an independent national regulator for privacy. I am advised further questions about their work should be directed to the OAIC. I'm also advised the OAIC have advised in the annual report of their activities in relation to digital health that the four assessments on foot will be finalised in 2019-20.

Senator GRIFF (South Australia) (14:30): The ANAO report was also critical of the Digital Health Agency's board and the fact that it is yet to consider its updated cybersecurity strategy, even though it was finalised by the agency's executive a year ago. Minister, do you consider this delay represents good governance?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:31): The ANAO found ADHA's management of privacy risks were largely appropriate, and ADHA conducted privacy impact assessments up until 2017 and implemented system and consumer-access controls. Senator Griff will also be aware that the ANAO report makes five recommendations, and, in relation to those recommendations, I am advised that the ADHA has accepted all of the recommendations, including that the ADHA conduct an end-to-end privacy risk assessment of the operation of the My Health record system under the opt-out model, including shared risk and mitigation controls, and incorporate the results of this assessment into the—

The PRESIDENT: Order, Senator Cash.

Senator GRIFF (South Australia) (14:32): In October estimates, the CEO of the Digital Health Agency stated the agency has 'a series of very advanced cybersecurity protections'. He further stated, 'there is absolutely no complacency', regarding cybersecurity in the agency. Minister, is it or is it not complacency when critical and paid-for risk assessments are not conducted, and cybersecurity strategies are allowed to gather dust for well over a year?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:32): I am advised that there has been no security breach in the seven years that the My Health Record system has been in operation. My Health record system security protects records from unauthorised access and guards against cyberattacks. The controls include secure gateways and firewalls, encryption, authentication mechanisms and malicious content filtering. The system is monitored around the clock by the agency's dedicated Digital Health Cyber Security Centre, which has been tested by the Australian Signals Directorate. The My Health system has been certified and accredited at the 'protected' level under the Australian government information security standards. The system is independently tested frequently to ensure the security settings are robust and working as designed. The Digital Health Agency will continue to work with the industry to ensure everyone across the health sector— (Time expired)

Minister for Energy and Emissions Reduction

Senator KENEALLY (New South Wales—Deputy Leader of the Opposition in the Senate) (14:33): My question is to the Minister representing the Minister for Energy and Emissions Reduction, Senator Birmingham. I refer to the use by the minister for emissions reduction of doctored travel costs in official ministerial correspondence to the Lord Mayor of Sydney, Clover Moore. Minister Taylor has told the parliament that the document containing
the incorrect figures was 'was drawn directly from the City of Sydney's website, it was publicly available'. This claim was repeated by Minister Birmingham yesterday when he told the ABC that 'the information was sourced from … the City of Sydney website.' Does the minister stand by this statement?

The PRESIDENT: I call the Minister representing the Minister for Energy and Emissions Reduction, Senator Birmingham.

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (14:34): That is the advice of Minister Taylor.

Senator Watt: You're so loyal to his claims.

The PRESIDENT: Senator Watt, your colleague is on her feet. Senator Keneally, a supplementary question?

Senator KENEALLY (New South Wales—Deputy Leader of the Opposition in the Senate) (14:34): The minister's own department has confirmed at Senate estimates that the department had nothing to do with the doctored figures ending up in official ministerial correspondence. Given the doctored travel costs didn't come from his department, where did they come from?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (14:35): I refer the senator once again to Mr Taylor's statement that clearly outlines where he says they come from.

Senator Watt: Drive that bus over him.

The PRESIDENT: Senator Watt, I'm going to ask you to count to 30 from now on after I call your name. Senator Keneally, a final supplementary question?

Senator KENEALLY (New South Wales—Deputy Leader of the Opposition in the Senate) (14:35): When asked where the doctored document came from, Mr Birmingham told the ABC:

… all I can point to there is the statement that has been made …

Why has Minister Taylor failed to make public any document that confirms his version of events and why is the minister willing to simply ignore all other evidence and accept Minister Taylor's word for it?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (14:36): Once again, Minister Taylor has made a statement that detailed where the documents came from. That's the information that I have to hand that I present to the Senate as the minister representing him.

Sport Australia

Senator BERNARDI (South Australia) (14:36): This is not my last question. My question is for the Minister for Youth and Sport, Senator Colbeck. The federal government peak sports body, Sport Australia, is proposing that directors of Australia's national sporting federations have a maximum term of eight years. Can the minister state if the government supports that proposal and, if so, explain why the government feels it necessary to mandate term limits on sporting bodies but not in other areas of public interest like politics and corporate boards?
Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:37): Thank you for the question and some advice as to the general topic of the question. Ten years is currently regarded as the general acceptable minimum period for board membership under the principles dictated by Sport Australia; however, it is up to individual sports to determine if a shorter period would be more appropriate. Sport Australia's mandatory governance principles, first released in March 2013, then updated in June 2015 and currently online, are that national sporting organisations should have a staggered rotation system for board members, with a maximum term in office of 10 years. There are no constitutional changes proposed by Sport Australia for eight years at this point in time. I do note, however, that, since April 2019, Sport Australia has been leading a process to review and co-create evolved governance principles. The process has included consultation with state offices of sport, all state sport federations, national sporting organisations, SSOs and academic experts. The term of board members is one of the many principles being considered under this work.

The PRESIDENT: Senator Bernardi, a supplementary question?

Senator BERNARDI (South Australia) (14:38): I thank the minister. In response to the chairman of Sport Australia's comments that an eight-year term limit was appropriate, former Sport Australia board member Roy Masters has raised concerns that these proposed limits would impact the ability of Australian sporting officials to get on international sporting federation boards, thereby reducing the influence of Australian officials on the world stage. Does the minister agree with this assessment and, if not, why not?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:39): I support the words of Mr Masters in his desire that Australians have the opportunity to represent sports on global forums, such as Mr Coates currently does on the International Olympic Committee. I think it is important that Australia is involved and representative on these international boards, so we should have in place processes in Australia where the experience required to make those representations is appropriately gained through involvement in NSOs and other organisations such as the Australian Olympic Committee. I support that concept, because I think it's really important. I might point out though that it is not a requirement for Australians to hold board positions or chairmanship positions in NSOs at an Australian level to represent Australia— (Time expired)

The PRESIDENT: Senator Bernardi, a final supplementary question?

Senator BERNARDI (South Australia) (14:40): I'm interested in hearing the minister conclude that answer, but I also add that Masters reports that Australia now has its lowest representation on international sports boards, with 10 representatives across 40 international federations. Under the proposed reforms, all but four would be subject to mandatory standdown from these roles. Is this correct? If so, how can this be good for Australia's sporting system?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:40): As I indicated previously in response to the first supplementary question, there is no requirement being considered at the moment by Sport Australia, as I'm advised by Sport Australia, for an eight-year term. As I was saying in the conclusion of my last response, there is no requirement for those representing Australia or participating in international boards to hold an NSO position here in Australia, so I'm not sure
that the circumstance that has been described by Senator Bernardi with respect to those who currently hold those positions would apply. I know that, for example, Matt Allen, Sarah Kenny and current world sailing champion committees sit on the world sailing executive, and their recent resignations from NSO executives due to term limits would not affect international limits.

**Minister for Energy and Emissions Reduction**

Senator McALLISTER (New South Wales) (14:41): My question is to the Minister representing the Prime Minister, Senator Cormann. After Senator Sinodinos stood aside while being investigated then Prime Minister Abbott said, 'Senator Sinodinos has done the right thing.' Why is Prime Minister Morrison refusing to ensure Minister Taylor does the right thing—by standing aside while he is being investigated by the special strike force, Strike Force Garrad, established by the New South Wales Police Crime Command's financial crimes squad?

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:42): I can tell Senator McAllister precisely why—because the circumstances are very different. Here is an assessment by New South Wales Police, which has been triggered by a single, politically motivated, partisan letter written by a political opponent, who couldn't get into the Attorney-General's job at an election, so he continues with his serial political smears. He's a serial letter writer anyway. Could you imagine if a letter from Mr Dreyfus became the new test of whether or not somebody can keep their ministerial job? He would be writing even more letters. It's a completely ludicrous proposition. You should reflect on it. One day perhaps the Australian people will elect you back into government. Do you want to expose yourself to the letter writers on this side of the parliament? Do you really think that a job that you may have in the future should depend on whether or not a political opponent of yours writes a letter? That is just ridiculous.

The PRESIDENT: Senator McAllister, a supplementary question?

Opposition senators interjecting—

The PRESIDENT: Order on my left! Senator McAllister is on her feet.

Senator McALLISTER (New South Wales) (14:43): After Minister Brough stood aside while being investigated by the AFP then Prime Minister Turnbull said, 'In offering to stand aside, Mr Brough has done the right thing.' Why is Prime Minister Morrison refusing to ensure Minister Taylor does the right thing—by standing aside while he is investigated?

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:43): If you're going to go down this road, do you want me to go through the list of former Labor ministers and prime ministers who were being investigated and didn't step aside? Do you really want me to go down that path? Really? Let's just remind ourselves. I think the media are well aware of the plethora of Labor ministers in the most recent government who were subject to investigations and stayed in their positions, including a Prime Minister. Let me just say that it's completely inappropriate for you to suggest that a minister should be stood aside on the basis of a politically motivated letter from a political opponent. That is not an appropriate basis. That should never become the trigger.
Honourable senators interjecting—

The PRESIDENT: Order around the chamber! Senator McAllister, a final supplementary question?

Senator McALLISTER (New South Wales) (14:44): I refer to the minister's earlier answers. Why is the minister bringing into question the decision by the New South Wales Police Crime Command's Financial Crimes Squad to establish a special strike force, Strike Force Garrad, by dismissing it as partisan and politically motivated?

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:45): I refer you to the public statements of the New South Wales police commissioner, who said that the reason they are assessing it is because of the person who wrote the letter, who happens to be a shadow Attorney-General—who happens to be a political opponent, who happens to be a serial malicious letter writer and who happens to be in the business of pursuing political smears. That is their track record. And let me tell you: you would not want a single politically motivated partisan letter to become the test on whether or not a minister is stood aside.

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

Senator Keneally: On direct relevance. The minister is not answering the question asked by Senator McAllister, which paraphrased is: why is he impugning the New South Wales Police Force?

The PRESIDENT: I would ask people to not paraphrase. Paraphrasing can sometimes be as unhelpful as restating. Are you continuing your answer, Senator Cormann?

Senator CORMANN: I reject the proposition that I didn't answer it; I answered it directly, and I quoted the public comments. I completely and utterly reject that proposition.

Senator Wong: You're impugning the Police Force.

Senator CORMANN: I reject that interjection by Senator Wong absolutely, 100 per cent. I'm referring to the public statement by the New South Wales police commissioner, who made very clear why the New South Wales Police are assessing this particular issue, and that is because of a single letter from the shadow Attorney-General. (Time expired)

National Security

Senator STOKER (Queensland) (14:46): My question is to the Minister representing the Minister for Home Affairs, Senator Cash. Can the minister outline to the Senate the approach that the Morrison government is taking to protect Australia and its institutions from the threat of foreign interference?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:46): I thank Senator Stoker for the question. The Morrison government is committed to protecting our nation, our people and our sovereignty. Our government takes allegations of foreign interference and espionage seriously, and the allegations raised this week are concerning. As the Director-General of Security has consistently stated, the Australian public faces an unprecedented level of foreign interference, and we are going to deal with it. The government is not naive to the threats that we face. We have been actively strengthening our capacity to protect Australia from foreign interference.
In April last year the government appointed the first-ever National Counter Foreign Interference Coordinator to coordinate whole-of-government efforts to respond to acts of foreign interference and administer Australia's Counter Foreign Interference Strategy. In the last parliament we enacted a ban on foreign political donations to ensure that election campaigning that targets Australians is not sponsored by foreign governments, foreign billionaires or foreign companies. We have introduced a number of legislative measures to tighten our laws to make it more difficult for foreign actors to interfere. These include the National Security Legislation Amendment (Espionage and Foreign Interference) Act, the Foreign Influence Transparency Scheme Act, the Security of Critical Infrastructure Act and the Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Act.

The Australian people should have confidence that our nation is better equipped to deal with this issue, thanks to the strong action that the government has taken. The Morrison government will do everything possible to keep the Australian public safe.

The PRESIDENT: Senator Stoker, a supplementary question?

Senator STOKER (Queensland) (14:48): What action has the government taken to ensure the integrity of our elections from foreign interference?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:48): As a government we have taken action to protect Australia and Australia's institutions from foreign interference. Protecting our election processes is vital. To further strengthen our political system against interference, in the lead-up to the last election, we established the Electoral Integrity Assurance Taskforce, a cross-government task force. The task force was led by the Australian Electoral Commission and the Department of Finance and coordinated closely with Australian security and law enforcement agencies. The Electoral Integrity Assurance Taskforce agencies did not identify foreign interference that undermined the integrity of the 2019 federal election. We, of course, must be vigilant. We need to ensure that we protect Australians and our institutions from inappropriate foreign interference. The government has taken and is taking action.

The PRESIDENT: Senator Stoker, a final supplementary question?

Senator STOKER (Queensland) (14:50): Minister, to what extent does managing a strong economy enable us to invest in Australia's intelligence agencies so that we are better able to protect Australia from foreign interference?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:50): One of the unspoken benefits of managing a strong economy is that it enables us to invest further in our intelligence and security agencies. Because of our strong economic management, over the next four years we're investing approximately $35 million into these agencies to counter foreign interference, including $6.7 million to the AFP, $8.5 million to the Office of the DPP, $1 million to the A-G's department and $3.9 million to DFAT. Our strong economic management has also enabled us to put $14.5 million into ASIO. ASIO's budget for the current financial year is the highest it has ever been. The Australian people can be reassured that the Morrison government is using the benefits of our strong economy to invest in our agencies to keep Australia safe.
Workplace Relations

Senator SHELDON (New South Wales) (14:51): My question is to the Minister representing the Minister for Industrial Relations, Senator Payne. Yesterday the minister refused to rule out any watering down of unfair dismissal laws. Why?

Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (14:51): As I said yesterday, the Attorney-General has indicated that he will issue a discussion paper on the possible review of the Small Business Fair Dismissal Code. We know that the code, of course, arose from Labor's Forward with Fairness policies that they took to the 2007 election and were ultimately recognised in the Fair Work Act. When the Fair Work Bill was introduced, the then minister, Minister Gillard, said:

The bill provides a new scheme of unfair dismissal protections to ensure good employees are protected from being dismissed unfairly, while enabling employers to manage under-performing employees with fairness and with confidence.

I understand that the Small Business and Family Enterprise Ombudsman has reviewed a range of decisions and reports on the effectiveness of the code and indicated that the code is not achieving its original intent. There are a number of other points about its original intent that I could go into. But what the discussion paper will canvass is the views of employees, employers and their representatives on how the code might be amended to provide clearer guidance to small business employees and employers on the fairness of decisions to dismiss employees.

The PRESIDENT: Senator Sheldon, a supplementary question?

Senator SHELDON (New South Wales) (14:52): Yesterday the minister refused to rule out any weakening of the better off overall test. Why?

Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (14:53): As I believe I also indicated yesterday, the Attorney-General and Minister for Industrial Relations is intending to issue a discussion paper on the operation of the enterprise bargaining system in 2020. The object of that is to consider ways in which enterprise agreements can be made and approved in a faster and more simple way. As with all other discussion papers, the views of stakeholders, employees, employers and representative organisations will be sought and will be considered before any decisions are made. This government, as I also indicated yesterday, recognises that an effective industrial relations system should strive to balance the needs of both employees and employers. That is why the Prime Minister has asked the Attorney-General, in his capacity as Minister for Industrial Relations, to take a look at the system.

The PRESIDENT: Senator Sheldon, a final supplementary question?

Senator SHELDON (New South Wales) (14:54): Government members are calling for the watering down of unfair dismissal laws, the weakening of the better off overall test and the ripping up of the modern award system. Why didn't the government tell the Australian people at the last election that it intended to introduce Work Choices mark II?

Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (14:54): I absolutely reject the premise of Senator Sheldon's question, because the government were very clear and received a clear mandate from the Australian people in relation to our policies. As I've said, we recognise that Australia needs an effective industrial
relations system that strives to balance the needs of both employees and employers. We ought to have a look at the system to identify how it is operating, and, where there are impediments to shared gains for employers and employees, we can also ensure the protection of employees' rights. Any of the topics to be examined for review will be based on evidence and data, and we welcome input from all stakeholders—all stakeholders. I'm sure that will include those opposite, I'm sure that will include registered organisations, I'm sure that will include employers and employees and their representative organisations, and that is absolutely the way the process should work. That is absolutely the way the government should take input from the community and that is what the government— *(Time expired)*

**Defence**

**Senator SCARR** (Queensland) (14:55): My question is to the Minister for Defence, Senator Reynolds. Can the minister update the Senate on how the Australian government is promoting stability and security by strengthening the Defence Force presence in northern Australia?

**Senator REYNOLDS** (Western Australia—Minister for Defence) (14:55): I thank Senator Scarr for his question. The Morrison government is very proud to be committed to building an ADF capable of meeting Australia's security needs, and northern Australia is vital to our nation's security. The substantial investment by the Morrison government in northern Australia will enable Defence to do a number of things—first of all, increase awareness of our northern approaches; strengthen regional partnerships; and support defence activities and, in particular, training exercises. We are investing over $10 billion in the Northern Territory, Western Australia and Queensland—$10 billion in the Northern Territory, $2.25 billion in Queensland and $420 million in Western Australia.

We are committed to enhancing defence capability and presence through the United States Force Posture Initiatives by investing around $2 billion in infrastructure and support services in the Northern Territory alone. I'm very pleased to advise those opposite, including Senator Sterle, that these are now well underway. These initiatives provide significant security benefits for Australia, including deepening interoperability between the ADF and the US Marine Corps, increasing regional engagement and positioning us to respond to crises in the region, including humanitarian assistance and disaster relief.

The $2.25 billion investment for the Australia-Singapore Military Training Initiative will provide significant local economic opportunities in the Shoalwater Bay Training Area in Central and northern Queensland. These are all important in our changing strategic circumstances and are also important for northern Australia.

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

**Senator SCARR** (Queensland) (14:57): Can the minister outline to the Senate what the government is doing to deliver economic certainty and enhanced Australian Defence Force capability in northern Australia through the United States Force Posture Initiatives and the Australia-Singapore Military Training Initiative?

**Senator REYNOLDS** (Western Australia—Minister for Defence) (14:58): Again, thank you, Senator Scarr. To support both the $2 billion US Force Posture Initiatives and the $2.52 billion joint development of training areas with Singapore, this government is ensuring that it has the policies in place to maximise local industry involvement in all of these initiatives.

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**CHAMBER**
Through our local industry capability initiative, contractors are required to proactively identify the capacity of local industry in the regions surrounding all of these projects. For example, Laing O'Rourke are delivering training facilities in Shoalwater Bay, and they are engaging 80 per cent of their subcontractors from the surrounding Livingstone and Rockhampton regions. Northern Territory based Sitzler were recently awarded a significant contract to support the US Force Posture Initiatives, and they have committed to engaging 98 per cent of their contractors from the Northern Territory.

The PRESIDENT: Senator Scarr, a final supplementary question?

Senator SCARR (Queensland) (14:58): Can the minister advise how these initiatives enhance regional stability and benefit Australian Defence Force capability?

Senator REYNOLDS (Western Australia—Minister for Defence) (14:59): Northern Australia is a critical part of our nation's defence posture across Australia and regionally. Strengthening the ADF's relationships with key regional allies and partners is critical to ensuring that we can train, exercise and deploy on operations seamlessly, together with our allies. These initiatives strengthen the ADF's interoperability with two of Australia's most trusted and capable security partners, the United States and Singapore. Through the US Force Posture Initiatives and Exercise Talisman Sabre, the ADF is working with our ally the United States and with Japan and others to increase interoperability and maximise our regional engagement. Through our joint development of training areas with Singapore, we are also expanding cooperation and interoperability with the Singapore Armed Forces. Interoperability with our regional partners is central to developing the ADF's operational capabilities here and overseas. (Time expired)

Minister for Energy and Emissions Reduction

Senator CHISHOLM (Queensland) (15:00): My question is to the Minister representing the Minister for Emissions Reduction, Senator Birmingham. I refer to the investigation being conducted by the special strike force, Strike Force Garrad, established by the New South Wales police State Crime Command's Financial Crimes Squad into possible criminal behaviour by Minister Taylor. Yesterday Minister Birmingham told the ABC that 'the government will give full cooperation to their investigation'. Will Minister Taylor commit to being interviewed by Strike Force Garrad, established by the New South Wales police State Crime Command's Financial Crimes Squad?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (15:00): Firstly, Minister Taylor has made clear that he will give cooperation to any investigation. Secondly, I would note that the New South Wales police commissioner, in comments he has made to the media today, has made clear that in responding to the letter from the shadow Attorney-General—which Senator Cormann rightly characterised as being very much a politically driven effort by the Labor opposition—the first threshold that the New South Wales police will undertake is considering the complex legal questions as to whether there is even a matter of law to be assessed there. So the nature of the question, which jumps to assertions of whether or not interviews or the like will be required, may not ever come to fruition. The Labor Party, who asked for this investigation—you asked for this investigation—ought not seek to compromise the investigation by now politicising it. The New South Wales police commissioner has clearly...
outlined the steps that he will go through and that his officers will go through, and Minister Taylor has made clear that he will cooperate should that be required.

The PRESIDENT: Senator Chisholm, a supplementary question?

Senator CHISHOLM (Queensland) (15:02): The Australian Federal Police confirmed in estimates that Ministers Cash and Keenan both refused to be interviewed and failed to provide witness statements as part of investigations into the leaking of material relating to AFP raids on union offices. Is this the kind of cooperation Minister Taylor will be giving to the special crimes strike force, Strike Force Garrad, established by the New South Wales police State Crime Command's Financial Crimes Squad?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (15:02): There are a bunch of statements in that question that are erroneous in terms of the way in which they seek to verbal the Australian Federal Police and information that they have given in previous evidence to Senate estimates inquiries and other parliamentary processes. There's also an assertion being made by the senator that is getting way ahead of where any matter may be or may ever go to. Indeed, the senator ought to reflect on whether his questioning is helpful for getting the answer that the opposition claimed they wanted when they addressed this matter in the first place to the New South Wales police. Those opposite, if they want to get an honest answer from the New South Wales police, ought to avoid compromising the investigation by continuing to throw assertions around or make assumptions about how the investigation will proceed when in fact it may never get to the point of such— (Time expired)

The PRESIDENT: Senator Chisholm, a final supplementary question?

Senator CHISHOLM (Queensland) (15:03): Given Prime Minister Morrison's complete disregard for accountability for his own ministerial standards and this government's history of showing a complete disregard for police investigations into the possible criminal behaviour of their ministers, what confidence can Australians possibly have that Minister Taylor will give full cooperation to the investigation into his possible criminal behaviour?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (15:04): I think each and every member of the government would take extreme offence at an assertion that talks about the criminal behaviour of their ministers, a slur across the board. The opposition, and Mr Dreyfus in particular, have a track record of throwing mud, of throwing allegations and of writing letters off to police and to others. And what have all of those letters delivered so far? What have all those allegations amounted to? Naught, zip, zero, zilch—nothing at all in terms of all of Mr Dreyfus's approaches over the years. He writes off these letters. He's like a vexatious litigant who keeps going on and on and on making the claims, and nothing comes to fruition as a result of it.

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Prime Minister

Minister for Energy and Emissions Reduction

Senator KITCHING (Victoria) (15:05): I move:
That the Senate take note of the answers given by the Minister for Finance (Senator Cormann) and the Minister for Trade, Tourism and Investment (Senator Birmingham) to questions without notice asked by Opposition senators today relating to the conduct of a minister.

The most generous thing I think we can say about the member for Hume, Mr Taylor, is that he is the unluckiest MP in the parliament. The answers today by Senators Cormann and Birmingham failed not only to address what has now become a daily display of failure by Liberal-National Party ministers to abide by the Prime Minister's own ministerial standards—remember, these are the ministerial standards the Prime Minister himself enforces—but also to reassure the public that they are acting in a way that the public would expect of their elected representatives.

Paragraph 7.1 of these standards states:

Ministers must accept that it is for the Prime Minister to decide whether and when a Minister should stand aside if that Minister becomes the subject of an official investigation of alleged illegal or improper conduct.

It's the Prime Minister's decision, and what's he done? As Senator Birmingham said in response to a question: 'Zip, zilch, nothing'. He has done nothing.

Today the New South Wales Police Force confirmed that it had launched Strike Force Garrad to investigate the minister's involvement in the use of a false document. This morning in my contribution on the Orwellian named ensuring integrity bill, I was idly looking up the meaning of 'garrad' in the Urban Dictionary. I'm mindful of the President's ruling on functions in breweries, but if you look up the Urban Dictionary, you'll see that it says that 'garrad' means the dumbest—it doesn't use the word 'person'—person in the whole land, and maybe the New South Wales police have a sense of humour and that's why they've called it Strike Force Garrad. So when will the minister be stepped down?

**Senator Scarr:** Maybe you should respect the investigation.

**Senator KITCHING:** I'll take the interjection. We will take this investigation very seriously because what we have seen is that we have a minister who is repeatedly—repeatedly—breaching ministerial standards. Why do we know that? Because in the former term of this government we actually had a minister who did stand aside when there was a police investigation. Senator Sinodinos, who is about to become the Australian Ambassador to the United States, stood aside. They acted properly. They acted in a way that was consistent with the Statement of Ministerial Standards. Instead, what we have now is a minister, the member for Hume, who is under investigation. There is a police investigation ongoing. It doesn't matter why that happened. There is a police investigation happening.

**Senator Scarr:** Initiated by a political opponent.

**Senator KITCHING:** And again I'll take that interjection. It does not matter how something comes to light. If the police choose to investigate it, the police choose to investigate it. In fact, what we have seen in this is the police investigating it despite the fact that the New South Wales police commissioner has now been improperly involved in the Prime Minister's friendship that they have. I bet the Prime Minister's superhappy that the New South Wales police commissioner, Commissioner Fuller, decided to give that interview on 2GB in 2018 saying of the then Treasurer: 'He's such a good friend. He takes out my rubbish bins.' And what the Prime Minister, the member for Cook, has done is actually, whether it was inadvertent or not, made it more difficult for the Commissioner of the New South Wales
Police, a public servant. He has made it more difficult for that man to do his job without the question of bias being raised. That is an utterly irresponsible action.

Senator Scarr: Just like your questions.

Senator KITCHING: Well, someone has to keep you people to account, given that you are incapable of implementing your own Statement of Ministerial Standards. It is breathtakingly inappropriate that the Prime Minister would intervene in an ongoing police investigation by leveraging an old friendship in order to influence this. If the Prime Minister did not have sufficient judgement to not make the call, surely there are enough people in the Prime Minister's own office who might have thrown themselves in front of the phone to say: 'No. Don't make the phone call. It's inappropriate.' But, no, we shouldn't worry about it because—don't worry everyone—it was just an extremely short phone call. (Time expired)

Senator SESELJA (Australian Capital Territory—Assistant Minister for Finance, Charities and Electoral Matters) (15:11): I thank Senator Kitching. I find it ironic that Senator Kitching is leading this charge, given what the Fair Work Commission and the royal commission found in relation to Senator Kitching's own conduct. I think they found that Senator Kitching broke the law by falsifying the right-of-entry test and lying to both commissions by denying such conduct.

Senator Kitching: Point of order: I think if you actually read through the documents you would see. I'm sure you've been given that by the Prime Minister's office. I would invoke standing order 193 suborder 3. Further to the point of order, I'm not sure whether Senator Seselja knows what that is, but it's about imputation, so, you can quote correctly—

Senator SESELJA: I am quoting.

The DEPUTY PRESIDENT: Are you quoting from the Hansard?

Senator SESELJA: I'm quoting the Fair Work Commission.

The DEPUTY PRESIDENT: Perhaps you can supply us with the quote, because otherwise I would ask you to withdraw it, but, if it's a quote—

Senator SESELJA: I was quoting. I was quoting from the Fair Work Commission.

The DEPUTY PRESIDENT: I am asking you to, at some point, show us. Perhaps it's a good idea to table the quote.

Senator SESELJA: No. I don't need to table it in order to quote it.

The DEPUTY PRESIDENT: I know you're not required. I'm asking you, in the spirit of good relations in the Senate, to consider tabling the quote, if it is a quote.

Senator SESELJA: I note that request, and I thank you for it. The Fair Work Commission found on the totality of the evidence:

... I find that Ms Kitching performed these tests. Ms Kitching's denials of knowledge and involvement cannot be accepted.

So it is interesting that it is Senator Kitching leading this attack.

But let's go to the substance of what the Labor Party are saying. They are saying that, because the serial referrer to the police, Mr Dreyfus, the shadow Attorney-General, has written another letter to the police, and because the police, when they get something from
someone senior in politics like the shadow Attorney-General, have to give it due regard, they are saying now that should be the test and that people should have to stand aside.

What has Mr Dreyfus's record been in the past in referring? He has referred a lot. He has referred nine matters, I believe, to police or other agencies, wasting their resources. He is the vexatious litigant. He referred George Brandis. He referred Christian Porter. He referred Stuart Robert. He threatened to refer Jamie Briggs. Every time this guy gets up to give a press conference and wants to refer somebody to the police. How many times has it led to charges? None. So we've got the shadow Attorney-General, who couldn't become the Attorney-General, because of the poor performance of him and the leadership of the Labor Party, who couldn't get into government, now wanting to bring down ministers by writing angry letters.

The DEPUTY PRESIDENT: Senator Kitching?
Senator Kitching: Mr Dreyfus, of course, was the Attorney-General.

The DEPUTY PRESIDENT: What is the point of order, Senator Kitching?
Senator Kitching: In fact, incorrect information.

The DEPUTY PRESIDENT: That's a debating point.
Senator Kitching: Well, on relevance.

Senator SESELJA: Indeed, the frustrated shadow Attorney-General, Mr Dreyfus, whose party failed so badly to make him the Attorney-General and get into government, now wants to bring down ministers by firing off more letters. He should be seen for what he is: a serial vexatious complainant with complaints that lead nowhere. He wastes police resources time after time after time. What the Labor Party is now saying is that, every time the shadow Attorney-General fires off a letter to the police, and the police then take that seriously because he's the shadow Attorney-General, we should have to stand someone down—absolutely absurd.

We know, in fact, that the former Leader of the Opposition, Mr Shorten, was under investigation by the police and remained as the opposition leader, leading the Labor Party, and as the alternative Prime Minister.

Opposition senators interjecting—

Senator SESELJA: This mob just sits there and interjects because the truth hurts.

The DEPUTY PRESIDENT: Senator Seselja, please resume your seat. I've asked you to resume your seat. Senator Seselja has the right to be heard in silence. I would ask people to respect that right. Please resume, Senator Seselja.

Senator SESELJA: Thank you, Deputy President. But I understand why they want to interject: because they don't like hearing the truth of these failed attacks from Mr Dreyfus and the Labor Party and the politics of smear. What is this about? This is about the fact that the Labor Party can't live with the fact that they lost the election, and Mr Dreyfus in particular can't live with the fact that he lost the election. So he thinks he can just fire off letters to the police asking for investigations. In the past he has referred other ministers, and where has that led? Absolutely nowhere.

Minister Cormann made the point rightly in question time today: what if this were the new standard to be adopted by this serial vexatious complainant, the frustrated, angry Mr Dreyfus, who can't cope with his position in life, is considering his position in this parliament, wants to
go off and be a QC again and can't cope with the fact that he is not the Attorney-General right now? I've got news for Mr Dreyfus and the Labor Party; the way to get there is not through the politics of smear. It is not by bringing good people down. It is not by firing off letters to the police. It is by going and convincing the Australian community that the plan you have for them is a plan in the national interest—that you have the better plan. But you took a plan for $387 billion of taxes, and the absolute politics of envy, fear and smear is now being brought into our federal parliament to replace policies of substance.

So we're not going to be lectured to by the Labor Party, and we're certainly not going to adopt this standard that the Labor Party never adopted. We're not going to adopt a standard that, when you get complaints from this serial vexatious litigant, the frustrated Mr Dreyfus, we would have to stand ministers down. It is an absurd claim from the Labor Party, and they would be laughed out of court. Mr Dreyfus would be laughed out of court, and he should be laughed— *(Time expired)*

**Senator O'NEILL** (New South Wales) *(15:17)*: Let's be clear about the facts:

The NSW Police Force is in the early stages of investigating information into the reported creation of fraudulent documentation.

That's the quote that's on the public record from the New South Wales police. Detectives from the State Crime Command's Financial Crimes Squad have launched Strike Force Garrad to investigate the matters and determine if any criminal offences have been committed.

The way in which this government has chosen to answer questions and to impugn the shadow Attorney-General for daring to ask for an inquiry is a disgrace.

The New South Wales commissioner for police has been impugned in this place today by what the government clearly think is a clever argument. They have diminished Mr Fuller by attempting in this place to create a perception that he was incapable of making a sound judgement about whether to proceed or not to proceed. Mr Fuller, on the facts presented to him, chose to proceed with an investigation. The minute he did that, the Prime Minister should have taken the action that is required of him by the Statement of Ministerial Standards. He should have implemented 7.1, which says:

Ministers must accept that it is for the Prime Minister to decide whether and when a Minister should stand aside if that Minister becomes the subject of an official investigation of alleged illegal or improper conduct.

Well, it is alleged. There are many allegations that linger long around Mr Taylor, the member for Hume. The commissioner of police in New South Wales, Mr Fuller, has determined that there is sufficient evidence for him to launch an inquiry. In the context of that inquiry, Mr Taylor, the member for Hume, should be stood down. If he doesn't have enough integrity to do it himself, the Prime Minister should stand him down.

This bloke has form. I am proud to be the Labor senator who looks after the seat of Hume, and I visit there on many occasions. There's embarrassment in that community about their current member. The $80 million water buyback—this is that guy. The repeated misleading claims on carbon emissions—that's this guy. 'Grassgate’—Mr Taylor accused of misleading the Australian parliament regarding his involvement in a scandal connected to his family businesses—that's who this guy is. He has form. On 24 June this year, when Councillor Moore and a member of the New South Wales parliament declared a climate emergency,
which was endorsed by the council, they wrote to the federal government, and it upset Mr Angus Taylor. He was so upset that he wrote a letter to Councillor Moore in response to her suggestions and suggested that the council should take practical steps. The problem is that, in the letter he wrote, he articulated a claim that the council spent $1.7 million on international travel and $14.2 million on domestic travel, which was completely at odds with the figures that remain today on the website he says he acquired them from.

The guy has form and it's all bad. It stinks to high heaven, and this government knows it. Yet they are lining up to defend him—perhaps not all; we have to go to Senator Birmingham's responses today. Their shortness was quite good, actually. I would appreciate that more often. He said:

That is the advice of Minister Taylor.

... ... ...

I refer ... to Mr Taylor's statement ...

... ... ...

Minister Taylor has made a statement ...

That's the degree of defence offered by Senator Birmingham. The reality is that, like rotting prawn shells cooking away in wheelie bins across this country, the stench of Angus Taylor is becoming more rank by the day, and, like a primitive poultice stench, that stench now hangs around the neck of the Prime Minister. Australians deserve better. Apparently Mr Morrison can manage to take out the rubbish in the shire. He should be taking out the trash here in Canberra as well. I call on the Prime Minister, as my colleagues in the other place have, to stand down Mr Taylor. He deserves to go.

The police commissioner in New South Wales deserves a lot more respect than a mate-mate conversation by the Prime Minister seeking to influence the outcome of the inquiry. (Time expired)

Senator O'SULLIVAN (Western Australia) (15:23): Here we are—another question time; another take note of answers—and we've seen, yet again, that those opposite have nothing to offer the Australian people. All we see is more fear, more smear and more negativity. These people are meant to be the alternative government of Australia. Where's the vision? Where's the inspiration? This is all about one letter from a political opponent in the other place—the member for Isaacs; the shadow Attorney-General, no less—to the New South Wales police to start a politically motivated investigation. The Prime Minister has made the government's position clear on this. It doesn't matter how many times you ask the same question or how many times we provide an answer that you don't like; our response does not change. This is nothing more than a distraction from those opposite to fool the Australian people into thinking that they're doing something.

On this side we're actually interested in governing. We're interested in delivering to the Australian people. This week, whilst we've been delivering historic trade agreements with Peru, Indonesia and Hong Kong, among many others, including China, Japan and Korea, as well as the Trans-Pacific Partnership, they have a record of inaction. We have a record trade surplus—a $22 billion trade surplus—while their record in government is abysmal. Not just that. We saw the unions threatening, at the Northern Territory party conference, to dump MPs who support our position on trade. They are truly beholden to them.
Then we have the ensuring integrity bill. They should be standing with us, standing with small and family businesses, including the 31,500 SMEs in the building sector. They should be standing with everyday Australian workers, standing with us against the lawlessness, intimidation and bullying in Australian workplaces, but they won't, because it's not in their best interests. Rather, they're standing up for union bosses over the workers they claim to represent—unions over small businesses and family businesses, unions over everyday Australians and the economy, and unions over the law. It's no wonder they're looking for a distraction.

Over there, on that side of the chamber, what you see is a party so bereft of inspiration, vision or any plan for this country that they must tear us down at any opportunity. When they can't get any traction on policy, they start going after people. They're afraid of our record of achievement. After all, we're standing up for everyday Australians out there having a go. We're a threat to them. We're growing the economy. We're delivering economic growth. We've put in place a business and investment environment which is creating jobs and providing opportunities for all Australians. All they have is fear and smear. That's one thing, but it's another to continue to talk down our country and stand in the way of jobs, growth, enabling policies and productivity. It's not in their interests to do otherwise. Over there, they're worrying about annoying the union movement and whether they can support legislation that would support Australian businesses. We'll be over here, undeterred, governing and getting on with the job. They just don't get it. The Australian people won't get caught up in their distractions, their politics of envy or their grievances. The Australian people are just concerned about living their lives—working, raising their families and having access to world-class government services, which they deserve, and that is what we're delivering in the Morrison government.

Senator AYRES (New South Wales) (15:27): Today we've heard the most confused and inconsequential defence of a minister in the Morrison government who should have gone yesterday and must go today. We saw the Prime Minister, all this week, defend the member for Hume. Today in the Senate, Senator Cormann and Senator Birmingham gave wholly unconvincing accounts. Apparently, this scandal is the Labor Party's fault. Apparently, it's okay to ring the commissioner of police in New South Wales about an active police investigation. The commissioner of police, as you've said before, is your mate, so you get on the blower to the commissioner of police in New South Wales to sort out the details.

Today in the Senate, Senator Cormann dodged the question about whether the government and the Prime Minister were going to provide the transcript or other records of that conversation. It must be provided today if there is going to be any shred of credibility left with this government. The government is loose with the truth and doesn't have a plan for the real issues that confront Australians. Today and tomorrow, this is a government that wants to impose upon Australian workers a bill cutely entitled 'ensuring integrity'. Integrity? These people wouldn't know integrity if it bit them in the face. Who is this bloke, the member for Hume, Mr Taylor? He's had a golden run into the parliament. He is the square-jawed son of the squattocracy and had the finest boarding school education and university education that money can buy. A silver spoon doesn't touch the sides of the level of privilege, entitlement and unwarranted expectations that surrounded this bloke's rails run into the Commonwealth parliament. The National Party, or what remains of the National Party in this country, even
stepped aside to gift this bloke from Woollahra a country seat. What craven characters they are!

He was described on his way into the parliament as having Kennedy-esk good looks. People on that side of the joint said he was the hope of the side—a future Prime Minister. Somebody said—I bet it wasn't Senator Fierravanti-Wells—that he was 'blisteringly intelligent'. How the mighty have fallen! In the year of his pre-selection, records show that he made a $155,000 donation to the Liberal Party in New South Wales. Parliamentary life can be tougher than people think on the way in here! All he has done since he has come to this place has been for personal advantage, personal advancement and wilful ideological follies. It has all come to a shuddering halt.

This born-to-rule sense of entitlement means that he is a weak link in a weak government. What is his record? It's a record of entitlement, poor judgement, low capacity and the relentless pursuit of self-interest. In October he was out there claiming incorrectly to the parliament that Australian emissions were going down when they were going up. He has already been exposed in this parliament for advocating to the then Minister for the Environment about a property that he part-owned. An investigation of land clearing in endangered grasslands was commenced about the property that he partly owned. What did he do? Well, he did what one college boy does for another college boy: he picked up the phone and he went for a meeting. I'm sure it was brandy and cigars and 'What can we do about this, old chap?' The bunyip aristocracy in New South Wales and the seat of Hume lives on. Some farmers resent regulation of land clearing and some don't, but the law applies equally—unless you're the member for Hume.

This week's calamity is about forged, fraudulent documents that were leaked to The Daily Telegraph by this minister, in a way that he cannot account for, in order to damage an elected official in the City of Sydney. The New South Wales Police has commenced an investigation. He must stand down today.

Question agreed to.

Climate Change

Senator WATERS (Queensland) (15:32): I move:

That the Senate take note of the answer given by the Minister for Trade, Tourism and Investment (Senator Birmingham) to a question without notice asked by Senator Waters today relating to climate change.

I asked the representing minister about the UN Environment Program report released overnight, which is not very happy reading, I have to say. It says that countries now, in fact, need to reduce emissions by 7.6 per cent every single year for the next decade to have any chance of globally, us collectively, meeting that 1.5 degree aspirational target that the world signed up to in 2015 in Paris. Some of the language used in the report is quite scary. It describes the scale of that effort—considering that we've just wasted the last decade to reduce emissions—and says that 'unprecedented transformative efforts by all' is what's required, according to the United Nations.

Sadly, we got the usual response from this government that we are 'meeting and beating' targets, and there was crowing about how we are meeting our Kyoto target—conveniently ignoring that Australia was the only country that got an increase in allowable emissions in
that first Kyoto period. We were allowed to increase emissions by eight per cent. So it is no wonder that we met that target—it was an increase! The audacity of this government to be proud of that is a national and international embarrassment. So I am afraid that really doesn't fly.

The next premise that the minister went to was that we're going to be beating our second target. Again, the only reason that Australia is potentially anywhere near meeting that target is that we are using carryover credits from that first Kyoto period. So, essentially, we're cooking the books. We were allowed to increase emissions, we've banked some of that and we're now going to deduct that from our existing emissions. No other country is doing that. Other countries, including France and, I think, Germany, have said that they will voluntarily relinquish those carryover credits. They won't seek to use dodgy accounting to try to swindle the world's climate. They will genuinely just seek to meet their targets without using these carryover credits. Australia is the lone country that still seeks to rely on those carryover credits—again, the arrogance and audacity of this government in trying to describe us as a leader in climate policy!

The actual wording of the United Nations Environment Program overnight was that Australia had no major policy tool to encourage emissions reductions, and this government is trying to say we're a global leader. The point I made was that, yes, we are a leader—in per capita emissions. We are, at the minute, the highest per capita emissions polluter in the world. Even if this government's anti-science, weak targets were met, which it doesn't look like they're going to be, we would still be the world's largest carbon emitter per person. So this government has absolutely not a leg to stand on when it comes to climate policy, and the world knows it.

That criticism from the UN overnight was absolutely stark: no major policy tool to encourage emissions reductions. In fact, the UN took the approach of quoting back to this government its own department's evidence, which shows that in the next 10 years—that now really critical decade, since we just wasted the last critical decade—in fact emissions would remain largely unchanged. These are the department's own figures saying that this government's useless climate policy won't make a difference for the next decade. Emissions won't come down. The UN has picked up on that data, and the minister simply refuses to accept the facts. I think they're in a parallel universe, because he talked about meeting the science. If the science were to be met, you'd be taking action to reduce emissions by 7.6 per cent per year, as the UNEP has just said that, globally, we all need to do. But no. What they will do is continue to take the donations from the fossil fuel companies—from big oil, big gas and big coal. They'll take that to the bank, they'll use it to get themselves re-elected and they will continue to do absolutely nothing to address the climate crisis. This is despite the fact that the nation is on fire. We're still not in summer, yet in my home state of Queensland we've had those fires for months already. We've seen half the coral cover of the Great Barrier Reef permanently die thanks to those two back-to-back bleaching episodes, which are climate induced, and this government still just takes money from big coal, big oil and big gas, ignores the science, uses dodgy accounting and has the audacity to call itself a government.

Question agreed to.
NOTICES

Presentation

Senator FIERRAVANTI-WELLS (New South Wales) (15:38): On behalf of the Standing Committee on Regulations and Ordinances, I give notice of my intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notice of motion No. 1 standing in my name for that day, proposing the disallowance of the Quality of Care Amendment (Minimising the Use of Restraints) Principles 2019. I'm pleased to advise the chamber that on 25 November an instrument to implement the minister's undertaking was registered in the Federal Register of Legislation and, as a result, the committee has resolved to withdraw the notice of motion to disallow the instrument.

Senator WATERS (Queensland) (15:38): I give notice that, on the next day of sitting, I shall move a motion about, sadly, more people dying in coalmines because there are no workplace health and safety laws.

Presentation

Senator Payne to move on the next day of sitting:
That the following bill be introduced: A Bill for an Act to amend legislation relating to the criminal law and law enforcement, and for related purposes. Crimes Legislation Amendment (Combating Corporate Crime) Bill 2019.

Senator McKenzie to move on the next day of sitting:
That the following bill be introduced: A Bill for an Act to amend laws relating to biosecurity and imported food to provide for streamlined administration through automated decision-making, and for related purposes. Agriculture Legislation Amendment (Streamlining Administration) Bill 2019.

Senator McKenzie to move on the next day of sitting:
That the following bill be introduced: A Bill for an Act to amend the Wine Australia Act 2013, and for related purposes. Wine Australia Amendment (Label Directory) Bill 2019.

Senator Hanson to move on the next day of sitting:
That the following bill be introduced: A Bill for an Act to ensure the viability of Australia's dairy industry, and for related purposes. Saving Australian Dairy Bill 2019.

Senator Di Natale to move on the next day of sitting:
(1) That a select committee, to be known as the Select Committee into the Impacts of Climate Change on Everyday Australians, be established to inquire and report on the following matters:

(a) hearing testimony directly from Australians who:

(i) have already experienced the impacts of climate change on their lives, or
(ii) have observed how the land and the local region in which they live is changing, or
(iii) anticipate imminent changes to aspects of their lives or their local communities as a result of climate change;

(b) what three degrees of warming above pre-industrial emissions levels would mean for Australian communities and society; and

(c) any other related matters.

(2) That the committee present its final report on or before 17 June 2020.
That the committee consist of five senators, two nominated by the Leader of the Government in the Senate, two nominated by the Leader of the Opposition in the Senate and one nominated the Leader of the Australian Greens.

(4) That:

(a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority party or independent senator; and

(b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee.

(5) If a member of a committee is unable to attend a meeting of the committee, that member may in writing to the chair of the committee appoint a participating member to act as a substitute member of the committee at that meeting. If the member is incapacitated or unavailable, a letter to the chair of a committee appointing a participating member to act as a substitute member of the committee may be signed on behalf of the member by the leader or whip of the party or group on whose nomination the member was appointed to the committee.

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

(7) That the committee elect as chair the member nominated by the Leader of the Australian Greens, and as deputy chair a member nominated by the Leader of the Opposition in the Senate.

(8) That the deputy chair shall act as chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

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

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

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

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

(13) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings, the evidence taken and such interim recommendations as it may deem fit.

(14) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President of the Senate.

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

Senator Faruqi to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) Asset Energy and their project partners are planning to conduct further seismic testing for gas off the coast of Newcastle and the Central Coast in New South Wales,
(ii) the Environmental Plan for the seismic testing is currently being developed and, once submitted, the community will have only 28 days to respond to the regulator, and

(iii) the community is concerned that the Environmental Plan may be lodged with the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) during the holiday period, limiting opportunities for genuine community consultation and feedback; and

(b) calls on NOPSEMA to:

(i) ensure that if any Environmental Plan is exhibited for community consultation during December 2019 or January 2020, that the community consultation period is extended to at least 60 days, and

(ii) conduct extensive public hearings in the affected communities of the Central Coast, Northern Beaches and Newcastle, and to advertise the hearings extensively in local media.

Senator Dean Smith to move on the next day of sitting:

That the Senate—

(a) notes the devastation recent bushfires have inflicted on communities across New South Wales and Queensland;

(b) commends the NSW Rural Fire Service, Fire and Rescue NSW, the Queensland Rural Fire Service and Queensland Fire and Emergency Services for their professionalism and dedication to protecting life and property in their communities; and

(c) acknowledges the 103 Western Australian Department of Fire and Emergency Services and Department of Biodiversity, Conservation and Attractions specialist personnel who were deployed to New South Wales and Queensland to assist in a variety of incident management roles, including aerial suppression, ground support, planning, logistics and operations.

Senators Kitching, Ciccone, Carr and Walsh to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) the Department of Home Affairs employs over 125 dedicated and hardworking Victorians to process visa applications,

(ii) this is crucial work that ensures the integrity of our visa processing system and is the cornerstone of our sovereignty as a nation,

(iii) the Federal Government's plan to privatise Australia's visa system threatens the livelihoods of over 125 Victorians and their families, and

(iv) privatising Australia's visa system will lead to increased costs of visas, greater risks of worker exploitation, data security breaches and will make protecting national security more difficult;

(b) condemns the Federal Government for auctioning Australian jobs off to the highest bidder, and for undermining the integrity of our visa processing system and our nation's sovereignty; and

(c) calls on the Federal Government to guarantee the protection of these 128 jobs in Victoria, and the 2000 jobs across Australia, which will be lost under the Morrison Government if they persist with their efforts to privatise Australia's visa system.

Senators Pratt, Dean Smith and Di Natale to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) 1 December 2019 is World AIDS Day, an annual day to acknowledge those we have lost to AIDS-related conditions and those who are living with HIV,
(ii) the theme for World AIDS Day 2019 is 'Every Journey Counts',
(iii) stigma associated with HIV acts as a barrier to treatment and prevention,
(iv) action, as outlined for implementation in the Eighth National HIV Strategy, is needed to address rising HIV transmission among First Nations, trans and gender diverse people, and other emerging high-risk population groups,
(v) while there has been a decrease in new transmissions, gay and bisexual men continue to bear the burden of Australia's HIV epidemic, and ongoing health education and awareness among this population group is needed,
(vi) ongoing bipartisan political action and leadership is required to meet our national target of ending HIV transmission in Australia, and
(vii) the priority areas for action in the Eighth National HIV Strategy include:
   (A) education and prevention,
   (B) testing, treatment and management,
   (C) equitable access to and coordination of care,
   (D) workforce,
   (E) addressing stigma and creating an enabling environment, and
   (F) data, surveillance, research and evaluation; and
(b) recognises and acknowledges:
   (i) the journey that people have made through their diagnosis, treatment and experiences of living with HIV,
   (ii) the tremendous efforts of peer educators, healthcare professionals, researchers and scientists in developing treatment and prevention regimes that have improved the lives of people living with HIV, and prevented a generalised epidemic in Australia, and
   (iii) the tireless community advocates, civil society organisations and support groups that actively tackle stigma associated with HIV.

Senator Gallagher to move on the next day of sitting:

Senators Griff and McAllister to move on the next day of sitting:
That the following bill be introduced: A Bill for an Act to amend the National Consumer Credit Protection Act 2009, and for related purposes. National Consumer Credit Protection Amendment (Small Amount Credit Contract and Consumer Lease Reforms) Bill 2019.

Senator Watt to move on the next day of sitting:
That the Senate—
(a) notes that:
   (i) the Federal Government's Northern Australia White Paper was released more than four years ago,
   (ii) there have been three Prime Ministers and two Ministers for Northern Australia in that time period,
   (iii) the Northern Australia Infrastructure Facility (NAIF), announced in the 2015-16 Budget, as part of the White Paper, was described by the then Treasurer, Mr Hockey, as the 'first major step in our plan for our great North',

CHAMBER
(iv) over four years, the NAIF has only released $44 million – less than 1% of its $5 billion budget,

(v) the NAIF has been the subject of four reviews, including another one just announced by the Minister for Resources and Northern Australia (the Minister),

(vi) the NAIF has recently announced the collapse of one loan awarded to a project in the Pilbara,

(vii) the NAIF has also been forced to delay its largest loan to date, a $610 million loan to the Genex Kidston hydro pumped power station in North Queensland,

(viii) the Minister will not reveal how jobs have been created in Northern Australia as a result of projects that have received loans from the NAIF, and

(ix) more than $400,000 in bonuses have been paid to senior executives at the NAIF, in the last year alone; and

(b) calls on the Minister for Resources and Northern Australia to fix the failures of his Northern Australia agenda, and start delivering real jobs in the North.

Senator Wong to move on the next day of sitting:

(1) That the Senate requires the Minister representing the Prime Minister to attend the Senate at 3.30 pm on 28 November 2019 to table the following documents:

(a) a transcript of the phone call between the Prime Minister and the Commissioner of the New South Wales Police Force that took place on Tuesday, 26 November 2019;

(b) any notes taken by the Prime Minister, by his office or by officials during the call;

(c) any briefings prepared for the Prime Minister by his Department or office, for the purposes of the phone call; and

(d) any advice provided to the Prime Minister about the appropriateness of making the call.

(2) That following presentation of the documents, or in the event the Minister fails to table the documents, at 3.30 pm on 28 November 2019, any senator may move to take note of the response to paragraph (1).

(3) That any motion under paragraph (2) may be debated for no longer than 60 minutes, shall have precedence over all business until determined, and senators may speak to the motion for not more than 10 minutes.

Senators Siewert and Faruqi to move on the next day of sitting:

That the Senate—

(a) notes that the November 2019 Rental Affordability Index Report found that:

(i) a single person on Newstart needs to pay over 77% of their income on rent to live in any capital city area,

(ii) 43% of low-income households are currently in housing stress, compared to 35% in 2008,

(iii) rents for a single person on Newstart are severely to extremely unaffordable across all states, in both metropolitan and regional areas, and

(iv) rental stress pushes single people on Newstart to the outer fringes of our cities making it harder to access employment and training; and

(b) calls on the Federal Government to:

(i) immediately increase Newstart and Youth Allowance to allow people in our community to have dignity of choice, and

(ii) immediately address housing stress experienced by people on low incomes across Australia.

Senator Lambie to move on 4 February 2020:
That the following bill be introduced: A Bill for an Act to amend the Commonwealth Electoral Act 1918, and for related purposes. Commonwealth Electoral Amendment (Donation Reform and Other Measures) Bill 2019.

Senator Fierravanti-Wells to move 15 sitting days after today:
That the Telecommunications (Protecting Australians from Terrorist or Violent Criminal Material) Direction (No. 1) 2019, made under the Telecommunications Act 1997, be disallowed [F2019L01159].

Senator Waters to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) on 25 November 2019, Mr Brad Duxbury was tragically killed at the Carborough Downs mine site at Coppabella, Queensland,
(ii) Mr Duxbury's death is the fifth fatality on a Queensland mine site in the past 12 months,
(iii) there have also been more than 100 confirmed cases of mine-dust–related diseases in Queensland, and
(iv) nationally, Safe Work Australia's report, Work-related Traumatic Injury Fatalities, states that 9 mine fatalities were recorded in 2018; and
(b) calls on the Federal Government to:
(i) recognise that people have the right to a safe workplace free from occupational hazards,
(ii) implement the recommendations contained in the report of the Education and Employment References Committee, tabled on 17 October 2018, on its inquiry into industrial deaths in Australia entitled, They never came home – The framework surrounding the prevention, investigation and prosecution of industrial deaths in Australia, and
(iii) work with Safe Work Australia and all state and territory governments to implement a nationally-consistent industrial manslaughter offence into the model workplace health and safety laws.

Intention to withdraw: Senator McKim on behalf of the Parliamentary Joint Committee on Human Rights, pursuant to standing order 78, gave notice of his intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notice of motion no. 2 standing in his name for that day for the disallowance of the Quality of Care Amendment (Minimising the Use of Restraints) Principles 2019 [F2019L00511].

Withdrawal

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:39): At the request of Senator Rice, I withdraw business of the Senate notice of motion No. 1 standing in her name for today, proposing a reference to the Legal and Constitutional Affairs References Committee.

Postponement

The Clerk: Postponement notifications have been lodged as follows:

Business of the Senate notice of motion no. 2 standing in the name of Senator Patrick for today, proposing a reference to the Foreign Affairs, Defence and Trade References Committee, postponed till 4 December 2019.

General business notice of motion no. 277 standing in the name of Senator Faruqi for today, relating to Islamophobia in Australia, postponed till 28 November 2019.

General business notice of motion no. 283 standing in the name of Senator Hanson-Young for today, relating to Great Australian Bight, postponed till 28 November 2019.
General business notice of motion no. 285 standing in the name of the Leader of the Australian Greens (Senator Di Natale) for today, relating to Australian charter of rights, postponed till 28 November 2019.

COMMITTEES
Economics References Committee
Reporting Date
The Clerk: Committees have lodged extension notifications as follows:

The PRESIDENT (15:40): I remind senators that the question may be put on any proposal at the request of any senator. There being none, we will move on.

BUSINESS
Rearrangement
Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (15:40): At the request of Senator Ruston, I move:
That—
(a) if the notices of motion proposing the disallowance of the Quality of Care Amendment (Minimising the Use of Restraints) Principles 2019, standing in the names of the Chair of the Standing Committee on Regulations and Ordinances (Senator Fierravanti-Wells) and Senator McKim, on behalf of the Parliamentary Joint Committee on Human Rights, for three sitting days after today (28 November 2019), have not been resolved by 12 pm on 28 November 2019, the notices of motion be called on and considered together at 3 pm on 28 November 2019; and
(b) if consideration of the motions listed in paragraph (a) is not concluded by 4 pm, the question on the unresolved motions shall then be put.
Question agreed to.

COMMITTEES
Public Works Committee
Reference
Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (15:40): At the request of Senator Seselja, I move:
That, in accordance with the provisions of the Public Works Committee Act 1969, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report, as expeditiously as possible:
Fit-Out of Leased Premises for the Australian Taxation Office at 152 Wharf Street, Brisbane.
Australian Securities and Investments Commission - Proposed Fit-Out of Leased Premises, 100 Market Street Sydney.
Armoured Fighting Vehicles Facilities Program Stage 1.
LAND 121 Stage 5B Facilities Project.
Reserve Bank of Australia - Head Office Workplace Project.
I table statements relating to the works.
Question agreed to.
Regulations and Ordinances Committee
Report

Senator FIERRAVANTI-WELLS (New South Wales) (15:41): I move:

That, in accordance with the recommendations of the Standing Committee on Regulations and Ordinances in its report, Parliamentary scrutiny of delegated legislation—

(1) The standing orders be amended, with effect from 4 December 2019, as follows:

(a) omit standing order 23, substitute:

23 Scrutiny of Delegated Legislation

(1) A Standing Committee for the Scrutiny of Delegated Legislation shall be appointed at the commencement of each Parliament.

(2) All instruments made under the authority of Acts of the Parliament, which are subject to disallowance, disapproval or affirmative resolution by the Senate and which are of a legislative character, shall stand referred to the committee for consideration and, if necessary, report.

(3) The committee shall scrutinise each instrument as to whether:

(a) it is in accordance with its enabling Act and otherwise complies with all legislative requirements;

(b) it appears to be supported by a constitutional head of legislative power and is otherwise constitutionally valid;

(c) it makes rights, liberties, obligations or interests unduly dependent on insufficiently defined administrative powers;

(d) those likely to be affected by the instrument were adequately consulted in relation to it;

(e) its drafting is defective or unclear;

(f) it, and any document it incorporates, may be freely accessed and used;

(g) the accompanying explanatory material provides sufficient information to gain a clear understanding of the instrument;

(h) it trespasses unduly on personal rights and liberties;

(i) it unduly excludes, limits or fails to provide for independent review of decisions affecting rights, liberties, obligations or interests;

(j) it contains matters more appropriate for parliamentary enactment; and

(k) it complies with any other ground relating to the technical scrutiny of delegated legislation that the committee considers appropriate.

(4) The committee shall also scrutinise each instrument to determine whether the attention of the Senate should be drawn to the instrument on the ground that it raises significant issues, or otherwise gives rise to issues that are likely to be of interest to the Senate.

(5) The committee may, for the purpose of reporting on its terms of reference, consider any proposed or draft legislative instrument, including an exposure draft of such an instrument.

(6) (a) The committee shall consist of 6 senators, 3 being members of the government party nominated by the Leader of the Government in the Senate, and 3 being senators who are not members of the government party, nominated by the Leader of the Opposition in the Senate or by any minority groups or independent senators.

(b) The nominations of the opposition or any minority groups or independent senators shall be determined by agreement between the opposition and the minority groups or independent senators, and,
in the absence of agreement duly notified to the President, the question of the representation on the committee shall be determined by the Senate.

(7) The committee may appoint sub-committees consisting of 3 or more of its members, and refer to any such sub-committee any matters which the committee is empowered to consider.

(8) The committee shall elect as chair a member appointed to the committee on the nomination of the Leader of the Government in the Senate.

(9) The committee shall elect as deputy chair a member appointed to the committee on the nomination of the Leader of the Opposition in the Senate, and the member so elected shall act as chair of the committee when there is no chair or the chair is not present at a meeting of the committee.

(10) Where votes on a question before the committee are equally divided, the chair, or the deputy chair when acting as chair, shall have a casting vote.

(11) The committee and any sub-committee shall have power to send for persons and documents, to move from place to place, and to meet and transact business in public or private session and notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives.

(12) The committee may inquire into and report on any matter related to the technical scrutiny of delegated legislation.

(13) The committee may appoint with the approval of the President a legal adviser to the committee.

(14) The committee shall be empowered to print from day to day any of its documents and evidence. A daily Hansard shall be published of public proceedings of the committee.

(15) The committee may report from time to time its proceedings and evidence and any recommendations, and shall make regular reports of the progress of the proceedings of the committee.

(b) omit standing order 25(2)(a), substitute:
(a) The legislation committees shall inquire into and report upon:
(i) estimates of expenditure in accordance with standing order 26,
(ii) bills or draft bills referred to them by the Senate,
(iii) legislative instruments made in the portfolios allocated to them,
(iv) annual reports in accordance with paragraph (20), and
(v) the performance of departments and agencies allocated to them.

(2) The initial members of the Standing Committee for the Scrutiny of Delegated Legislation shall be the members of the Standing Committee on Regulations and Ordinances appointed at the commencement of this Parliament.

(3) The Standing Committee for the Scrutiny of Delegated Legislation have the power to consider and use the records of the Standing Committee on Regulations and Ordinances.

I seek leave to make a short statement.

Leave not granted.


The PRESIDENT: Leave is granted for one minute.

Senator KIM CARR: I'd like to make clear what the Labor Party's position is on this matter. The Standing Committee on Regulations and Ordinances is one of the Senate's oldest and most respected committees. It has always operated as a technical, nonpartisan scrutiny committee, responsible for scrutinising delegated legislation made by the executive branch of the government. The committee ensures, on the Senate's behalf, that executive-made laws
comply with the fundamental principles of parliamentary supremacy and the rule of law. This notice of motion proposes amendments to the standing orders in accordance with these principles and the unanimous recommendations of the committee's 2019 inquiry report. On 31 July 2019 the committee agreed to lodge this notice of motion while providing for it to be considered this month to allow the Senate time to consider the proposed changes in detail before it was considered on the floor of the chamber. It's unprecedented that the chair of this committee be denied leave by the government in the way which has occurred today, so, on behalf of Senator Fierravanti-Wells—

The PRESIDENT: The time for the statement has expired.

Senator Kim Carr: Was that a minute?

The PRESIDENT: It was a minute. I was watching my clock, Senator Carr.

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (15:43): I seek leave to make an explanation.

The PRESIDENT: Leave is granted for one minute.

Senator RUSTON: In response to the comments by Senator Carr: it has been agreed in this chamber that the movers of motions do not get to speak to the motions. We were simply following the procedure that has been agreed upon by this chamber.

Question agreed to.

DOCUMENTS

Charity Fundraising in the 21st Century: Select Committee

Order for the Production of Documents

Senator BILYK (Tasmania) (15:43): Before asking that the motion be taken as formal, I wish to inform the chamber that Senator Siewert will also sponsor the motion. I, and also on behalf of Senator Siewert, move:

(1) That the Senate—

(a) notes that:

(i) the Select Committee on Charity Fundraising in the 21st Century tabled its report on 14 February 2019,

(ii) the unanimous report of Labor, Liberal, Australian Greens and United Australia Party senators called on the Australian Government to work with state and territory governments to harmonise Australia's charity fundraising law within two years,

(iii) while government responses to committee reports are due within three months, the government's response to the charity fundraising inquiry has not been forthcoming nine months after the report was tabled,

(iv) the Morrison Government's failure to progress this important issue was highlighted when charity fundraising law reform was absent from the agenda of the Legislative and Governance Forum on Consumer Affairs — key meeting of Commonwealth, state, territory and New Zealand consumer affairs ministers – in Queenstown, New Zealand, on 30 August 2019,

(v) without fundraising law reform, charities raising funds online are required to register and comply with seven state and territory fundraising regulatory regimes,
the charity and not-for-profit sector has been calling for reform of Australia's charity fundraising laws for several years,

the Department of the Treasury's 5 year review of the Australian Charities and Not-for-profits Commission (ACNC), delivered on 31 May 2018, identified fundraising law as the major reporting burden on charities, and recommended that fundraising law be harmonised across the country, and

the failure of the Morrison Government to act on reform to charity fundraising law is costing charities $15 million a year; and

(b) calls on the Morrison Government to:

(i) deliver its overdue response to the report of the Select Committee on Charity Fundraising in the 21st Century,

(ii) stand up for Australia's charities, not-for-profits and their donors, whose donations and fundraising efforts are being needlessly eroded by unnecessary regulatory costs, and

(iii) provide national leadership and – as a matter of urgency – work with the states and territories to harmonise Australia's complex and outdated charity fundraising laws.

(2) That the Senate requires on Monday, 2 December 2019, at 12pm, before government business is called on, the Assistant Minister for Finance, Charities and Electoral Matters to:

(a) table the Government's overdue response to the report of the Select Committee on Charity Fundraising in the 21st Century; and

(b) attend the Senate to provide an explanation, of no more than 20 minutes, of the government's response and for the delay in responding to the committee's report.

(3) At the conclusion of the explanation, any senator may move to take note of the explanation.

(4) Any motion under paragraph (3) may be debated for no longer than 60 minutes, shall have precedence over all business until determined, and senators may speak to the motion for not more than 10 minutes.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (15:44): I seek leave to make a short statement.

Senator DUNIAM: The government will not be supporting this motion. The committee report recommended the government respond to the ACNC review and work with state and territory governments alongside the charity sector to harmonise fundraising laws. The government is finalising its response to the ACNC review and is currently consulting with the states and territories on fundraising law. The government has consulted widely with the sector throughout the process and is committed to delivering a response in the first half of next year.

Question agreed to.

Mental Health

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (15:44): Before asking that the motion be taken as formal, I wish to inform the chamber that Senators Polley and Waters will also sponsor the motion. At the request of Senators Marielle Smith, Ciccone, Polley and Waters, I move:

That the Senate—

(a) notes that 11 to 15 November 2019 was Perinatal Anxiety and Depression (PANDA) Week;

(b) recognises that:

(ii) one in five expecting or new mums will experience perinatal anxiety or depression,
(iii) one in ten expecting or new dads will experience perinatal anxiety or depression,
(iv) 100,000 families across Australia are affected by perinatal anxiety or depression every year,
and
(v) postnatal psychosis affects one or two new mums in every 1000 and that, if left untreated, the consequences of perinatal anxiety and depression can be devastating; and
(c) calls on the Federal Government to take action to raise awareness about the signs and symptoms of perinatal anxiety and depression, and encourage open and honest conversations about the mental health of expecting and new parents in communities and workplaces.

Question agreed to.

Grandparent of the Year Award

Senator DEAN SMITH (Western Australia—Government Whip in the Senate) (15:44): Before asking that the motion be taken as formal, I advise that Senators Marielle Smith, Rennick, Patrick and Siewert have added their names to the motion. I, and on behalf of Senators Marielle Smith, Rennick, Patrick and Siewert, move:

That the Senate—
(a) notes that the 2019 Grandparent of The Year Award was announced on 1 November 2019;
(b) congratulates the following 2019 Grandparent of The Year Award recipients: Maxine and Geoff Bolland of Willaston, South Australia, in recognition of their tireless advocacy on behalf of a growing number of grandparents working from ‘outside the system’, to keep children out of foster care and give them the opportunity to thrive;
(c) congratulates the 2019 Community Service Grandparent of The Year Award recipient Michelle Cooper of Nubeena, Tasmania; and
(d) recognises Grandparents Day Magazine for its promotion of important issues to grandparents, and for establishing the Grandparent of The Year Award to acknowledge and celebrate the contributions grandparents make to our community.

Question agreed to.

Australian Public Service

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (15:45): I move:

That the Senate notes that—
(a) the work of the Australian Public Service (APS) is incredibly important to the lives of Australians;
(b) federal public servants work in a wide range of roles, from regulating the quality of life-saving medicines to providing support during times of tragedy or natural disasters;
(c) nearly two-thirds of the public service work outside of Canberra, and 70% work in implementation or service delivery; and
(d) the enduring and apolitical nature of the APS means that it plays an essential role in maintaining public trust in democratic institutions.

Question agreed to.

Visa Processing

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (15:46): Before asking that the motion be taken as formal, I wish to inform the chamber that Senators Waters,
Hanson and Roberts will also sponsor the motion. At the request of Senators Watt, Green, Chisholm, Waters, Hanson and Roberts, I move:

That the Senate—
(a) notes that:
   (i) the Department of Home Affairs employs over 130 dedicated and hardworking Queenslanders to process visa applications,
   (ii) this is crucial work that ensures the integrity of our visa processing system and is the cornerstone of our sovereignty as a nation,
   (iii) the Federal Government’s plan to privatise Australia’s visa system threatens the livelihoods of over 130 Queenslanders and their families; and
   (iv) privatising Australia’s visa system will lead to increased costs of visas, greater risks of worker exploitation, data security breaches and will make protecting national security more difficult;
(b) condemns the Federal Government for auctioning Australian jobs off to the highest bidder, and for undermining the integrity of our visa processing system and our nation’s sovereignty; and
(c) calls on the Federal Government to guarantee the protection of these 135 jobs in Queensland, and the 2,000 jobs across Australia, which will be lost under the Morrison Government if they persist with their efforts to privatise Australia’s visa system.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (15:46): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: The government is not privatising visa decision-making. The Department of Home Affairs is conducting a tender process for a new workflow tool that will support digital visa application and decision-making. This modernisation process is necessary due to the continued exponential growth in visa applications, and these reforms are needed to reduce processing times and support high-quality visa decision-making. This will ensure we can effectively manage national security threats at the border and support key export industries like tourism. The provider of the workflow tool will have no role whatsoever in decision-making. This process is not being driven by a desire to reduce departmental staffing or to cut costs. Claims that this process will lead to wholesale job losses and office closures are simply false. This statement also applies to motion No. 291, which we will be dealing with later on today.

Question agreed to.

BILLS

Commonwealth Electoral Amendment (Transparency Measures—Real Time Disclosure) Bill 2019

First Reading

Senator FARRELL (South Australia) (15:47): I move:

That the following bill be introduced:

A Bill for an Act to amend the Commonwealth Electoral Act 1918, and for related purposes.

Question agreed to.

Senator FARRELL: I present the bill and move:
That this bill may proceed without formalities and be now read a first time.
Question agreed to.
Bill read a first time.

Second Reading

Senator FARRELL (South Australia) (15:48): I move:
That this bill be now read a second time.
I seek leave to table an explanatory memorandum relating to the bill.
Leave granted.

Senator FARRELL: I table an explanatory memorandum and seek leave to have the
second reading speech incorporated in Hansard.
Leave granted.
The speech read as follows—
The Australian Labor Party has long supported reforms to protect and strengthen our electoral laws
and democratic institutions.
This Bill is following through on our longstanding commitments to improve transparency and
rebuild the public's trust in our democracy.
Labor took to the last election a suite of policies aimed at restoring faith in our political systems,
including:
• reducing the disclosure threshold from what is now $14,000 due to indexation, to a fixed $1,000;
• banning donation splitting where donations are spread between different branches of political parties
  and associated entities to avoid disclosure obligations;
• consideration of expenditure caps; and
• what this bill seeks to achieve: introducing a workable and practical real time disclosure scheme.
Real-time disclosure will immediately improve transparency and strengthen the integrity of our
democracy. It is only right that electors can clearly see who is donating to political parties, campaigners
and candidates. Voters have the right to know what is happening in their democracy - we must shine a
light on those who are seeking to influence political outcomes.
At present, candidates and senate groups must disclose donations within 15 weeks of an election.
Political parties, associated entities and political campaigners are only required to lodge a return with
the Australian Electoral Commission (AEC) within 20 weeks of the end of the financial year - by 17
November -for donations made in the previous financial year. These annual returns are not then
published by the AEC until the first working day in February. That means that it can be up to 19 months
before electors are able to know who has made a political donation.
This Bill will require political parties and their associated entities, candidates, and senate groups to
disclose donations or gifts received, valued at or above the disclosure threshold, within seven days of
receive. The disclosure return must include the name and address of the person or entity who made the
donation; the total amount received and the amount of each individual gift given during the disclosure
period; and the date on which the donation was received. This information will be published by the
Electoral Commissioner as soon as reasonably practicable.
Political campaigners will be required to make a disclosure within seven days of a gift being used or
expended for the purposes of electoral expenditure. This will ease the administrative burden for entities
which receive donations for purposes other than political activism or lobbying. It will mean that they
will not need to make a decision immediately about what the donation will be spent on. A similar provision exists in Queensland.

The Bill does not seek to require third parties to disclose political donations in real time. Third parties are those individuals or organisations who do not spend enough on electoral expenditure in a financial year to qualify as a political campaigner. They are not entities which have a high level of involvement in political processes; it is not their main business or even a substantial part of their business. Requiring third parties to report in real time would be an unreasonable burden on those organisations. Third parties will continue to be required to lodge a return with the Electoral Commission detailing their total electoral expenditure and donations greater than the disclosure threshold which were used to incur electoral expenditure. These returns are required within 20 weeks of the end of the financial year.

We believe a disclosure period of seven days strikes the right balance between transparency and administrative burden. At present, the Commonwealth has some of the worst donation disclosure requirements in Australia. In Queensland, the first state to implement a system of real time disclosure, donations are required to be disclosed within 7 days. Victoria requires donations to be disclosed within 21 days of receipt and New South Wales requires disclosure within 21 days during an election campaign. At a federal level, we can and should do better.

The growth of technology and communication has meant that we now have the ability to report in real time, and, although it's not an easy thing to implement, it is something that can and should be done to give voters enough information as possible prior to an election.

We recognise that this places an additional burden on recipients, but it is a burden that we must bear for the benefit of our democracy. The expensive nature of compliance means a well-funded democratic system is vital if we are to improve transparency.

The Bill will close the loophole whereby multiple donations just below the disclosure threshold go undisclosed. Once a recipient receives one or more donations from the same donor which, in total, are at or above the disclosure threshold, a return will need to be provided to the Electoral Commission. Each subsequent donation made during the financial year from the same donor will need to be disclosed by the recipient.

The real time disclosure regime will be in addition to the requirement for political parties, associated entities and political campaigners to provide an annual return which details total income, expenses and debts. Candidates and senate groups will still be required to provide a return to the Electoral Commissioner 15 weeks after polling day. It is important that this Bill does not displace the requirement for election and annual returns. For political parties, associated entities and campaigners, these returns detail total income and expenditure. For candidates and senate groups, the election return must include details of gifts received and electoral expenditure. Although there will be some doubling up of information provided in the returns required by this Bill, it is of benefit to both recipients of donations and voters to have the current system co-exist with real time disclosure so that all information related to political donations is collated in one return.

The implementation of this reform highlights the need for a properly funded Australian Electoral Commission. The AEC doesn't just run election day; it protects the integrity of our democracy. A well-funded electoral commission is the best defence that we have against the erosion of our democracy.

**Senator FARRELL:** I seek leave to continue my remarks later.

Leave granted; debate adjourned.
Commonwealth Electoral Amendment (Transparency Measures—Lowering the Disclosure Threshold) Bill 2019

First Reading

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

That the following bill be introduced:

A Bill for an Act to amend the Commonwealth Electoral Act 1918, and for related purposes.

Question agreed to.

Senator FARRELL: I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator FARRELL (South Australia) (15:50): I move:

That this bill be now read a second time.

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

Leave granted.

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

Leave granted.

The speech read as follows—

This Bill delivers on Labor's longstanding commitment to strengthen our electoral system, and protect Australian democracy.

This Bill seeks to amend the Commonwealth Electoral Act 1918 by lowering the disclosure threshold for political donations from the current rate of $14,000 to a fixed $1,000.

Labor is proud to have continually fought for reform of political donations and improved transparency throughout our political system.

Labor took a clear donations policy to both the 2016 and 2019 elections. In 2016 Labor committed to:

- reduce the donation disclosure limit from the current level of $10,000 (indexed to inflation) to a fixed $1,000;
- prohibit the receipt of foreign donations;
- ban 'donation splitting' where donations are spread between different branches of political parties and associated entities to avoid disclosure obligations;
- ban anonymous donations above $50;
- link public funding to campaign expenditure; and
- introduce new offences and increased penalties for abuses of the political donation disclosure regime.

Labor has successfully secured reform on many of these commitments, even from opposition.

A ban on foreign political donations is now in place, and public funding has been successfully linked to campaign expenditure; preventing candidates and parties from profiting from the electoral system.
Reducing the donation disclosure threshold from the current level of $14,000 indexed to inflation to a fixed $1,000 remains an important reform.

It was a Labor Government under Bob Hawke that first introduced a donations disclosure scheme in 1983. The disclosure threshold was set at $1,000 and returns were required to be provided to the Australian Electoral Commission 15 weeks after an election.

In 2006 the Liberal Government under Prime Minister John Howard allowed the disclosure threshold to blow out to $10,000. It was a change made by a Liberal Government that wanted to hide the donations it was receiving.

Then Prime Minister Howard also linked the $10,000 threshold to the CPI. By making that allowance for indexation, the threshold has now blown out to a staggering $14,000.

Ever since the Coalition changed the law and allowed the disclosure threshold to increase, it is completely unjustifiable in the modern era that we consider someone making up to a $14,000 donation is not something a political party should disclose.

Labor's policy has been to return it to the level set by Bob Hawke. And that is what we will do with this Bill. We will return the disclosure threshold to $1,000 and remove indexation.

This Bill will not prevent donations of greater than $1,000 being made. It will simply require donations over this amount to be disclosed to the Australian Electoral Commission. The ability for Australian voters to know who is making large political donations is an important step in restoring the integrity of our democracy.

Central to this is the need for a properly funded Electoral Commission. Lowering the disclosure threshold will necessarily increase the number of disclosures being made. The AEC does more than just run an election every three years. It protects our democracy. It must be properly funded to do so.

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

Leave granted; debate adjourned.

**DOCUMENTS**

**Religious Discrimination Legislation**

**Order for the Production of Documents**

**Senator RICE** (Victoria) (15:50): I move:

That there be laid on the table by the Minister representing the Attorney-General, by no later than 5 pm on 2 December 2019, a list of roundtables on the Religious Discrimination Bill since the release of the exposure draft, and a list of organisations attending.

Question agreed to.

**MOTIONS**

**Boochani, Mr Behrouz**

**Senator GRIFF** (South Australia) (15:51): I, and also on behalf of Senator McKim, move:

That the Senate—

(a) acknowledges that author, journalist and filmmaker, Mr Behrouz Boochani, will be appearing at the WORD Christchurch literary event on 29 November 2019;

(b) notes that Mr Boochani is also a Kurdish refugee who fled persecution in Iran, sought asylum in Australia and spent 2269 days held by Australia's offshore processing regime;
(c) notes that Mr Boochani is an award winning author and journalist—his memoir, *No Friend But the Mountains: Writing from Manus Prison*, won the Victorian Prize for Literature, the Victorian Premier's Prize for Nonfiction, the Anna Politkovskaya Prize for Press Freedom and the 2017 Amnesty Media Award, and his work has been published and featured around the world in *The Guardian* and other international newspapers;

(d) further notes that Mr Boochani has reported in the media and in his award-winning book of his internment in offshore detention included being jailed for eight days for reporting on a hunger strike in the centre, and twice tortured for several days in the notorious Chauka solitary confinement block for reporting on the conditions in the now-demolished Manus detention centre to the outside world; and

(e) pays tribute to all those involved, including Amnesty International and the United Nations High Commissioner for Refugees, in securing a visa for Mr Boochani to travel to New Zealand to attend the Christchurch literary event.

**Senator Duniam** (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (15:51): I seek leave to make a short statement.

The President: Leave is granted for one minute.

**Senator Duniam:** The government will not be supporting this motion. Offshore processing is a core component of Operation Sovereign Borders. We will never return to the disastrous policies of those opposite which saw 50,000 people on more than 800 boats, and more than 1,200 men, women and children drown at sea. As at 20 November 2019, 642 refugees had departed to the US. A further 250-plus refugees have received provisional approval to resettle in the United States, including Behrouz Boochani.

Question agreed to.

**Anti-Semitism**

**Senator Griff** (South Australia) (15:52): Mr President, before moving general business notice of motion No. 279, I wish to inform the chamber that Senator O'Neill will also sponsor the motion. I, and also on behalf of Senator O'Neill, move:

That the Senate—

(a) acknowledges that antisemitic attacks involving face-to-face interactions surged 30% in the year to September, according to the Executive Council of Australian Jewry's annual report on antisemitism;

(b) notes that incidents involving direct verbal antisemitic abuse, harassment and intimidation increased from 88 to 114, and graffiti attacks more than doubled from 46 to 95;

(c) further notes that, according to the report, antisemitic attacks have included physical assaults to abuse, harassment, vandalism and graffiti, threats via emails, letters, phone calls, posters, stickers and leaflets;

(d) repudiates all antisemitic attacks in Australia; and

(e) calls for increased Holocaust education in all Australian schools.

**Senator Duniam** (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (15:52): I seek leave to make a short statement.

The President: Leave is granted for one minute.

**Senator Duniam:** The government joins this motion to acknowledge the anti-Semitic abuse and violence and to repudiate all anti-Semitic attacks in Australia. Holocaust education is a crucially important part of combating anti-Semitism, and the government has a strong track record in this area. In April of this year, for example, the government committed to

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provide $10 million to Melbourne's Jewish Holocaust Centre to help increase its educational activities. Repudiating anti-Semitic discrimination is one of the objectives of the government's proposed religious discrimination bill. Specific school curriculum issues are generally a matter for the relevant state or territory education authority, but the government welcomes all efforts to combat anti-Semitism at every level of government around the country.

Question agreed to.

Australian Bushfires: Insurance

Senator WHISH-WILSON (Tasmania) (15:53): I move:

That the Senate—

(a) notes that:

(i) recent bushfires have resulted in thousands of insurance claims being filed by affected residents,

(ii) the General Insurance Code of Practice is a voluntary code that is not enforceable by regulators,

(iii) insurance contracts are not currently subject to laws protecting consumers against unfair contract terms, and

(iv) the handling and settling of insurance claims is not considered a financial service and, as such, licensees are not subject to the general obligations to do all things necessary to ensure the service is provided efficiently, honestly and fairly; and

(b) calls upon insurance companies to act with integrity, and to be as sympathetic and as prompt as is possible, when assessing and settling claims made by people affected by the recent bushfires.

Question agreed to.

Senator LAMBIE (Tasmania) (15:53): Mr President, I request leave to make a short statement.

The PRESIDENT: Well, leave can be sought at any time. Is it in regard to the motion just passed?

Senator LAMBIE: Yes, it is.

The PRESIDENT: Senator Lambie is seeking leave for one minute to make a statement about the motion just adopted by the Senate. Is leave granted? Leave is granted for one minute, Senator Lambie.

Senator LAMBIE: I support this motion, but I have to say: these bushfires are going to be a real test for the big insurance companies. They've been shown up in the royal commission for delaying claims for people impacted by cyclones and hailstorms, not to mention the floods that we had in Tasmania a few years ago. One insurer admitted it had breached the insurance industry's code of practice in its handling of compensation claims for Cyclone Debbie. And do you know what sort of penalty it faces for breaches like that? Nothing. There are no penalties—absolutely nothing. It's just another example of companies writing their own rules and conveniently forgetting to write the penalties for them when they break the rules. They sell these insurance products to people by telling them, 'You need to protect your family and your property,' and when you need it they tell you to bugger off; you're just a cheque to them. I think everybody out there has had a gutful of these insurance companies. This is a real test, and I really hope they lift their game. I'll tell you something though: I'm not holding my breath.
Pensions and Benefits

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:55): I move:
That the Senate—
(a) notes that:
(i) robodebt has caused extreme distress, trauma and hardship in the Australian community,
(ii) the Federal Government's recent changes to the averaging process is an acknowledgement that the process is flawed,
(iii) the Federal Government failed to implement the key recommendation contained in the report by the Community Affairs References Committee, Design, scope, cost-benefit analysis, contracts awarded and implementation associated with the Better Management of the Social Welfare System initiative, tabled on 21 June 2017, which was to suspend the program and instead ramped up the program, relentlessly pursuing people on low incomes, and
(iv) there are questions regarding the legality of income averaging, and placing the burden of proof on the income support recipient; and
(b) calls on the Federal Government to immediately abandon automated debt recovery, complete the review of all existing and past alleged debts in a timely manner, and to repay and compensate those who have already paid or commenced paying a robodebt which is found to be an error.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (15:55): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: The government will not apologise for its efforts to protect the integrity of the welfare system. The federal government spends over $170 billion across 130 welfare-related payment types each year to support Australia's social safety net—about a third of total annual government expenditure. As of 31 October, over 950,000 Australians have 1.6 million social welfare debts totalling $5.3 billion. The message this government wants to make clear is that it is imperative social welfare recipients engage with us about their circumstances and keep us up to date so we can correctly calculate their welfare entitlements.

Question agreed to.

Domestic and Family Violence

Senator McALLISTER (New South Wales) (15:56): I seek leave to amend notice of motion No. 282 to correct a typo. This is entirely my fault. The International Day for the Elimination of Violence against Women was of course 25 November, not 5 November.

Leave granted.

Senator McALLISTER: I wish to inform the chamber that Senator Waters will also be sponsoring the motion. I, and also on behalf of Senator Waters, move the motion as amended:
That the Senate—
(a) notes that:
(i) 25 November 2019, was the International Day for the Elimination of Violence Against Women,
(ii) it marked the beginning of 16 Days of Activism against Gender-Based Violence,
(iii) the 16 Days of Activism against Gender-Based Violence concludes on 10 December 2019, which is Human Rights Day,
(iv) on average, one woman a week is murdered by her current or former partner, and
(v) eight women a day are hospitalised after being assaulted by their spouse or partner;

(b) acknowledges that:

(i) violence against women exists in many forms, including physical, psychological, sexual, emotional, social and financial,

(ii) the effort to end violence against women requires unwavering genuine commitment, national leadership and fundamental cultural and attitudinal change,

(iii) the responsibility to end violence against women rests with us all – from communities to individuals, governments, civil society and business, and

(iv) the government and business can make it easier for women to leave abusive and violent relationships;

(c) recognises that the workplace represents a significant aspect of the prevention of family violence and violence against women, and notes that:

(i) financial security and independence is vital to a woman leaving a violent relationship,

(ii) in leaving a violent relationship, women will need to search for new and safe accommodation, and access health, legal and other support services,

(iii) according to the ACTU, leaving an abusive relationship and finding new and safe accommodation costs on average $18,280 and takes an estimated 141 hours, and

(iv) many employers already provide paid family violence leave; and

(d) calls on the Federal Government to introduce 10 days paid domestic violence leave in the National Employment Standards.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (15:56): I seek to have this question divided into two parts, with parts, (a), (b) and (c) put separately to part (d).

The PRESIDENT: We will put it to the vote in that order.

Senator DUNIAM: I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: Over 600 individuals and 400 organisations contributed to the development of the National Plan to Reduce Violence against Women and their Children and identified five national priorities. The fourth action plan is a record $340 million investment by the Morrison government to deliver on those priorities. In 2018, in a historic first, the coalition legislated to guarantee five days unpaid family and domestic violence leave as the new minimum safety net entitlement for all national system employees. This entitlement reflects the decision of the independent Fair Work Commission in relation to modern awards. Employers remain free to provide entitlements above this safety net consistent with their specific circumstances.

The PRESIDENT: Pursuant to the request from Senator Duniam, I'm going to put the question on parts (a), (b) and (c) of motion 282.

Question agreed to.

The PRESIDENT: I will now put the question on part (d) of that motion.

Question agreed to.
Stillbirth

Senator WATERS (Queensland) (15:58): Before moving general business notice of motion No. 286, I inform the chamber that Senator Molan’s name will also be added to the motion. I, and also on behalf of Senators Rice, Siewert, Keneally, Bilyk, Polley, McCarthy and Molan, move:

That the Senate—
(a) notes that:
(i) more than 2000 children are stillborn in Australia each year,
(ii) the Select Committee on Stillbirth Research and Education identified the need for more support to be provided to bereaved parents and families affected by stillbirth,
(iii) under current laws:
(A) parents are not eligible for a bereavement payment for a stillborn child, but will be eligible for a bereavement payment for a child who dies shortly after birth,
(B) parents of a stillborn child are eligible for a stillborn baby payment, and
(C) the amount of the stillborn baby payment is reduced by half for second or subsequent stillborn children,
(iv) support payments to affected families can relieve financial pressure at a time of high stress by assisting with autopsy expenses, funeral or memorial costs, and access to counselling and health services,
(v) the grief and stress experienced by parents and families in response to a stillbirth is no less than that experienced in response to the death of a child, and
(vi) the grief and stress experienced by parents and families in response to a stillbirth is not lessened by having previously experienced a stillbirth, and the cumulative impact of subsequent stillbirths may increase the physical and mental health impacts on bereaved parents; and
(b) calls on the Federal Government to:
(i) take action to implement all 16 recommendations of the Select Committee on Stillbirth Research and Education, and
(ii) ensure equitable financial support is available to all parents and families experiencing the death of a child prior to, at, or near the time of birth by:
(A) extending eligibility for bereavement payments to parents of stillborn children, and
(B) increasing stillborn baby payments for second and subsequent stillbirths to be commensurate with the entitlements for a first stillbirth.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (15:59): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: The Australian government recognises the devastation that pregnancy loss and infant loss have on families and is investing $88.4 million in perinatal services and support. In addition, we’ve agreed or agreed in principle to all the recommendations of the Senate Select Committee on Stillbirth Research and Education. The government is working with the states and territories in relation to the implementation of the recommendations.

Question agreed to.
Senator HUGHES (New South Wales) (15:59): I, and also on behalf of Senators Griff, Lambie and Steele-John, move:

(1) That a select committee, known as the Select Committee on Autism, be established to inquire into and report on the services, support and life outcomes for autistic people in Australia and the associated need for a National Autism Strategy, with particular reference to:

(a) current approaches and barriers to consistent, timely and best practice autism diagnosis;
(b) the prevalence of autism in Australia;
(c) misdiagnosis and underrepresentation of females in autism data, and gender bias in autism assessment and support services;
(d) international best practice with regards to diagnosis, support services and education;
(e) the demand for and adequacy of Commonwealth, state and local government services to meet the needs of autistic people at all life stages;
(f) the interaction between services provided by the Commonwealth, state and local governments, including:
   (i) health and mental health,
   (ii) education,
   (iii) employment,
   (iv) justice, and
   (v) housing;
(g) the social and economic cost of failing to provide adequate services, including to support key life stage transitions of autistic people;
(h) the adequacy and efficacy of the National Disability Insurance Scheme (NDIS) for autistic people, including:
   (i) autism understanding within the NDIS,
   (ii) the utility of the Early Childhood Early Intervention Pathway for autistic children,
   (iii) the ability of the NDIS to support autistic people with complex needs, including those transitioning from prison settings, and
   (iv) the adequacy and appropriateness of supports to empower autistic people to participate in the NDIS planning process, and exercise self-determination through choice and control over their support services;
(i) the development of a National Autism Strategy and its interaction with the next phase of the National Disability Strategy;
(j) the adequacy of funding for research into autism;
(k) the social inclusion and participation of autistic people within the economy and community;
(l) the capacity and sustainability of advocacy for autistic people;
(m) any bill that relates to matters within the scope of this inquiry that is referred to this committee; and
(n) any other related matters.

(2) That the committee present its final report on or before the first sitting day of October 2021.
That the committee consist of six senators, two nominated by the Leader of the Government in the Senate, two nominated by the Leader of the Opposition in the Senate, Senator Griff and Senator Steele-John.

(4) That:

(a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority party or independent senator;

(b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee; and

(c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.

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

(6) That the committee elect as chair one of the members nominated by the Leader of the Government in the Senate, and Senator Stirling Griff as deputy chair.

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

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

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

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

(11) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings, the evidence taken and such interim recommendations as it may deem fit.

(12) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President of the Senate.

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

Senator STEELE-JOHN (Western Australia) (16:00): by leave—I move the amendments as circulated in my name in the chamber:

Subparagraph (1)(d) after "education", insert ", effectiveness, cost and required intensity".

Subparagraph (1)(g) after "adequate", insert "and appropriate".

Omit subparagraph (1)(1), substitute:

(1) the capacity and sustainability of advocacy, self-advocacy and self-determination supports for autistic people, including mechanisms to self-represent to government as enshrined in the United Nations Convention on the Rights of Persons with Disabilities;
Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (16:00): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator GALLAGHER: For the information of Senator Steele-John, the Labor Party are not listed on this motion and these amendments just came to us then. In accordance with good practice, we would have appreciated a heads-up that you were seeking to amend this so that we could have been across the amendment. But we will, with the concurrence of all movers, support the amendment.

Question agreed to.

Original question, as amended, agreed to.

MOTIONS

Asbestos

Senator FARUQI (New South Wales) (16:01): Before I move general business notice of motion No. 289, I ask that the name of Senator Ayres be added to the motion. I, and also on behalf of Senator Ayres, move:

That the Senate—
(a) notes that:
(i) all forms of asbestos are carcinogenic to humans,
(ii) according to the World Health Organization, an estimated 125 million people around the world continue to be exposed to asbestos at work, including in Australia's neighbours in the Asia-Pacific, and the most efficient way to eliminate asbestos-related diseases is to stop the use of all types of asbestos,
(iii) Australia is a founding member of the Asian Development Bank,
(iv) the Asian Development Bank's Safeguard Policy prohibits investments that include the 'production of trade in or use of unbonded asbestos fibres', however, this does not apply to the purchase and use of bonded asbestos cement sheeting where the asbestos content is less than 20% — this in effect is an exemption for almost all bonded asbestos-containing materials used in the construction sector, and
(v) Union Aid Abroad—Australian People for Health, Education and Development Abroad (APHEDA) and their partners in Vietnam, Laos, Cambodia and Indonesia have been at the forefront of work to ban asbestos through the 'Asbestos. Not Here. Not Anywhere' campaign;
(b) congratulates Union Aid Abroad-APHEDA and their local partners for their work in campaigning to ban asbestos in Vietnam, Laos, Cambodia and Indonesia; and
(c) calls on the Federal Government to lobby for a change in policy to end the use of asbestos in Asian Development Bank financed projects.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (16:02): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: Australia has raised concerns with the ADB at senior levels about the use of asbestos-containing material. DFAT's Environmental and social safeguard policy on managing asbestos risk states that Australia promotes global efforts to ban the use of asbestos, calling for the application of international good-practice approaches to the management of asbestos hazards. It also seeks to improve awareness of asbestos risk, provide safety alternatives and support the phase-out of asbestos-containing material. In 2020, the
ADB is expected to commence a review of its 2009 Safeguard Policy Statement. Australia will use this opportunity to further lobby for a prohibition on the use of any asbestos-containing materials in ADB financed projects.

Question agreed to.

Visa Processing

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (16:03): At the request of Senators Wong, Farrell, Gallacher and Marielle Smith, I move:

That the Senate—

(a) notes that:

(i) the Department of Home Affairs employs over 160 dedicated and hardworking South Australians to process visa applications,

(ii) this is crucial work that ensures the integrity of our visa processing system and is the cornerstone of our sovereignty as a nation,

(iii) the Federal Government's plan to privatisate Australia's visa system threatens the livelihoods of over 160 South Australians and their families; and

(iv) privatising Australia's visa system will lead to increased costs of visas, greater risks of worker exploitation, data security breaches and will make protecting national security more difficult;

(b) condemns the Federal Government for auctioning Australian jobs off to the highest bidder, and for undermining the integrity of our visa processing system and our nation's sovereignty; and

(c) calls on the Federal Government to guarantee the protection of these 163 jobs in South Australia, and the 2000 jobs across Australia, which will be lost under the Morrison Government if they persist with their efforts to privatisate Australia's visa system.

Question agreed to.

Transvaginal Mesh

Senator SIEWERT (Western Australia—Australian Greens Whip) (16:03): I, and also on behalf of Senator Di Natale, move:

That the Senate—

(a) acknowledges that:

(i) a class action against companies owned by Johnson & Johnson, on behalf of 1350 Australian women who had transvaginal mesh and tape products implanted, was won last week,

(ii) thousands of women have been left in severe, debilitating and chronic pain, as well as suffering a significant psychological toll as a result of transvaginal mesh devices,

(iii) transvaginal mesh devices were not properly tested for safety before being allowed onto the Australian market, though Johnson & Johnson, and the associated companies, were aware of the potential for serious complications and they aggressively promoted and marketed them as a cheap and a relatively risk-free way to boost profits,

(iv) women were frequently not believed when they told doctors of pain and symptoms, and

(v) women are still not getting the care and support that they need;

(b) notes that not all the recommendations contained in the 2018 report of the Community Affairs References Committee, Number of women in Australia who have had transvaginal mesh implants and related matters, have been implemented; and
(c) calls on the Australian Government to implement recommendation no. 13 to ensure the women affected by mesh have access to the full suite of services and supports they need.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (16:03): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: Since issues were first identified, the government has taken strong actions to improve the way mesh products are assessed, regulated and monitored, including strengthening premarket assessment by up-classifying all surgical mesh products from certain classes to another class, enhancing postmarket surveillance to make it easier to report adverse events to the TGA, introducing new Medicare Benefits Schedule items for the surgical repair of pelvic organ prolapse and the removal of mesh, introducing a range of resources to improve clinical practice, improving patient information by mandating that all device companies supply leaflets and cards with details of each device implanted, and launching the new TGA web hub as a central point for consumers and health professionals to find information on transvaginal mesh. The Australian government supports recommendation 13, but notes that its implementation is a matter for state and territory governments and the healthcare profession itself. The government has written to the states and territories to progress implementation and will table an update in the Senate shortly.

Question agreed to.

Workplace Gender Equality

Senator WATERS (Queensland) (16:05): I move:

That the Senate—

(a) notes:

(i) that 2019 marks the 50 year anniversary of the equal pay decision that gave women the right to be paid the same as their male counterparts,

(ii) the Workplace Gender Equality Agency (WGEA) Equality Scorecard, released on 13 November 2019, which found that:

(A) the base salary gap between men and women across all industries and occupations is 15.5% or $15,176 per annum,

(B) when accounting for total remuneration, including overtime and bonuses, the real gap is wider, with men earning $25,679, or 20.8%, more than women each year on average,

(C) the number of female CEOs has remained static at 17.1%, and women make up only 26.8% of board positions,

(D) gender pay gaps favour men across all industries and all levels of the workforce, with financial services, real estate and construction recording the highest gaps,

(E) fewer than 50% of employers offer paid parental leave for employees, and

(F) while 73% of workplaces have a formal policy and strategy in place to support flexible working arrangements for employees, only 2.3% have set targets for men's engagement in flexible work, and

(iii) that the Federal Government's Retirement Income Review Consultation paper acknowledges that the wages gap between men and women affects women's ability to save for retirement, leading to women retiring with lower average superannuation balances than men; and

(b) calls on the Federal Government to:

(i) increase the resourcing for WGEA and expand its coverage to include the public sector,
(ii) require all large employers to publicly report their gender pay gap, and strengthen WGEA's powers to take action against employers who fail to report,

(iii) prohibit the use of pay gag clauses in employment contracts, which disguise the gender pay gap in the private sector,

(iv) require superannuation contributions to be made for employees taking paid parental leave,

(v) set gender pay equality as an objective of awards and the Fair Work Act, and

(vi) take action to close the gender retirement income gap.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (16:05): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: The government has acted on this issue by providing an additional $8.6 million to the WGEA to improve workplace gender reporting. This funding will allow organisations, including the public sector, to report to the WGEA. The Fair Work system, as introduced by the former Labor government, already incorporates the principle of equal remuneration in setting safety net terms and conditions and provides mechanisms to ensure the independent Fair Work Commission can adjust terms and conditions, including on work value grounds.

Senator McALLISTER (New South Wales) (16:05): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator McALLISTER: Labor will vote for this motion on the basis that it reflects principles that are important to Australian women. Labor is acutely aware of the issues confronting Australian women at work and the continuing significance of the gender pay gap. Indeed, in the last two parliaments Labor has been instrumental in driving consideration of these issues in this place. While we support the motion, which in part (b) essentially reproduces the policy Labor took to the last election, we make the following obvious point. Labor revisits its policies at every election. Labor will release detailed costed policies prior to the next election, including policies in relation to women's economic security. Unlike the Greens, as a party of government, we take responsibility for ensuring that our announced policies are affordable and able to be implemented. The next election will be no different.

Question agreed to.

DOCUMENTS
Pensions and Benefits
Order for the Production of Documents

Senator SIEWERT (Western Australia—Australian Greens Whip) (16:07): I seek leave to amend general business notice of motion No. 284 standing in my name for today proposing an order for the production of documents concerning the income and compliance program.

Leave granted.

Senator SIEWERT: I move the motion as amended:

(1) That the Senate notes that legal professional privilege is not a recognised ground for refusing to provide information to the Senate.
That there be laid on the table by the Minister representing the Minister for Government Services, by 10 am on 28 November 2019, any legal advice received by the Government, or Services Australia (Department of Human Services), relating to the decision to stop relying solely on income-averaging processes to raise debts under the Income Compliance Programme.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (16:07): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: Senator Siewert has asked the government to provide legal advice. It is the longstanding convention, followed by governments of both political persuasions, not to disclose the facts or content of legal advice. The government intends to follow this convention.

The PRESIDENT: The question is that motion No. 284 be agreed to.

The Senate divided. [16:12]

(The President—Senator Ryan)

Ayes .......................... 35
Noes .......................... 31
Majority ................. 4

AYES
Ayres, T
Brown, CL
Chisholm, A
Di Natale, R
Faruqi, M
Gallagher, KR
Griff, S
Kitching, K
Lines, S
McCarthy, M
Patrick, RL
Pratt, LC
Roberts, M
Siewert, R
Steele-John, J
Urquhart, AE (teller)
Waters, LJ
Whish-Wilson, PS

NOES
Abetz, E
Askew, W
Bragg, A J
Cash, MC
Colbeck, R
Duniam, J
Fieravanti-Wells, C
Hughes, H
McDonald, S
McKenzie, B

Antic, A
Birmingham, SJ
Brockman, S
Chandler, C
Davey, P
Fawcett, DJ
Henderson, SM
Hume, J
McGrath, J
McMahon, S
Pensions and Benefits

Order for the Production of Documents

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (16:15): I, and also on behalf of Senators O'Neill and McCarthy, move:

(1) That the Senate notes that legal professional privilege is not a recognised ground for refusing to provide information to the Senate.

(2) That there be laid on the table by the Minister representing the Minister for Government Services, by 5.30 pm on 28 November 2019, all legal advice that has been received by the Government, the Department of Human Services, or Services Australia, relating to the 2015-16 Budget Measure 'Better Management of the Social Welfare System', the Online Compliance Intervention (OCI), the Employment Income Confirmation (EIC), and the Check and Update Past Information (CUPI), known as the 'Online Compliance Programme'.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (16:16): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: As with the last motion, the opposition is asking the government to provide legal advice. It is the longstanding convention followed by governments of both political persuasions not to disclose the fact or content of legal advice. The government intends to follow this convention.

The PRESIDENT: The question is that motion No. 290 be agreed to.

The Senate divided. [16:17]

AYES

Ayes ................. 35
Noes ................. 31
Majority ............ 4

AYES

Ayres, T
Brown, CL
Chisholm, A
Di Natale, R

Bilyk, CL
Carr, KJ
Ciccone, R
Farrell, D

Chamber
AYES

Faruqi, M
Gallagher, KR
Griff, S
Kitching, K
Lines, S
McCarthy, M
Patrick, RL
Pratt, LC
Roberts, M
Siewert, R
Steele-John, J
Urquhart, AE (teller)
Waters, LJ
Whish-Wilson, PS

Gallacher, AM
Green, N
Hanson, P
Lambie, J
McAllister, J
McKim, NJ
Polley, H
Rice, J
Sheldon, A
Smith, M
Sterle, G
Walsh, J
Watt, M

NOES

Abetz, E
Antic, A
Askew, W
Birmingham, SJ
Bragg, A J
Brockman, S
Cash, MC
Chandler, C
Colbeck, R
Davey, P
Duniam, J
Fawcett, DJ
Fierravanti-Wells, C
Henderson, SM
Hughes, H
Hume, J
McDonald, S
McGrath, J
McKenzie, B
McMahon, S
Molan, AJ
O'Sullivan, MA
Paterson, J
Rennick, G
Reynolds, L
Ruston, A
Ryan, SM
Scarr, P
Seselja, Z
Smith, DA (teller)
Van, D

PAIRS

Dodson, P
Hanson-Young, SC
Keneally, KK
O'Neil, D
Wong, P

Canavan, MJ
Stoker, AJ
Payne, MA
Bernardi, C
Cormann, M

Question agreed to.

MOTIONS

Aged Care

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (16:20): I wish to inform the chamber that Senator Polley will also sponsor this motion. At the request of Senators Watt and Polley, I move:

That the Senate—

(a) notes that:
(i) there are 120,000 older Australians waiting for their approved home care package, with many waiting more than two years for the care they have been approved for,

(ii) there are more than 16,000 older Australians who died waiting for the approved home care package which they were assessed for in 2017-18, and sadly, that was approximately 300 older Australians who died each week in that year waiting for care, and

(iii) there are around 14,000 older Australians who entered residential aged care prematurely because they could not get the care they were assessed for and approved for in 2017-18, and sadly, that was approximately 200 older Australians each week having no other choice but to enter residential aged care;

(b) further notes that, since 2017, the number of older Australians waiting for home care grew from 88,000 to 120,000; and

(c) condemns the Morrison Government for its inadequate response to the Royal Commission's interim report, and not providing the home care older Australians need.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (16:20): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: The Morrison government's strong response to the three priority areas of the aged-care royal commission interim report included $496.3 million for 10,000 more home care packages; $25.5 million to reduce the use of chemical restraints in aged care; $10 million for additional dementia training and support for aged-care workers and providers, including to reduce the use of chemical restraint; and $4.7 million to help meet new targets to remove younger people with disabilities from residential aged care. In contrast, Labor at the last election had $387 billion worth of new taxes and did not allocate a single dollar towards more home care packages.

The PRESIDENT: The question is that notice of motion no. 293 be agreed to.

The Senate divided. [16:22]

(The President—Senator Ryan)

Ayes .................... 35
Noes .................... 31
Majority ............... 4

AYES
Ayres, T
Brown, CL
Chisholm, A
Di Natale, R
Faruqi, M
Gallagher, KR
Griff, S
Kitching, K
Lines, S
McCarthy, M
Patrick, RL
Pratt, LC
Roberts, M
Siewert, R
Steele-John, J

Bilyk, CL
Carr, KJ
Ciccone, R
Farrell, D
Gallacher, AM
Green, N
Hannon, P
Lambie, J
McAllister, J
McKim, NJ
Polley, H
Rice, J
Sheldon, A
Smith, M
Sterle, G
Before moving general business notice of motion No. 294, relating to the Paradise Dam in Queensland, I ask that the names of Senators McDonald, Canavan, Rennick, Stoker and Scarr be added to the motion. I, and also on behalf of Senators McDonald, Canavan, Rennick, Stoker and Scarr, move:

That the Senate—

(a) notes that:

(i) the Paradise Dam, located in the drought-declared Wide Bay-Burnett region, opened in 2006 at a cost of $200 million to Queensland taxpayers,

(ii) 105,000 megalitres of water has been released from the dam, and

(iii) it is one of the largest infrastructure failures in the history of Australia; and

(b) calls on the Queensland Government to:

(i) publish the safety and engineering reports that led to the decision to release water from the dam, and
(ii) establish a public parliamentary inquiry into the design and construction of the dam.

The PRESIDENT: The question is that motion No. 294 be agreed to.

The Senate divided. [16:29]

(The President—Senator Ryan)

Ayes ...................... 42
Noes ..................... 21
Majority ............... 21

AYES

Abetz, E
Askew, W
Bragg, A J
Cash, MC
Colbeck, R
Di Natale, R
Faruqi, M
Fierravanti-Wells, C
Henderson, SM
Hume, J
McGrath, J
McKim, NJ
Molan, AJ
Paterson, J
Reynolds, L
Roberts, M
Ryan, SM
Seselja, Z
Smith, DA (teller)
Stoker, AJ
Waters, LJ

NOES

Ayres, T
Brown, CL
Chisholm, A
Farrell, D
Gallagher, KR
Kitching, K
McAllister, J
Pratt, LC
Smith, M
Urquhart, AE (teller)
Watt, M

Ayres, T
Brown, CL
Chisholm, A
Farrell, D
Gallagher, KR
Kitching, K
McAllister, J
Pratt, LC
Smith, M
Urquhart, AE (teller)
Watt, M

Question agreed to.
MATTERS OF PUBLIC IMPORTANCE
Pensions and Benefits

The PRESIDENT: I inform the Senate that at 8.30 am today, eight proposals were received. In accordance with standing order 75, the question of which proposal would be submitted to the Senate was determined by lot. As a result, I inform the Senate that the following letter has been received from Senator Gallagher:

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

The need for the Morrison government to explain what happens to all those who have been victims of robodebt and what happens to the money obtained improperly by the Commonwealth.

Is the proposal supported?

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

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

Senator POLLEY (Tasmania) (16:32): I rise to speak on the matter of public importance put forward today. The MPI today says:

The need for the Morrison Government to explain what happens to all those who have been victims of robodebt and what happens to the money obtained improperly by the Commonwealth.

I think that is a very, very important question. The fact is that this government's robodebt scheme has been an absolute failure; in fact, it has been a disaster. It has seen tens of thousands of recipients being overcharged or being alleged to have a debt to the Commonwealth government. This is from a government who has no plans and no vision for the country going forward.

The government has pretended that there is nothing wrong with the scheme, but we know that it has been inaccurate, it's been unfair and it's been so damaging to some of the most vulnerable people in our community. We would all expect that, if there were a genuine debt owed to the Commonwealth, people would repay that debt. But this scheme has been unfair and the system it has used has been dodgy—the effect of which has led to some serious health outcomes; in fact, mental health issues.

We have to consider that, for many Australians who have had to rely on the Commonwealth for some funds, there may have been circumstances where they have become homeless and no longer have their records. And the majority of people in these circumstances wouldn't be keeping their payslips and evidence for seven years. As I said, if there is a genuine debt then we would expect those Australians to repay that. The former Administrative Appeals Tribunal senior member Mr Terry Carney has warned that the alleged debts are in fact unlawful and that income averaging is not a proper basis on which to claim a debt. But does the Commonwealth listen to an expert? Obviously they haven't. And we've seen that displayed by this government through their arrogance on so many occasions.

Remember when we found out that nearly 200 Australians who had passed away had been pursued by this government under the robodebt scheme—and yes, those opposite are willing
to go beyond the grave to try to get the money back from those individuals. Senator Kitching—who is in the chair at this moment—asked why the government were applying robodebt to the dead, and the minister, Senator Ruston, answered:

This can occur for a range of reasons, for example, where the department was not aware that the person was deceased, a delay in processing, a manual staff error or a combination of all these matters.

The government has said its standard practice is not to knowingly start an income compliance process on dead people—that's good to know—but it admits that it chased estates and representatives of the deceased customers 515 times, ultimately wiping the debt in 442 of the cases. There have been over 234,000 people attacked by robodebt. That is the number of times since 2016 that the government's alleged robodebts have been wiped or reduced because they were wrong. Chasing people down in this very ad hoc manner has led to undue stress on people and their finances. And we still don't know what the Commonwealth is going to do for those people who have paid a debt that they in fact didn't owe.

I would really like to see this government go back to the drawing board, and perhaps, in hindsight, they might want to ensure that their processes are more transparent—in fact, more accurate—and do whatever is possible to ensure that they're not chasing dead people for money they may or may not owe. As a government, our responsibility is, obviously, to chase down debt that is genuinely owed but also to treat people with some dignity and to remember that we're talking about human beings. As we know, this government have a history of terrorising fellow Australians, particularly Australian workers—as we see in the bill that's before the Senate at the moment. They're also terrorising unions because unions dare to represent working-class people, and we know that the government terrorise people on Newstart by expecting them to live on something that is not even achievable, no matter how good a manager a person might be. If this government were really genuine, they would actually put a stop to these robodebts and they would get their processes right. That's what this government should be doing. It is a matter of priority for the government to re-evaluate the incompetent, unfair and inaccurate process that they are currently using.

Senator DAVEY (New South Wales—The Nationals Whip in the Senate) (16:39): This robodebt system, let us not forget, is a child of Labor. In June 2011, a joint press release from Tanya Plibersek and Bill Shorten said:

Beginning on July 1 this year, Centrelink and the ATO will automatically match data on a daily basis as a way of cross-checking former welfare recipients who have a debt with the Commonwealth. This is Labor's robodebt scheme.

But let me also remind the chamber that once upon a time Labor and the coalition were on a unity ticket, because where there is debt to the Commonwealth that is debt to taxpayers, and we were on a unity ticket in acknowledging the responsibility of people to repay their debts. The government make absolutely no apology for recovering overpayments in our welfare system. It is the government's legal obligation to pursue the recovery of debt, and we are not ashamed of that. We will continue to ensure that fairness is core to that, and we will also ensure that we get the money that is owed to Australian taxpayers. For over 30 years both sides of this chamber have shared that unity ticket.

The coalition acknowledge that we must look at methods that will give Services Australia the best chance of recovering money that rightfully belongs to the Australian public. Yes, that also includes refining the income compliance program, as was announced by the Minister for
Government Services last week. I want to address a lot of the misinformation that we've been hearing. Firstly, the announcement of the Minister for Government Services is not a backtrack. The income compliance program has undergone numerous iterations and refinements since its inception by the Labor government in 2011. We continue to respond to community feedback as we strengthen and improve our debt recovery method to ensure it is robust, and on this occasion we are requiring additional information to identify potential overpayments. No longer will averaging income information from the ATO be sufficient to raise a debt notice, as it once was. The department, once a discrepancy is raised, will review the available information and, should a debt be confirmed, then raise the issue with the recipient. This new approach has already started, as all current debts that have been raised to date using income averaging are being reassessed. Services Australia will contact affected customers after a process that may vary in time depending on the complexity of the individual case.

May I also remind people that our departmental staff are trained to help people experiencing hardship and complex challenges. They are trained to support people and deal sensitively with vulnerable people. With regard to reviewing debt notices, the department cannot commence a review without the customer taking some action. The government encourages people who receive a debt notice to engage with the department promptly should they need a review. Once a review is initiated, our trained staff work with customers throughout the process to obtain necessary information and fulfil their obligations.

As I have alluded to, this whole process started in 2010 when the current member for McMahon said:

It is important that the Government explores different means of debt recovery to ensure that those who have received more money than they are entitled to repay their debt.

To their credit, Labor did explore new measures, and that is how we got the robodebt system that Senator Gallagher wants us to discuss here today. The robodebt system was incorporated, as I said, on 29 June 2011. They said:

Beginning on July 1 this year, Centrelink and the ATO will automatically match data on a daily basis as a way of cross-checking former welfare recipients who have a debt with the Commonwealth.

That is robodebt. I remind you that, when he created robodebt in 2011, the member for Maribyrnong said:

The automation of this process will free up resources and result in more people being referred to the tax garnishee process, retrieving more outstanding debt on behalf of taxpayers.

The Labor government of the time saw the need back then to protect the integrity of the welfare system. The member for Sydney and then Minister for Human Services made this abundantly clear, stating, 'The government has a responsibility to taxpayers to recover that money'—

Senator McAllister: I think you read that bit already.

Senator DAVEY: Now you've made me lose my place. Labor have also said in the past that they want to make sure that people who are receiving welfare to which they're not entitled do not get a leave pass. It seems now Labor have turned their back on income compliance and are advising people to sit on their hands. It is a real shame to see Labor lose the determination to ensure that we recover this money that belongs to the Australian public.
Let me make it clear: this government wants social welfare recipients to get what they are entitled to, and we don't want to revoke welfare, but, where they are paid more than they are entitled to, it is only fair that we recover that money. The lie we hear opposite is that we want to stigmatise people, but that is so far from the truth. What we want and expect is that welfare recipients receive only the correct amount they are entitled to—no more and definitely no less.

I know how important these entitlements are in regional Australia. For example, the farm household allowance is critical to the coalition government's support for those affected by drought, and for such a program to work the community must have trust in its administration. To ensure that we can continue to support those communities and the people in need, we need to make sure that we can recover overpayments so that we continue to have the funds available to run these programs.

It's not just ensuring the success of our welfare system that we need to worry about. This is also talking about the success of all government expenditure that we concern ourselves with. Over $180 billion, or about a third of total annual government expenditure, is spent on our social safety net. Currently, we have social welfare debts totalling $5.3 billion. The more we recover, the more we can spend on the government's program to support our communities through drought, to support our recovery efforts after bushfire and to support our infrastructure programs going forward, and the more we can spend on rural health and mental health services in my regions. That is why it is imperative that the government ensure that money that belongs to the public is returned to the public and used for the public benefit. That is why we are not ashamed of recovering debt.

Senator SIEWERT (Western Australia—Australian Greens Whip) (16:47): Just breaking news is that the federal government has lost a significant legal challenge to its automated debt recovery system, known as robodebt, with the Federal Court ruling that the debt was unlawful. Victoria Legal Aid brought forward the challenge on behalf of a 32-year-old woman who had a debt of more than $2,900 raised against her by the Department of Human Services, which is Centrelink. Justice Jennifer Davies ruled that the court could not have been satisfied that the debt was owed in the amount of the alleged debt. She ruled that the Commonwealth must reimburse the client her interest of $92.06 and pay her legal fees. This is one of the cases where the department had miraculously already waived the debt as soon as the legal issue came up, but the Federal Court has ruled that it's not valid; it is unlawful.

This is why the government rushed out a memo last week—which they probably weren't intending to go public, although they must have realised it would—saying, 'We're not going to be using the income-averaging process anymore,' because they know very well that it's unlawful. Just minutes ago, through this chamber, two motions were passed for orders for the production of documents for the government's legal advice, and the government voted no. Is there any wonder why? That legal advice will no doubt show what the court has just found, which is that the debts are unlawful. They're not based on law. I challenge the government to comply with the order for the production of documents that this Senate has just passed. I suspect that will show that all of this process for at least the last three years has been unlawful. I challenge them to prove that they have advice that it was lawful. I doubt that they can do that.
Senator Davey was sent out by the government to defend their approach to robodebt. What did they do? They blamed the opposition for something in 2011. The opposition didn't defend themselves about the process they introduced, but I note that they had human beings doing this. The point is that it was the government that ramped it up. By the way, it was the government that started using the process of income averaging without human beings, and they have known since the Senate inquiry reported in 2017 that there was great dispute over income averaging. The Senate inquiry recommended that they stop doing income averaging. So, even if you want to blame the opposition for robodebt, you are wholly and solely to blame for the process that has been going on where people have been caught up in income averaging for the last three years. You have knowingly done that.

The Senate inquiry said: 'Take a break. Look at this. Improve it.' The No. 1 recommendation was to put a hold on the process until the procedural fairness of these issues was identified. Don't try to blame anybody else. The evidence is there. You're the ones who had the legal advice. You're the ones who not only knowingly continued robodebt but also ramped it up. After the Senate inquiry you continued to ramp it up. If the government didn't have legal advice at the time, surely they should have looked at that and asked for legal advice in light of the findings of the Senate committee.

I point out that there have been hundreds of thousands of these letters sent out. In answer to some questions on notice that I asked about the number of people with vulnerabilities who have received letters about the OIC process, the EIC process and the CUPI process I was told that there were 9,149 letters sent to people who had registered their vulnerabilities with Centrelink. So not only were these letters being sent out generally but they were being sent to people with vulnerabilities who were receiving income support. The value of those debts was $15.4 million. How many people have had their debts waived? Only 288 out of the original over 9,000. I asked how many clients with vulnerabilities had their debts referred to debt collectors—so they get hassled by debt collectors—and was told that there were 1,812.

I sat through a full Senate inquiry—and we're part way through another Senate inquiry—on this issue. I have heard repeated examples of how people felt demonised, stigmatised and vulnerable. They felt like the community were saying that they were cheating the system. I have heard countless examples—not only through the Senate inquiry but through contact with my office, which has been pretty constant since this whole debacle started—of how people have not been able to quickly pick up the phone and talk to Centrelink, and how they have not been able to get the review processes undertaken, which apparently seems so easy now.

Let me go very quickly to the point we are at right now. The government informed people through an email that Centrelink income averaging was no longer going to be used, and there was a very short media conference by the minister afterwards. I'm sure it was very rushed, because that email was leaked, and that takes me back to the point I was making originally: I don't know when the government was going to formally announce this.

There are so many questions now hanging over this process. What are they doing in terms of contacting people about the debts that have already been paid? What are they doing about the people whose debts have been garnished, like the woman who has just had the finding to overturn her debt, indicating it was unlawful? She never knew about the debt; her tax return was garnished. There have been a lot of those examples. How is the government going to handle that? How many people are affected by income averaging? What's the legality of the
approach? I've touched on that. How long have the government known that this is likely to be unlawful? They haven't answered that one. What's the process they're going to use to verify the debts? Are they going to go back to the old system, where they used to have a human being actually looking over and contacting employers where there was a discrepancy? Are they going to do that? Over what time frame are they going to get people's bank statements? How many debts are there? What value are these debts? And, very importantly, will this be included in MYEFO in the next couple of weeks? This is going to significantly affect how much money the government thought they were going to rake in from income support recipients who don't owe debts. They've projected a vast amount of money. How is that going to figure in MYEFO? And how many staff are they going to have to take on to correct all this mess? They are going to need a lot of very well skilled people to reach out to people who have been traumatised through this system, who don't necessarily understand the system and who don't think they've had a debt all along.

This system has caused untold damage, pain and suffering to thousands and thousands of Australians. The government knew what was happening. They should've acted a very long time ago to do what they've done now. I think they've made that decision in quite a bit of a rush, because none of these questions—and I have a whole page of them—have been answered. They need to suspend this process right now.

Senator BILYK (Tasmania) (16:57): I too rise to speak on the matter of public importance today. No matter what spin the Morrison government put on the most recent changes to the flawed robodebt system, it is an admission of their failure. The government cannot bring themselves to explicitly admit the failure of robodebt, because they've stubbornly stuck by it for more than three years. We had Senator Davey trying to blame the Labor Party. As Senator Siewert so rightly said and as I was interjecting, which I know is not parliamentary—

The ACTING DEPUTY PRESIDENT (Senator Kitching): Disorderly.

Senator BILYK: It is disorderly; I accept that. But when blatant untruths are told about what the Labor Party was doing—we used human beings. We had human beings to help people repay debts that they owed. We did not automate the system, and we certainly did not average the system. There's always a bit of spin on that side, trying to blame us. This is their third term in government, six years, but they still hark back to blaming us.

This government had to be dragged kicking and screaming to admit what all other Australians knew: this system was flawed, unfair and absolutely rotten to the core. Labor does support legitimate action to recover payments to which recipients are not entitled. We've pointed out for years, though, that this automated system is poorly designed, has very limited human oversight, is targeting innocent people and, as we said, is almost certainly illegal. It's beyond belief that this government ever thought it was fair, reasonable or even legal to raise a debt through averaged income from six or seven years ago.

It wasn't fair to demand the recipients of these debt notices pay up at the same time as they were trying to dig up their old receipts or their old records to prove that they don't owe the money. It's quite amazing that the government could expect people to possibly have known that they would have had to keep pay slips that were six or seven years old. The recipients couldn't have known this, because, up until 8 January 2017, the Department of Human Services website recommended keeping pay slips for only six months, and now they're asking
people to come up with pay slips from seven years ago. What a joke! After 8 January, the department changed their website to remove the 'six months' reference, but that doesn't make it fair for people. Because the advice on the website changed, it doesn't mean a robodebt notice recipient can simply fish seven years worth of old pay slips out of the rubbish bin.

Adding to the stress of the robodebt victims trying to prove their innocence are the usual struggles, of course, of trying to deal with Centrelink. You can't appeal your debt via the ever-diminishing number of face-to-face staff, which leaves you with the option of lodging an appeal online—although the website has been frequently offline—or trying to get through on one of Centrelink's congested phone lines. Some customers have told us that they've spent up to a year to try to get illegitimate debts reversed while they were also being pursued for those payments.

While the minister has admitted to an error rate of one in five, let's remember that many, many of the victims have simply given up because the process of fighting the debt is too exhausting. A number of victims have gone to all our offices seeking help and advice, but every person who has been helped by my office, by one of my parliamentary colleagues' offices or by a community legal centre or other advocate has found out that they do not owe a debt.

The department's own data released in February reveals that 2,000 people had died after receiving a robodebt notice, including more than 400 aged under 35. The terrible toll robodebt is having on the mental health of its victims is exacerbated by the government's decision to sell robodebt to debt collectors, so people were being harassed and having onerous requirements put on them.

The legal basis for the robodebt system is questionable at best and at worst non-existent, as Senator Siewert said. News on ABC at 3.41 pm said:
The Federal Government has suffered a significant setback in its automated debt recovery system, known as robodebt, with the Federal Court finding that the debt of a plaintiff was unlawful.
There we go: acting in unlawful behaviour. The deep flaws in the system have led one former member of the Administrative Appeals Tribunal, Terry Carney, to describe robodebt as 'extortion'.

Minister Porter, the Attorney-General, has admitted that the robodebt changes were made in light of a class action brought about by Gordon Legal. Every time a court case comes up, they've decided the debt doesn't exist. So this is what's happened. This demonstrates that the government was never confident about the legal basis of the scheme—a fact that is also apparent from the department secretary's failure to outline the legal basis for the scheme in the most recent round of Senate estimates.

What happens to existing victims of robodebt who paid illegitimate debts? How does the government decision impact the budget bottom line? These are some of the questions we need answers to. The victims of robodebt deserve an answer to the first question, and taxpayers deserve an answer to the second. But, so far, the government has refused to answer either. In regard to the first question, Minister Robert has said that changes to income averaging would affect only a 'small cohort' of income support recipients who've already received a debt notice. But DHS staff have been told 600,000 robodebts used income averaging and more than 220,000 of these may require refunds or waivers. That's hardly a 'small cohort', as the minister
described it. So what is the actual number? We would like to know. What is the actual number? Is every victim of this flawed and unfair process going to be compensated? Given the government were relying on this scheme to make $2.1 billion in savings, how much debt will they have to pay back, and how will it affect the budget bottom line?

Paying back debts that Centrelink customers do not owe is not the only cost that the government is going to incur in the process of fixing this flawed system. We're also waiting for the government to outline how much it will cost to review customer files to ensure that everyone who has been subject to this extortion racket is repaid. How much will it cost them to change their systems and hire new staff for improved human oversight of the system going forward, as there should have been? It is time for the government to come clean on what this deeply flawed system is going to cost the Australian taxpayer. We already know of the devastating human impact of robodebt. Now let's hear what the impact on the budget is going to be. Minister Robert needs to front the House of Representatives and provide a statement outlining how many robodebt victims will need to have their debts refunded or waived. And the Treasurer, Minister Frydenberg, should also front the House and provide a statement outlining the cost of the government's changes to robodebt and an updated budget forecast which takes into account how these costs will affect the forward estimates. I also call on Senator Ruston and Senator Cormann to do the same in this place. Let's find out once and for all what this colossal policy failure and dysfunctional, unfair and illegal system has cost Australian taxpayers.

Senator HUGHES (New South Wales) (17:05): Let's start by addressing the elephant in the room, or should I say the 'robot' in the room—because there is no robot issuing debts to welfare recipients. Personally, like many others, I don't appreciate the opposition creating unnecessary anxiety by using highly emotive language around a very personal issue. Debt is not something anyone should be subjected to the trivialisation of.

Let's not forget that the government used to be on a unity ticket with Labor on this point. The member for Maribyrnong and the former opposition leader, Bill Shorten, one of the godparents of income compliance, along with the member for Sydney, said, 'We want to make sure that people aren't receiving welfare to which they're not entitled and no-one gets a leave pass on that.' Let's just reflect on that, shall we? Now Labor's message appears to be, albeit without it going through the shadow cabinet: if you don't engage with the government, you get a leave pass on your debts. The former Leader of the Opposition has also advised Australians who receive a notice from the government to sit on their hands. This sort of reckless politicisation has sown seeds of confusion across the country. The member for Maribyrnong should know better. If one Australian fails to engage with the government and is disadvantaged as a result, that is on his head.

The message this government wants to make very clear is that it is imperative social welfare recipients engage correctly with regard to their circumstances and keep the department up to date so that their welfare entitlements can be correctly calculated. Australians rightly expect welfare recipients to receive the correct amount of support they're entitled to—nothing more, nothing less. Our compliance activity is central to the community having trust in the administration of welfare payments, ensuring the right people get the right money at the right time. We will maintain the government's concerted focus on returning
overpayments to taxpayers and balance this with fairness and transparency in our compliance activities.

The point about income compliance I really want to focus on, though, is that there is staff involvement at every stage of the income compliance review process. There are human checks and balances in case selections, so only those most likely to have an overpayment are selected for review. Services Australia have highly trained staff that undertake a review of data that comes in from third parties to check the quality and accuracy of the information before it's used. Staff are responsible for identifying any customers who shouldn't be asked to complete an income review. Staff also have a role in determining whether an individual's reported income discrepancy is likely to result in a debt. Letters sent out to customers reflect decisions of a departmental officer about whether or not they should receive an initiation letter, and the review process doesn't commence without the customer themselves taking some action. This could be the customer receiving their initial notification of a discrepancy through registered mail or myGov, by a customer going online to commence the review process or by a customer phoning the dedicated phone line specified in their letter.

Customers have the choice to go online to complete the review or to undertake the review offline and work with a compliance officer. Staff are available to work with customers throughout the review to help them meet their obligations. This includes staff getting payslips or bank statements for people experiencing difficulty. Even when the online option is chosen, a compliance officer still looks at the outcome before Services Australia finalises the review. Staff are also available to explain the outcome and assist customers who would like a reassessment.

I would also like to bring to the attention of the chamber that Services Australia are not initiating income compliance reviews for people with vulnerability indicators. In the current check and update past income system—better known as CUPI—vulnerability indicators are used as a filter to avoid vulnerable people receiving initiation letters. However, it's important to note that vulnerability indicator status can change and the flag may have been applied to a customer's record after a review was initiated. Departmental staff help people experiencing hardship and complex challenges every day and are trained and supported to deal sensitively with vulnerable people. This can include referrals to social workers. We are also listening to all of our stakeholders involved in the income compliance program to ensure accuracy and access to staff within the department.

Last week the Minister for Government Services announced a further refinement of the income compliance program. This is part of the government's ongoing commitment to continually strengthen and improve the program. The program has already undergone a number of iterations and refinements since its inception, in response to community feedback. These changes will make the program more robust by requiring additional evidence when using income information to identify potential overpayments. This means a debt will no longer be raised where the only information we are relying on is the averaging of ATO income information.

This, however, does not mean that income compliance activities are ceasing. The department will still review payments for discrepancies. In the past the department has asked people to explain discrepancies to them. Under the changes, if someone does not respond to these requests, they will use more information to help them confirm whether they have a debt.
For those debts raised to date which the department calculated solely through income averaging, debt recovery will be frozen and the debt will be re-assessed with additional information. Services Australia will contact affected customers as they are identified. This process, though, will take time as individual records are checked, particularly for complex cases. Most of these cases will be ones where people did not fully engage with the department after they were sent the initial discrepancy note. For reviews that are underway, the department will continue to work with customers to complete those reviews.

The federal government spends over $180 billion to support Australia's social safety net—about a third of total annual government expenditure. We are able to support this expenditure through strong economic management. A strong economy enables a strong welfare system. Paying back any form of legal debt is part of our democratic system. This government is ensuring that, in the case of debt through our welfare system—(Time expired)

Senator O'NEILL (New South Wales) (17:13): Well, the time has expired on the misrepresentation of what robodebt is. It has run out of time. It has had multiple iterations over the last three years. It was wrong from the very, very beginning. I rise to speak on this very important issue in this matter of public importance debate, because what's been going on is the issuing of often erroneous discrepancy notices based on a very flawed system that asks current and former welfare recipients for thousands and thousands of dollars of alleged debt. It's such a failed system that, as I said, the government itself has made 'adjustments'—you could euphemistically say. Basically, the government has had to step back from the great shame of what it was it initiated. The government has backflipped on its own position after three years of defending this harsh and unfair robodebt scheme. Labor welcomes the removal of the two defining features of robodebt: the use of unreliable income averaging alone to substantiate a debt, and the outsourcing of the department's work to the customers to provide information to rebut an alleged debt, which we've been calling the reverse onus of proof. This thing was wrong from the very beginning, and a decent government would never have attempted to rip off Australians in the way that this government has, shamefully, done now for three years.

This afternoon, a court has confirmed just how wrong this government got it. Deanna Amato's debt was declared unlawful, because there was no basis in the Social Security Act for this government to raise the debt against her using the faulty income averaging that has been the defence of this government. They said, 'If the ATO uses an averaging system and it doesn't match exactly with the careful figures that were provided to Centrelink, we're just going to send out a debt.'

The bleating apologists on the other side who've said, 'Oh, there's human engagement at every level,' are simply not telling the truth. This is called robodebt for a reason. It's because they outsourced the responsibilities, as they do with so much of the government, to a machine, an algorithm. The consequences have been devastating. There was no basis, according to the court this afternoon, for Deanna Amato's tax return to be garnisheed. When she went to get what she thought was coming to her, it was gone, taken by this government in a manner that has now been declared unlawful. There is no boundary that this government will not cross. If you're down on your luck, they'll come after you. They'll absolutely come after you, not with a Robocop but with robodebt. The court found there was no basis for the 10 per cent interest penalty to be applied to her debt. Of course there wasn't. She shouldn't have got the debt in
the first place, let alone an additional 10 per cent on top just for fun. So the government has to pay back the interest to Ms Amato. They have to pay back what they took from her that was not theirs, a debt that was generated by a machine that didn't do the work that good governments should do.

Mr Stuart Robert—the relevant minister for this Liberal-National Party government that is the architect of this scheme, which is exploitative of Australians—has made every effort to diminish the significance of this announcement by claiming that it's a small cohort and that there is no change to the onus of proof, and by reframing this as a 'refinement'—I've got to use the ultimate air quotes around it. It was illegal. Surely the government had enough resources to get correct advice about legality before they went ahead with this scheme. If they didn't, that is a gross failure by this government.

The minister has insisted that Australians wait to be contacted by the department rather than calling Centrelink to find out if they'll have their debt reviewed under the changes. 'Just wait,' he says. Does anybody on that side of the chamber, or anybody in the Liberal and National parties, understand what it's like when you are basically hand to mouth, trying to keep your family fed, clothed and housed, doing the right thing in an economy where your job is very vulnerable and reporting every hour that you work? Then all of a sudden the government sends a letter. It arrives. Probably around dinnertime you open the mail, and there you see it: $13,000 or $2,000 you owe the government. That's what it said. You can change the shape of the letter as much as you like, but, when Australians receive a letter from the government, who they should be able to trust, they rightfully freak out a little bit, especially when they've got to repay money that they had no idea that they owed and that, in fact, they didn't owe. That's what the court case said today: Australians did not owe that money.

It's bad that this has happened, but so irresponsible is this government—so unwilling to accept responsibility for the great shame of its daily failures of governance—that the minister is effectively misleading the public by trying to downplay the government's backflip. Human Services staff have been told that up to 600,000 of the 900,000 robodebts that have been issued used that terribly flawed model of income averaging. Six hundred thousand of 900,000 Australians are going to need a reassessment. God help us if they try to do that again with a machine! And this whole thing came about because the government thought: 'Oh well, we'll just stop the Public Service from doing their proper jobs. We'll just cut a whole lot of them out and use a bit of a machine to send out these notices. Hooray! More money for us, for our budget bottom line.' Now we've got 600,000 Australians who know that they've been ripped off by this government. They've done the very best that they could to comply. They've paid debts that really weren't debts.

And the government has no plan to adequately respond. In fact, they're saying: 'Just sit there and wait. Trust us.' Well, the trust currency has dried up. Every Australian who received a robodebt from this appalling Liberal-National Party government knows that they cannot trust this government. No-one would trust a company that generated a debt for a service you didn't get! No-one would trust a company like that, and they shouldn't trust the government that has done that either. People want refunds. It's a fair thing that they get their refund for a debt that they shouldn't have had to consider at all.

Australians want answers now. They want to know whether people in receipt of a debt notice are going to be guided through a formal review at Centrelink, and the time that that's
going to take—how many times they're going to have to sit on the phone for hours. They want to know that they're going to have the best chance to actually have their money. Are they going to get a reassessment? Will everyone who has repaid a debt be alerted of the change? Are they going to be compensated—compensated for the harms inflicted by this scheme?

The Attorney-General, Mr Porter, acknowledged in his National Press Club address last week that the government had in fact received new legal advice in light of the Federal Court actions. And there are a number of questions that absolutely should be answered. Did the government fail to check if robodebt was legal before they actually created this rogue scheme? Did the government receive advice but ignore its own counsel and decide to proceed with unjustly enriching itself at the expense of the most vulnerable in our society—people who'd paid taxes all their life, who just needed a bit of help, and then found this government coming to chase them for a debt that they didn't even owe? Will the Attorney-General now apologise for robodebt? He refused to do so after the 2017 Senate inquiry found that the scheme was destined to fail and should be suspended immediately. Now the scheme has been finally reversed. How can the coalition expect Australians to trust them after they've inflicted this scheme on over a million people—some of them already deceased; some of them experiencing grave suffering because of this very scheme? How can Australians trust this government to look after the most vulnerable in society? They've ignored three years of clear evidence telling them to go back to the drawing board. How can the coalition expect Australians to trust them after they quietly called off their rogue robot only after facing Federal Court action that has proven it illegal?

This is a disastrous government, and it has inflicted great pain on the Australian people. The most vulnerable have suffered at the hands of those in this government, and they should be ashamed of themselves. (Time expired)

Senator ASKEW (Tasmania) (17:23): I'm pleased to contribute to today's matter of public importance debate in relation to the perceived values of the Centrelink compliance program, but firstly I would like to speak about the income compliance process itself. This process compares the information provided by a person to Centrelink with the income reported to the Australian Taxation Office from paid employment. Based on this information, Centrelink makes an assessment and contacts the individual, alerting them that there may be a discrepancy, if the information received does not align. It should be noted that no debt has been raised at this point. This contact is simply a query from Services Australia asking the person to explain why the income they declared to Centrelink is different from the income declared to the Australian Taxation Office.

It is also important to note: the outcome of every income review is decided by a compliance officer—humans, not robots, have always been involved in this stage of the income compliance process. Minister for Government Services and for the National Disability Insurance Scheme, Stuart Robert, has assured us that at no point while he's been the minister has there been a time when departmental staff were not involved in the process of raising a debt. In around 20 per cent of cases, where a recipient has received such a notice, the discrepancy can be explained through provision of further information such as payslips or bank statements. In other cases, however, there are debts raised. I note that, in cases like these that have then gone on to be formally appealed, less than one per cent of them have actually been overturned.
Once a debt has been confirmed, people have 28 days to either pay the outstanding amount in full or enter into a repayment plan in order to avoid having interest applied to their debt. Services Australia takes into account an individual's financial and personal situation when working out a repayment plan to ensure they do not experience hardship. This is one reason that I and my colleagues have always strongly urged anyone receiving either the initial discrepancy letter or subsequently a debt notice to contact the department on the number indicated on their letter to discuss their personal situation.

The coalition government made a commitment to refine the income compliance program and we remain responsive to community feedback. Refinements have been made a number of times over the past few years, both before and after the Commonwealth Ombudsman's report. We have listened to concerns about the current system, and indeed over recent months I have been at public hearings on this very issue around the country so I understand the implications of this discussion.

Last week the Minister for Government Services announced a further refinement of the income compliance program. These changes will make the program more robust by requiring additional evidence when using income information to identify potential overpayments. This means a debt will no longer be raised where the only information the department is relying on is the averaging of ATO income information.

The government has a responsibility to collect any overpayments. Any fiscally responsible government would be required to do this. Compliance activity will continue for past and future welfare payment recipients where there is a reason to believe they have been overpaid. As outlined earlier by Senator Hughes, in the past the department has asked people to explain discrepancies to them. Under the changes, if someone does not respond to these requests, they will use more information to help them confirm whether or not they have a debt. For those debts raised to date, which the department calculated solely through income averaging, debt recovery will be frozen and the debt will be reassessed with additional information.

Australian taxpayers foot the bill for around $111 billion in social security payments each year and rightly expect those engaged in the welfare system to receive the amount of support for which they are eligible—nothing more and nothing less. We know that those opposite cannot manage money and may think it insensitive or inappropriate to recover overpayments when they occur. However, I agree wholeheartedly with the minister that the government has a legal obligation to raise debts where they exist.

The average Australian expects us to use their funds wisely. They expect the government to ensure that the right people do get the right amount of welfare at the right time. We make no apologies for ensuring we are meeting our legal obligation to the Australian people and we do not stand back from requiring that the correct recipients receive the correct amount of money. If anybody has been overpaid, then they should repay that money. This expectation is a central premise on which the community's trust in the administration of this safety net is based.

The integrity of our welfare system is important and Australians, rightly, expect us to honour that trust. As such, we will maintain the government's dedicated focus on returning overpayments to taxpayers. We balance this requirement with fairness and transparency in our compliance activities. As is their right, people can ask the department to review its decisions.
or provide additional information at any stage of the process. The Ombudsman found this process indicates a reassessment process that is functioning as it should.

The key message here is that it is the responsibility of those receiving welfare payments to ensure their income is up to date. If there are any changes to income, no matter how seemingly minuscule, the onus is on the individual to keep the department informed. This is the best way to minimise any chance of incurring a debt down the track.

On the matter of the class action that was brought before the Federal Court by income compliance complainants last week, obviously we cannot discuss particulars while this matter is before the court. However, I will reiterate some points the Attorney-General made at the time. He reminded us that the case is an issue that relates to a group of people, the exact number of which is unknown, who were sent a notice to respond to the department. As was explained earlier, this notice was based on data income matching and asked the recipients to explain the discrepancy. These people did not engage with the department.

The legality of the government's income compliance scheme was underpinned by internal advice given to the department at the time it was developed. The advice received and acted on was actually similar to the data-matching advice that was conducted by the Labor Party when it was in government. On the subject of the Labor Party's own record when it comes to income compliance, we have heard several examples earlier today of their support.

The government does not apologise for requiring people receiving welfare payments to pay back money if they have received more than they were entitled to. If the debt assessment has been calculated incorrectly, the department will work with the recipient to rectify the discrepancy. This process is ongoing and may well be refined again over time. It is what the community expects a strong government to do—a strong government that has a track record on strong economic management and providing support to those who need it when they need it. It is a strong economic track record that has delivered tax cuts, is supercharging our record investments in infrastructure and is keeping our budget strong, despite the challenges our economy has been experiencing.

The ACTING DEPUTY PRESIDENT (Senator Fawcett): The time for the discussion has expired.

PETITIONS

Election Advertising

Senator FARUQI (New South Wales) (17:32): by leave—I table a non-conforming petition relating to truth in election advertising, and I seek leave to make a short statement.

The ACTING DEPUTY PRESIDENT (Senator Fawcett): Leave is granted for one minute.

Senator FARUQI: We know that the last federal election was riddled with blatantly false and misleading advertising, which has eroded public trust in our democracy. People have had enough of this. I am proud to table this petition of tens of thousands of Australians demanding that this problem be fixed once and for all. People are really concerned about the total lack of accountability for the scare campaigns run by political parties. They are sick and tired of politicians openly lying to voters with no consequences whatsoever. Both major parties have refused to take action to ensure political advertising is not misleading. The Greens have long
called for legislation and regulation of political advertising to ensure it is true and accurate. We will continue to stand for truth in political advertising.

Welfare Reform

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:33): by leave—I table a non-conforming petition calling for the cashless debit card to be dropped, and it contains 9,453 signatures.

Immigration Detention

Senator McKIM (Tasmania) (17:34): by leave—I table on behalf of myself and Senator Keneally a document in the form of a non-conforming petition, which is a petition signed by 51,299 Australians calling for medevac to be saved.

DOCUMENTS

Department of Health

Consideration

Senator POLLEY (Tasmania) (17:34): I move:

That the Senate take note of the document.

I rise to speak on the 2018-19 report on the operation of the Aged Care Act 1997. The forward by the Minister for Aged Care reads:

The past year has been a challenging time for aged care in Australia as a spotlight has been turned on those parts of the system that have failed some of the most vulnerable older Australians. The establishment of a Royal Commission into Aged Care Quality and Safety is a vital step in identifying opportunities, and understanding how to meet the challenges to deliver world-class aged care services now, and into the future.

But the reality is that the aged care royal commission was called by this government to look into its own failings when it comes to aged care.

As usual, those opposite come into this place and try and blame the opposition for when we were last in government. But the Australian people, and those people who work in the aged-care sector, fully understand that the Living Longer Living Better framework was introduced by the Labor government in cooperation with those that were opposite at that time. What we have seen since this government has come to power is the aged-care sector being used as an ATM. That's what they've done. When the Prime Minister was Treasurer of this country, he gutted the aged-care sector by over $1 billion. Taking that money out of the aged-care sector has left it bereft of the resources that it needs to ensure that we have a safe, caring aged-care sector in this country.

The royal commission is a good thing, as it turns out. It has not only put the media spotlight on the aged-care sector, but Australians in general are also looking at it. We know there are some good things that the government have announced in very recent times—in relation to chemical restraints and moving young people out of the aged-care sector. But the reality is that it's a fundamental right of all Australians as they age to get the support that they need.

Recently the government announced, in relation to the interim report of the aged care royal commission, that they would make 10,000 additional home care packages available. The reality is that that is a drop in the ocean. That is what the sector themselves are telling this
government. We know that currently there is in excess of 120,000 older Australians who have been assessed as needing an aged-care package from levels 1 to 4. Obviously, a level 4 package is one that is needed to give the security and services that enable that individual to live at home with support. That's what Australians want.

But what we have seen from the government in their response to the royal commission—which they called themselves, after 16 reports about the failings of the aged-care sector—is failure at the first hurdle to put some real, genuine money into the sector. So what we've got is 10,000 new home care packages. But we had to ask the government this week about a 95-year-old lady who has been told she will have to wait up to 22 months before she will get the package that she has been assessed for. We know that more than 16,000 older Australians have died after they were assessed for their level of aged-care home care package. That might be one way those people opposite want to meet their budget, but it's certainly not what we on this side of the chamber believe older Australians should have to deal with.

When someone is assessed for a home care package, they need to have that support. One of the responses from this government has been: 'Oh, aren't enough carers. There aren't enough workers in the aged-care sector.' It was this government, when it came into government, that cut the workforce subsidy that was put in place by the former Labor government. Over the last 6½ years, these people have said the workforce is not the federal government's responsibility. If you fund aged care in this country then the workforce is your responsibility. It's your responsibility to show the leadership, to ensure we have best practice and the best, most highly skilled and trained people to look after the most vulnerable.

Older Australians deserve our respect because they have contributed to this country. So it's a damn shame that those opposite don't respect older Australians enough to fund the aged-care sector. (Time expired)

Senator BILYK (Tasmania) (17:40): I also rise to speak on the 2018-19 Report on the operation of the Aged Care Act 1997. This report details the operation of Australia's aged-care system during the 2018-19 financial year and it makes quite interesting reading. But even more interesting is what the report doesn't say. It quite clearly states that on 30 June 2019 there were 106,707 people receiving a home care package. This sounds all well and good—until you discover that there are 120,000 people waiting for the home care package at the support level that they've qualified for, and that 72,000 of these people are not getting any support at all. The report neglects to mention these figures at all.

The aged-care system in Australia is in complete disarray under this third-term Liberal government. They have failed time and time again to make the important structural reforms that are necessary to ensure elderly Australians receive the care that they need and deserve. We should not have had to wait for the abuses outlined in the royal commission to come to light before this government belatedly, and inadequately, responded. There were shocking abuses—each one of these a damning indictment of this government's unwillingness to give older Australians the care and dignity that they deserve. The government's response to the interim report is pitiful: just 10,000 new home care packages—when 120,000 people aren't getting the support they need—is disgraceful. That's only about eight per cent of what is needed. It's just a drop in the ocean. What about the other 110,000 older Australians who are still waiting for care, their families and their loved ones—what do they do in the meantime?
The government's own Royal Commission into Aged Care Quality and Safety has said that not funding the home care of 100,000-plus older Australians waiting for care is neglect. There's also damning new evidence that's revealed the Morrison government received advice from the Department of Health eight months ago on how to fund more care packages but simply didn't care enough to do anything about it. The answers in Senate estimates showed that this advice was part of the budget process. The Morrison government's excuses for why it hasn't funded more home care packages, in response to the scathing interim report of the aged-care royal commission, don't stack up. The extra $500 million they've committed to spend is less than three per cent of the government's $19.9 billion expenditure on aged care, with 120,000 people not getting the level of care they need, compared to 106,707 getting some support but not necessarily all the support they need. This additional less than three per cent to the sector will have minimal impact. The home care waiting list continues to grow under this government.

According to this report, $13 billion out of the $19.9 billion figure I mentioned earlier is spent on residential care. It's the most expensive part of the system. It is much more expensive than allowing people, through home care packages, to receive the support that they need to stay in their own homes, which is why it's absolutely astounding that the government refuses to properly fund home care packages. Data from 2018 showed that 13,000 older Australians entered a residential care facility that year simply because they could not receive the support they needed at home. In fact, 16,000 older Australians died in just one year while waiting for their home care packages. It's disappointing that these kinds of figures are not highlighted in the report that we're discussing today, but it's part of a pattern by this government to avoid accountability.

The government cannot keep avoiding responsibility for their failures in aged care, because their failures are, in large part, born out of the decisions that they have made while in government. The Australian people have become aware of the level of incompetence and mismanagement that this government have overseen, and that in itself reflects so badly on this government. Now, they quite often—in fact, every day—want to blame the Labor Party for everything. But they are a third-term government. They have been in power for six years. It's like a little kid saying, 'Six months ago, Johnny broke my train, so I'm going to wreck his car.' Seriously, people, you need to grow up, be accountable, take responsibility. Let people in aged care live with some dignity and receive the care that they need. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Innovation and Science Australia
Consideration

Senator BILYK (Tasmania) (17:45): I move:

That the Senate take note of the document.

I rise to speak about Innovation and Science Australia's latest annual report. I noticed that, in that report, the chair, Andrew Stevens, mentioned 'Australia's measured decline in business expenditure on research and development'. What Mr Stevens points to is not something beyond the government's control. It's a symptom of their neglect of an innovation agenda and of the war on science they've continued waging ever since they came to office.
As I've pointed out in this place many times before, the stagnant economy that those opposite are overseeing is due in large part to their failure to invest in the drivers of productivity. This is one reason why economic growth has slowed to a crawl and growth in business investment has fallen to its lowest level since the 1990s recession. Harvard’s *Atlas of Economic Complexity* has listed Australia as 93rd in the world. For those not familiar with this measure, having a low rating means too much reliance on what we dig out of the ground. While industries such as agriculture and mining are vitally important to Australia, we need to diversify and to add value to our exports.

It's interesting that the ISA's report makes observations about spending on research and development, cooperative research centre grants, venture capital partnerships and various other initiatives, but is silent on how these investments compare with previous years. That's because such comparisons would shine a light on this government's poor record when it comes to innovation and science. In Australia, research and development spending is currently at 1.8 per cent of GDP. By comparison, the OECD average is 2.4 per cent, and it is as high as four per cent in world-leading countries. We've had a 19 per cent decline in R&D investment since 2015-16. The following year, 2016-17, was the first year that R&D spending in Australia went backwards. So, shockingly, we come last—last!—in the OECD when it comes to the percentage of projects that include collaboration between industry and scientific researchers.

This is not a failure of industry; let me be clear. It is a failure of government. The Morrison government have diminished the effectiveness of the R&D tax incentive by ignoring their own review, which recommended a collaboration premium. They've also relied on the tax incentive to drive research and development, instead of making more direct investments in R&D, like other countries are doing. Direct investment allows other countries to focus on areas of competitive advantage, rather than having their R&D spend scattered across various disparate activities.

Not only are the Morrison government failing to drive Australia's R&D investment but they are failing when it comes to investing in innovation more generally. While former Prime Minister Malcolm Turnbull talked a big game on innovation, we have barely heard the word uttered since Mr Morrison became Prime Minister. In fact, the innovation agenda is going backwards. This government has cut $2.2 billion from universities. They've only spent $5.5 million of their Research Infrastructure Investment Plan and they plan to spend less on innovation over the next four years than they did in the previous four. The Morrison government is also failing to ensure that we're competitive in the emerging market of artificial intelligence. While other countries are committing billions to AI and related technologies, our government has committed a paltry $30 million over the forward estimates—that's million with an 'M'. This is for a global industry which, it is estimated by PricewaterhouseCoopers, will be worth over $20 trillion by 2030.

The failure of government to invest in innovation will be made worse by their failure to develop a workforce that is prepared for it. Domestic graduates in IT related courses are down by one-third since 2002, and school enrolments in science, technology, engineering and mathematics, or STEM, subjects are at their lowest level in 20 years. When it comes to science, innovation, research and development, the Morrison government is definitely asleep at the wheel. But leaving Australia behind is exactly what we expect from a government
which is living in the past and fails to appreciate that the world is changing. It is what we've
come to expect from a government that stops the rollout of a 21st century broadband network
and rolls out broadband technology from last century instead. It's what we've come to expect
from an analog government operating in a digital world. A government of dinosaurs such as
the Morrison government cannot be trusted to have a globally competitive innovation and
science agenda.

Debate adjourned.

**DOCUMENTS**

**Consideration**

The following documents were considered:

Motion to take note of document no. 2 moved by Senator Polley and debated. Consideration to
resume on Thursday at general business.

Motion to take note of document no. 17 moved by Senator Bilyk. Consideration to resume on
Thursday at general business.

**COMMITTEES**

**Community Affairs Legislation Committee**

**Additional Information**

Senator McGrath (Queensland—Deputy Government Whip in the Senate) (17:51): On
behalf of the Chair of the Community Affairs Legislation Committee, Senator Askew, I
present additional information received by the committee on its inquiry into the provisions of
the Social Services Legislation Amendment (Drug Testing Trial) Bill 2019.

**Community Affairs Legislation Committee**

**Additional Information**

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behalf of the Chair of the Community Affairs Legislation Committee, Senator Askew, I
present additional information received by the committee on its inquiry into the provisions of
the Social Security (Administration) Amendment (Income Management and Cashless

Senator McCarthy (Northern Territory—Deputy Opposition Whip in the Senate)
(17:51): I move:

That the Senate take note of the documents.

The Social Security (Administration) Amendment (Income Management and Cashless
Welfare) Bill 2019 is fundamentally flawed. Labor senators listened to all the evidence
presented at the inquiries, read all the submissions and carefully considered our response to
this bill. This legislation will have a direct impact on the lives of 23,000 people, the majority
of them First Nations people living in the Northern Territory. It will impact their families,
their communities and their futures.

What this legislation does is turn the entire Northern Territory into one cashless debit card
trial, and it creates three classes of people who will be forced to participate. It requires 23,000
people to open a bank account with Indue Ltd. It allows personal data to be collected and
shared between the federal and Northern Territory governments, with a lack of clarity and
transparency about Indue Ltd's role in data collection and use. It fails to provide a fair process for people to exit the trial, even where it is causing harm.

The bottom line is that there is no independent verified evidence to support the idea that broad-based income management reduces social harm. It might fit with your preconceived philosophy and views about people who receive income support, but the fact is there is no evidence—quite the contrary, as a matter of fact. We have 12 years of experience of it in the Northern Territory. The Howard intervention of 2007 introduced compulsory income management to the Northern Territory. Despite remote areas of our Territory being subject to this unrelenting and costly policy, poverty has worsened there. There is no independent rigorous evaluation of the CDC in the trial sites that indicates it is effective in reducing social harms, particularly the harmful use of alcohol and other substances, and there is no robust evaluation on the BasicsCard showing that it reduces social harm.

Evidence from Danila Dilba Health Service given to the committee that inquired into this bill showed that more than 23,000 Aboriginal people have been subjected to income management or income quarantining since 2007. The original objectives of income management were supposedly to improve the health, wellbeing and education outcomes of Aboriginal children and to protect women and older people from humbugging and violence.

Over the 12 years of compulsory income management in the Northern Territory, Danila Dilba said there has been an astonishing lack of credible evidence that income management has made any significant improvement to any of the key indicators of wellbeing—child health, birth weights, failure to thrive and child protection notifications and substantiations. There are no improvements in school attendance, and certainly nothing we can see would suggest that there has been a reduction in family or community violence.

Given the government contends this bill is a swap for recipients from one tool to another—that is, from the BasicsCard to the cashless debit card—the lack of evidence regarding the efficacy of either card brings into question why this legislation is being imposed. In fact, many submitters and witnesses provided evidence of negative impacts of both the BasicsCard and the CDC.

Two of the stated objectives of the cashless debit card are to ensure that vulnerable people are protected from the abuse of substances and any associated harm and violence and to give people an increased ability to meet their basic needs. Some witnesses and submitters gave evidence that a CDC could exacerbate the harms it is purportedly meant to reduce. Money Mob Talkabout Limited, a financial literacy and assistance organisation, told the committee that their data suggests welfare quarantining can cause harm. While older people and people with disabilities won't be directly put on the CDC, it's unlikely to stop them from being targeted because they receive those higher payments, such as an age pension or a disability pension. We're seeing them currently having their cards and income management allocations taken and used by other people who've already expended their income. So it's actually increasing their vulnerability and diminishing their ability to meet their basic needs. One type of vulnerability could be just supplanting another.

This bill gives the minister extraordinary powers to determine the level of restricted payments, and now we see from amendments that have been introduced in the other place today that the real agenda of this government is to increase the quarantined income level for
all income support recipients to 80 per cent, in line with the other trial sites. Having your dollars quarantined by 80 per cent—that is the true intent of this government.

There are huge flaws in the operation of the CDC. It's been proven that the CDC can be used to purchase supposedly banned items. The loopholes in the CDC provisions that allow participants to purchase supposedly banned items, such as alcohol, through the use of credit cards and barter-type arrangements with unscrupulous individuals is of great concern. These loopholes bring into question the effectiveness of the card, and they were summed up in comments by Senator Lambie in a hearing of our committee. She said:

So I can go and get eight bottles of wine on my Visa card and you guys—the department—have got no idea, and I can just pay it off with my other card. That's a new one. That's a beauty! Everyone will be getting Visa cards tomorrow, watch.

Those are very true words and very valid concerns.

There has been no real consultation with the people of the Northern Territory—none of the stakeholders, affected communities or any of them—on the planned rollout of the cashless debit card. This government is spending $129 million on this expansion of a flawed system that no-one wants and that doesn't even work. If the government really want to spend $129 million to support welfare recipients in the Northern Territory, I've got a few suggestions for them. How about the spending of a few million dollars on the provision of support services in remote regions? It is well established in the medical profession that the treatment of alcohol and drug misuse disorders requires individualised responses and access to services, but there is a shortage of rehabilitation and mental health services, especially in remote communities. The imposition of this cashless debit card, with absolutely no consultation with the community, is reprehensible. Has this government learned nothing since the disaster and the harm caused by the intervention in the Northern Territory 12 years ago?

We know that community developed and run initiatives to reduce social harm have more chance of gaining support and—get this—even positive outcomes. Well, what do you know! There are proven examples of this. The Arnhem Land Progress Association's food card and Tangentyere Council's previous voluntary income management system were cited as evidence of community driven solutions, They should be supported by this government.

A delegation of people from the Northern Territory was in Canberra this week, talking to senators and others about why they don't want or need the cashless debit card. These are people with the lived experience, and I thank colleagues in the Senate and those in the other house who took the time to meet and speak with this delegation, who travelled thousands and thousands of kilometres just so that you could understand—or at least try to understand—the pain that is being placed on our First Nations people not just in the Northern Territory but right across the country when governments and representatives of parliament do not listen and do not take heed of the positive programs that are working. Programs work when you work with First Nations people instead of coming from the top down and always imposing your views and your policies on top of First Nations people. Their message was very clear, and it's one that First Nations people around the country are saying louder and louder. Senators, please listen again. Every time I stand I ask: listen to First Nations people. Nothing for us without us. The cashless debit card is not for us, and you will do it without us. (Time expired)
Senator PRATT (Western Australia) (18:01): This afternoon I also take note of the additional documents that have been tabled for the Community Affairs Legislation Committee inquiry into the Social Security (Administration) Amendment (Income Management and Cashless Welfare) Bill. I know these tabled documents will be part of the submissions that this committee has undertaken. I think it's worth highlighting that, overwhelmingly, the majority of the submissions made to the inquiry condemn this legislation. They're not supportive of the legislation for a number of very, very solid reasons. There has been no solid or rigorous evaluation of the cashless debit card in the trial sites that shows in any way at all that the scheme is effective in reducing social harms, particularly in reducing the harmful use of alcohol and other substances. That's certainly been borne out in large part by some of the evidence that's come through from the East Kimberley, when you look at things like domestic violence statistics.

This bill, which these submissions relate to, has given the minister extraordinary power to determine the level of restricted payments. There are flaws in the operation of the cashless debit card. As Senator McCarthy highlighted, it's not worth all the administration behind it, because people are able to get around it. It doesn't do what it purports to do, but what it does do is subject people to a great deal of inconvenience, in many cases, when trying to meet their basic living needs and costs. As submissions to the inquiry highlighted, there has been no real consultation with Northern Territory stakeholders and affected communities regarding the planned rollout of the CDC, and those communities have been wise to be suspicious about its implementation, based on the experiences in the East Kimberley.

In my own state of WA, I have extreme concern about its rollout. Just this week, we've been in touch with a constituent who has a serious issue with getting by on the card. She was put on the scheme before she moved to a country town in WA. It's a small country town, and it's without the shops that accept the management scheme card. She has been in touch with Centrelink to ask if she can be taken off the scheme until it's rolled out in the new town, but she was told by the Centrelink operator that it would take 13 weeks to process. This means she has to drive some 30 kilometres to the nearest store which accepts the card. There's a reason that she's on the cashless debit card. She's suffering from serious health issues and she has a three-year-old daughter to care for. This commute is very difficult for her, and it's completely unnecessary. Because she can't go to the local shop, she's forced to make a 30 kilometre commute to buy the necessities and basics for her family. It is, indeed, already hard enough to get by on income support without being subjected to the extra cost of the high cost of petrol and travelling that 30 kilometres to buy things as basic as bread and milk.

The inquiry uncovered major flaws in the CDC. It's of no surprise to me there are further submissions that continue to come into the committee that have had to be tabled outside the official committee process in this chamber. The Northern Territory government said:

Our understanding is that this process would be delivered outside the current Centrelink process, with cards delivered by mail, which is of extreme concern to us. People would be required to utilise websites, emails and call centres to receive the card, make balance inquiries, manage loss of cards and make other inquiries.

I know the bureaucrats have been asked to implement the card by the government, but if you've ever been to the places that it's being rolled out to, you would understand how extraordinarily impractical what you're asking for is. People have to line up outside their local...
community centre to use a computer. There may be no telephone or mobile reception. The only phone call, in many cases, that can be made in remote locations is often via the community phone. Do you know what happens there? The phone rings, someone answers it, you call around the community to see who it's for and the person on the line will wait ten minutes for someone to walk out to that person's house and back again in order to answer that call. You cannot possibly expect that people who have issues with this card are able to resolve them using the internet. Even if you had the internet in many of these locations, the simple fact that these communities have been without decent internet communications forever simply means that, culturally, people aren't equipped to navigate their life using that kind of technology.

It is little wonder to me that the Northern Territory government is up in arms about this legislation and also made submissions to the inquiry. They said:

This will be difficult for people living in remote locations with limited phone and web access and very poor postal services—and impossible for people living more remotely in one of the Territory's 500 homelands or outstations. It is our strong view that a significant body of work needs to be undertaken to examine how these arrangements can work in remote areas. We do not see this working and remain highly concerned about the impact on existing social crisis services when a number of people will be unable to access their funds.

If we are serious in our nation about valuing Indigenous culture then people have a right to live on country, but this government seems determined by whatever means to make it impossible for people to do so. Living out on country, there are no grog shops. They're very culturally and lifestyle oriented places, and yet this government is determined to denigrate those communities by saying, 'Well, you can't manage your own finances. We don't trust you to go and do your own shopping.' The simple fact is: this government does not understand the economies of these places where people absolutely have to trade goods with each other, whether it's the fish they've caught, the wild game that they might have caught or a lift into town that you have to exchange for a little bit of cash to cover petrol money. It is absolutely outrageous the way this government wants to interfere with Indigenous economies in our country.

Evidence from the Central Land Council was that a meeting of delegates was the first time they'd heard about the government's proposed rollout of this card. They said:

As with the intervention, the cashless debit card is being rolled forward without consultation or consideration of what might work best for people on the ground … more than 35,000 Territorians have had direct experience of income management over the 12 years, the majority of them being Aboriginal and living in remote communities where life is already very tough.

Why would you not talk to these people about the rollout of the card? Everyone in these communities already has lived experience and are much more qualified than bureaucrats in Canberra or this government to decide what's good for them. So I think it's high time this government woke up to the reality of life for Australians living in these locations, and I really commend people for making submissions to the inquiry.

Senator CHISHOLM (Queensland) (18:12): I rise to speak on the Community Affairs Legislation Committee additional information. This is important legislation that the committee work has been dealing with and it's something that I have spent time in Queensland dealing with over the last couple of months. Since the election I've been through a
number of Cape York communities—Hopevale, Coen, Lockhart River and Napranum. The lack of consultation that has gone on in those communities is stark. The government tried to claim that they've consulted with these communities. They have done no such thing. So there is a lack of information about the impact that this rollout is going to have in these communities, and the government have been treating these communities in the same way they've been treating the communities of Hinkler—Hervey Bay and Bundaberg—like mushrooms: keeping them in the dark and not giving them accurate information to justify the further rollout of this card.

What we know from travelling to these places and listening to people—which is something the government haven't done and the sitting government members in these areas certainly have not done—is you actually hear firsthand the experiences of those people impacted by this card. That's been my experience in the last month, having been to Hervey Bay and Bundaberg, including in Hervey Bay where I conducted a forum for people to come along and have chat to me about the cashless welfare card. The reason why people were so keen to come along and have a chat to me is that their local member refuses to listen and refuses to engage with those people. Indeed Keith Pitt, the member for Hinkler, rose in the House this week and tried to claim that there were no concerns from locals. That's because he's not listening and he doesn't have an open door for those people who are impacted by this.

What we also know is that the government spin, as they try to justify the rollout of this card, is absolutely lacking. What we've seen through the efforts of the government is that they try and claim that this has led to a reduction in people who are unemployed and they also claim that there are 700 people who are no longer on the cashless debit card in the Hinkler community. When you look at that and break it down and ask the government to provide an example of what those people are now doing, the response from the government is: 'It would be an unreasonable diversion of resources to prepare this data.' So, on the one hand, they're trying to claim how great this is and what a success it has been, but, on the other, when you actually try to pin them down to provide some evidence about this, they provide no such evidence at all.

They try and claim that there's been a reduction in unemployment in the region as well, but when you compare unemployment in Bundaberg to unemployment in Gympie, which is a couple of hours down the road and isn't subject to the cashless welfare card, there has actually been no substantial difference over the last 12 months. So, for all the claims that the government have made to try to say that the cashless welfare card has been a success in Hinkler, there is actually no evidence, once you actually look at what the government are putting forward, to back their claim that it's a success.

The other thing that is important is that the Australian National Audit Office has previously criticised the department's data collection about this and has described the approach to monitoring and evaluation as 'inadequate'. So even the Audit Office is saying there's a lack of robustness in data collection. If they really wanted to treat this trial seriously and actually look at the impact it was having in the community, they would have a much more robust approach to how this was done. But they do not do that. And Keith Pitt, the member for Hinkler, has criticised those people who came along to my forum—discredited those who came along to give their evidence. It is really disappointing that he is treating his constituents with contempt.
I just want to briefly talk about Jodie McNally, who came along to my forum in Hervey Bay—and she actually drove from Bundaberg, which is about an hour's trip, because she was so passionate about being able to put her case to an elected official—something that, sadly, Mr Pitt won't do. She talked about her experience of going on the cashless welfare card, and her personal story was covered in the Fraser Coast Chronicle. Ms McNally has chronic pain from arthritis and prolapsed discs. She doesn't gamble or drink alcohol, but has debilitating anxiety, which she says the card has negatively impacted on. Ms McNally has applied to opt out of this trial, but has not heard anything since July. Mr Pitt keeps saying that he has heard anecdotal evidence from people that the card has been a success, but he clearly isn't listening to his local community and is dismissive of people like Ms Jodie McNally.

So I would say to the government and to those government members who are responsible for these communities that are going to be impacted that they need to get out there. They need to listen to those people. They should not roll this out from on high and just say: 'This is what local communities are getting.' This is having a negative and devastating impact on those people who have been affected.

Labor has taken the right position. We opposed the national rollout of this. It is something that we will continue to fight in Queensland, and we will continue to fight it across Australia as well.

Question agreed to.

Rural and Regional Affairs and Transport References Committee Report

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (18:18): On behalf of the Chair of the Rural and Regional Affairs and Transport References Committee, Senator Sterle, I present the report on the feasibility of a National Horse Traceability Register for all horses, together with the Hansard record of proceedings, and documents presented to the committee.

Senator FARUQI (New South Wales) (18:18): I move:

That the Senate take note of the report.

I rise to take note of the report on the feasibility of a National Horse Traceability Register for all horses, and I want to start by saying how excited I am that we are at the point of unanimous recommendations from Liberal, Labor and Nationals—and, of course, the Greens—that we need a National Horse Traceability Register in Australia. As the report shows, there are so many benefits that will come from having this register. To think that we don't even know how many horses there are in Australia at the moment really is an eye-opener. A birth-to-death traceability register would provide transparency and accountability. It would also improve animal welfare and prevent animal cruelty. It would also have significant biosecurity and safety benefits.

The federal government's response to this report will be a great opportunity for them to show some leadership, which has been sorely missing. It is completely unprecedented to have so many stakeholders and groups in favour of the need to establish a National Horse Traceability Register—everyone from Racing Australia, Australian Harness Racing, horse breeding societies, farming peak bodies, biosecurity bodies, the Australian Veterinary Association, animal welfare organisations and the police. In fact, as the report notes, just two
submissions out of 70 opposed the concept of a scheme. Both of those submissions were from individuals. I want to wholeheartedly thank the committee staff, especially Joshua Wrest, for the incredible work they do, without which we couldn't have such in-depth inquiries and investigations.

It is my honour to have brought this issue to the attention of the Senate for scrutiny through my parliamentary motion in November last year, which called for a National Tracing and Registration System and then the motion to establish this inquiry in February this year. I want to thank my fellow committee members, in particular the chair, who approached this inquiry with an open mind.

For me, all this started when I read an article from Calla Wahlquist in The Guardian in October last year, titled 'Auction day at Echuca, where horse racing's also-rans await their fate'. Calla had gone to the saleyards to photograph and document the fate of so many racehorses sent to be auctioned off. What stuck in my mind was the picture of a chestnut thoroughbred with a white patch on its forehead, sitting on the ground of the saleyard pen with ribs poking through its skin. The caption read:

This 11-year-old thoroughbred last raced in 2014 and had total winnings of more than $100,000. He sells for $340.

This was heart-wrenching. For a horse who'd made so much money for its owners to then end up in such bad condition, being auctioned off to probably be brutally killed in a knackery or abattoir—it's despicable. It is totally unacceptable and has to stop. We owe these horses so much better. That's when I put up a motion to the Senate, noting the issue and highlighting the lack of lifetime tracking of racehorses, including the requirement that all slaughterhouses and knackeries scan horses that enter their premises. It wasn't long after that when Juliana Waugh and Mark Waugh contacted my office. We met in November 2019, which was when the Waughs told me their story and highlighted the need for a National Horse Traceability Register on many grounds, which I will come to a little later.

I wish to acknowledge and thank Juliana and Mark Waugh, who are here with us in the chamber this evening. The Waughs will be no strangers to members of the committee. How could we not be struck by their tenacity and their determination to honour the memory of their 18-year-old daughter Sarah, who they tragically lost in a preventable horse riding incident in Dubbo TAFE in March 2009. Sarah was learning to ride as part of a TAFE jillaroo course in Dubbo, in the New South Wales central west. The horse she was riding bolted in a paddock and Sarah fell from the horse. It later emerged that the horse was a still-registered racehorse who was just six weeks off the racecourse when he was placed in a New South Wales government-sanctioned course for beginner riders.

Juliana and Mark Waugh have worked tirelessly to improve rider safety in Australia. Through their hard work we have seen, for example, safety codes to regulate horseriding in New South Wales. One final piece in the puzzle is the enactment of a National Horse Traceability Register in Australia. The register would have allowed TAFE staff to check the history of the horse Sarah was riding and reveal that it was unsuitable for inexperienced jillaroos. Their evidence to the committee was informed and moving. They cogently argued the benefit of a register, not just for safety, but for the good of the horse industry, which they
love. To the Waugh family, I thank you for all the work that you have done for animals, for the horse industry and for community safety, and I'm so sorry for your loss.

I also want to discuss the horseracing industry. To their credit, industry peak bodies pretty much unanimously support a National Horse Traceability Register, but what disturbs me is that, while they seem to agree in principle with the idea of a horse register, their evidence suggests that they are reluctant to take moral responsibility for the whole-of-life care for the thousands of horses bred each year. When I asked the former Liberal Premier of New South Wales, Barry O'Farrell, who headed up Racing Australia at the time, whether or not the racing industry has responsibility to look after horses for their life, he said:

"I think they have a responsibility up until the time they leave the racing industry. If I sell you my car, Senator, it's no longer my responsibility to maintain it: it's yours."

Sorry, but a horse is not a car. A horse is a living, sentient being. When a billion-dollar industry is predicated on the breeding of thousands of animals purely for providing gambling profit through racing, they have a special responsibility to guarantee it a good life. That is exactly what we saw on the ABC special investigation into the horseracing industry, which revealed what goes on when racehorses' lives end in knackeries and abattoirs. It is much worse than what many of us imagined.

People across Australia were shocked and shattered at the extent and level of animal abuse in that expose. The industry went to ground. But the people took notice. This year's Melbourne Cup was the fourth consecutive year that attendance had dipped, and we saw the worst attendance since 1995—a 24-year low. TV viewership was down almost 600,000, dipping by one-third in Melbourne alone. Betting was subdued over the whole carnival. We urgently need to introduce breeding caps, birth-to-death tracking and responsibility, and a retirement plan for every racehorse born in Australia, whether they make it to the track or not. That is a discussion for another inquiry or, even better, a royal commission.

This isn't rocket science. Horse registers operate in Europe and in particular in the United Kingdom. Horse societies and the racing industry already maintain registers that could just feed into this database. What this register looks like, what it includes and how to develop it no doubt has some challenges, but let's embrace these challenges, instead of using them as an excuse for inaction. This is an incredibly exciting time for this work to be happening. Technology is advancing so fast that we could soon be looking at biometric identification for animals that can be accessed from our mobile phones. This gives us the chance to actually lead innovation in this area.

There are many horse advocates that I wish to note and thank, people who save horses from starvation, neglect and harrowing deaths: groups like the Australian Equine Unification Scheme, Animal Liberation, Hunter Horse Haven and the Coalition for the Protection of Horses, and individuals like Sandra Jorgensen, Gabbi Openshaw, Debbie Barber, Bianca Folber and Elio Celloto. Special thanks go to the incredible Caro Meldrum-Hanna, who has exposed animal abuse in the racing industry time and again. Thank you for everything you do for animals and to save these magnificent animals.

I can't think of an inquiry where stakeholders have been more aligned in wanting something to happen and unified in what it should be. They want the federal government to show leadership. I urge the government to respond to this report quickly and positively.
Commit to a national horse traceability register for all horses and establish the working group to get this work done as soon as possible. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Scrutiny of Bills Committee

Scrutiny Digest


Regulations and Ordinances Committee

Delegated Legislation Monitor

Senator FIERRAVANTI-WELLS (New South Wales) (18:28): I present the Delegated Legislation Monitor No. 9 of 2019 of the Standing Committee on Regulations and Ordinances, and move:

That the Senate take note of the report.

As Chair of the Standing Committee on Regulations and Ordinances I rise to speak to the tabling of the committee's Delegated Legislation Monitor 9 of 2019.

In particular, I wish to highlight the committee's comments in chapter 1 of the monitor regarding the Quality of Care (Minimising the Use of Restraints) Principles 2019.

The instrument amends the Quality of Care Principles 2014 to regulate the use of physical and chemical restraint by approved aged care providers.

Between July and September 2019, the committee engaged in written correspondence with the minister about the appropriateness of including matters with a potentially significant impact on the rights and interests of people in residential aged care in delegated legislation, rather than primary legislation.

The committee placed a 'protective' notice of motion to disallow the instrument on 16 September 2019, to provide it with sufficient time to consider the minister's advice before the disallowance period expired.

Whilst noting the minister's advice, the committee remained concerned that there was an insufficient justification for regulating the use of physical and chemical restraints in aged care via delegated legislation, rather than primary legislation.

Consequently, the committee drew the instrument to the attention of the Senate in Chapter 1 of Delegated Legislation Monitor 7 of 2019, and resolved to keep the notice of motion to disallow the instrument in place to provide the Senate with additional time to consider the matter.

Since that time, I am pleased to advise senators, the minister has met with the committee to discuss the committee's scrutiny concerns regarding the instrument. After giving further consideration to these matters, the minister undertook to amend the Quality of Care Principles 2014 to provide for a review of the operation of the provisions inserted by the instrument after 12 months, and to repeal the provisions after two years. On 25 November, an instrument to implement the minister's undertaking was registered on the Federal Register of Legislation.
In light of the implementation of the minister's undertaking, the committee has resolved to withdraw the notice of motion to disallow the instrument.

On behalf of the committee, can I thank the minister for his constructive engagement with the committee regarding its scrutiny concerns, and note that this approach sets a positive precedent for the future. Indeed, our committee has engaged more extensively in recent times on briefings with departments to ensure that our concerns are properly considered and, where appropriate, that remedial action is taken.

I would also like to take this opportunity to explain that the amendments to the standing orders agreed to earlier today implemented the unanimous recommendations of the committee's report of its 2019 inquiry into parliamentary scrutiny of delegated legislation. Having been, regrettably, denied leave to speak, I now wish to provide the context of that motion.

This committee, the Standing Committee on Regulations and Ordinances, is one of the Senate's oldest and most respected committees. It was established on 11 March 1932 and has always operated as a technical, non-partisan scrutiny committee.

The committee is responsible for ensuring, on behalf of the Senate, that executive-made law complies with the fundamental principles of parliamentary supremacy and the rule of law. These same principles underpin the changes to the committee's standing orders which the Senate approved earlier today—which I'm very grateful for—that is, to modernise the previous standing orders; to clarify the standing orders to reflect existing committee practice; and to promote consistency with the approaches of other Senate standing committees and the work of scrutiny committees in other Westminster jurisdictions.

Before today, the committee's scrutiny principles had not been substantively amended since the committee's establishment.

Can I particularly draw the Senate's attention to a couple of points that were in the report Parliamentary scrutiny of delegated legislation, and in particular I refer to paragraph 1.15. It states:

Generally speaking, about half of the law of the Commonwealth by volume consists of delegated legislation (as opposed to Acts of Parliament). The volume of delegated legislation made each year has increased over time. For example, in the mid-1980s there were around 850 disallowable instruments tabled each year. By contrast, around 1,700 disallowable instruments are now made annually.

I also want to refer to paragraph 1.27:

From 2010 to 2018, the committee scrutinised a total of 14,862 legislative instruments, and commented on 1,947 of these (approximately 13 per cent).

I want to highlight the committee's scrutiny of these instruments from 2010 to 2018 against the four important principles under standing order 23(3). Seventy-six per cent of the comments made by the committee said that the delegated instrument should have been in accordance with the statute; 13 per cent said it does not trespass unduly on personal rights and liberties; five per cent said it does not contain decisions that are not subject to independent merits review, and six per cent said it does not contain matters more appropriate for parliamentary enactment.

On 31 July the committee agreed to lodge the notice of motion to amend the standing orders. It was a unanimous decision to provide for it to be considered this month to allow the
Senate time to consider the proposed changes in detail, before it was considered on the floor of the chamber. In relation to the recommendations of the committee's 2019 inquiry report, from which I've just read some paragraphs, I note that on 8 November the government responded to the committee's report, addressing only the recommendations it considered to be relevant to the government and not the recommendations that were reflected in the proposed amendments to the standing orders. I note that the government's response was presented out of sitting and the committee was not notified of its presentation. As chair I consider it my duty to act on the committee's unanimous recommendations to ensure that it can continue to not only respect the institution of the Senate and the work of its committees but also uphold and promote the principles of parliamentary supremacy and the rule of law for many years to come.

I conclude by thanking the members of the committee for their support but also the staff of the Regulations and Ordinances Committee for the extensive work that they do. With those comments I commend the committee's Delegated Legislation Monitor for 2019 to the Senate.

Question agreed to.

DELEGATION REPORTS
Australian Parliamentary Delegation to Belgium and Greece

Senator McGrath (Queensland—Deputy Government Whip in the Senate) (18:37): by leave—I present the report of the Australian parliamentary delegation to Belgium and Greece, which took place from 29 September to 7 October 2019.

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Health Care

Minister for Energy and Emissions Reduction

Senator Canavan (Queensland—Minister for Resources and Northern Australia and Deputy Leader of the Nationals in the Senate) (18:37): I table responses to questions taken on notice during question time as follows: (a) on 1 August, asked by Senator Griff, relating to therapeutic goods advertising; and (b) on 26 November 2019, asked by the Leader of the Opposition in the Senate, relating to the Minister for Energy and Emissions Reduction. I also seek leave to have the responses incorporated in Hansard.

Leave granted.

The answers read as follows—

HEALTH CARE

Dear Stirling

I am writing in relation a question you raised regarding the regulations surrounding public health advertisements during Question Time on Thursday 1 August 2019.

The Therapeutic Goods Act 1989 (the Act) prohibits advertising to the public for prescription medicines, including vaccines. The only exception from this prohibition is content authorised or required by a government in Australia, such as content issued under public health campaigns.

The Act also requires therapeutic goods advertising to the public, for non-prescription medicines or therapeutic goods, to comply with the Therapeutic Goods Advertising Code (the Code). The Code requires advertising to the public to be substantiated and prohibits misleading advertising. Both the Act...
and the Code are designed in the interests of consumers, balancing the protection of public health with the consumers need for information.

Consistent with the above exception in the Act, both the Code and the exclusion of public health campaigns from its operation are consistent with, and give effect to, the Quality Use of Medicines (QUM).

The policy goal of QUM, a key plank of the National Medicines Policy which enjoys bi-partisan support, is to optimise health outcomes.

Health campaigns sponsored by government are purposefully designed to optimise health outcomes for all Australians - that Australians have the information necessary to ensure appropriate selection of medicines for public health protection. This is the very reason for the Australian Government's investment of $20 million over six years (to 2021-22) to ensure parents and carers get the facts about immunisation.

Similarly, the Code (and the advertising regulatory framework more broadly) is designed to optimise public health outcomes and protect consumer interests. It applies to third parties who provide information to potential consumers about the nature and benefits of therapeutic goods. It is designed to give consumers confidence that the claims they read and/or hear from those who are in the business of promoting medicines are well-founded. This means that, as QUM provides, the consumer can select management options wisely, choose suitable medicines (if a medicine is considered necessary), and use medicines safely and effectively.

I trust this information is of assistance to you. I have provided a copy of this letter to the Minister for Health, the Hon Greg Hunt MP, for information.

Yours sincerely

Senator the Hon Michaelia Cash

MINISTER FOR ENERGY AND EMISSIONS REDUCTION

Dear Mr President

I write with regard to a question I took on notice from Senator Wong during Question Time on Tuesday 26 November 2019 on the matter of the Minister for Energy and Emissions Reduction.

The Prime Minister was made aware of this matter in Question Time on Tuesday 26 November 2019. The Prime Minister has made statements on this matter in the House. I refer Senator Wong to these statements.

Minister Taylor has not been contacted by the New South Wales police and will cooperate should he be contacted.

I have copied this letter to Senator Wong.

Kind regards

Mathias Cormann
Minister for Finance

MINISTERIAL STATEMENTS
Northern Australia

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia and Deputy Leader of the Nationals in the Senate) (18:38): I table a ministerial statement concerning the 2019 annual statement on developing northern Australia.

I wish to thank the minister for providing the Senate with an update on the government's implementation of the northern Australia white paper. It was originally intended, I think, for that to occur yesterday, but obviously, with the change to business, that has ended up happening today. This is my first time taking note on the northern Australia agenda as the shadow minister. I want to take this opportunity to put forward Labor's position on that agenda and some issues that we think need some further attention.

As a senator for Queensland, I'm all too aware of what a significant contribution the industries in our north make to our national economy. While I've previously spent a lot of time in North Queensland through my family connections, my role as a senator, and previously in the Queensland government, since my appointment earlier this year I've spent a lot more time travelling across all of northern Australia to gain a better understanding of how we can expand those industries and support northern communities. Over the last six months since the election, I've been in coalmines outside Moranbah, lead and zinc mines in Mount Isa and gas processing service hubs in Broome. I've stayed at the Larrakeyah Barracks in Darwin to understand more about our Defence Force's challenges in the north, and I've met shipbuilders and tourism operators in Cairns with Senator Green. I've met mango farmers, barramundi farmers and cattle farmers across the Northern Territory. In doing so I've seen the work that universities like Charles Darwin University, James Cook University and Central Queensland University are doing to skill up workers and develop critical research for the north. I've sat down with Indigenous health services in Wiluna and other communities in remote Western Australia, and I've been on country with the Indigenous rangers in Nhulunbuy and Cairns. In short, I've spent the last six months meeting with as many different people as I can to gain a better understanding of how the northern Australia agenda is actually faring.

It has been over four years since former Prime Minister Tony Abbott released the northern Australia white paper to great fanfare. Since then we've seen two new prime ministers and two ministers for northern Australia, and many questions have been raised about how effective the government's northern focus has been. As I made clear at last night's function to celebrate the northern Australia agenda, Labor is very supportive of efforts to economically and socially develop northern Australia, and we remain very supportive of the government's northern Australia agenda overall. But, as I have been travelling across northern Australia this year, the feedback I've received is that, while the government's northern Australia agenda remains vital, it has simply failed to meet expectations.

That's why, in July, Labor established a Senate select committee into the effectiveness of the northern Australia agenda. This cross-party committee, with representatives from Labor, the coalition, One Nation and the Greens, was formed to identify what's working well in the northern Australia agenda and what can be improved on. So far the committee has held four public hearings, in Townsville, Mount Isa, Darwin and Nhulunbuy, in East Arnhem Land, and there will be further hearings in the new year, including in Cape York and the Torres Strait, in my home state of Queensland. We've been hearing from businesses, state and local governments, unions, community organisations and industry leaders.

The disappointment from stakeholders that I've heard about during my time travelling across northern Australia has been reflected in the evidence given to the inquiry to date. Just to give a couple of examples—Mr Ian Kew from the Darwin Major Business Group, when asked about the government's northern Australia infrastructure program, said:
If we just muddle along like we have for the last four or five years, with a lot of fancy reports but not much real action, then that's not going to do much for the economy.

According to Central Queensland University's submission to the inquiry:

... while there is little doubt the Government's efforts ... in Northern Australia to date have been focused on addressing real issues, there is little evidence that significant gains have been achieved in terms of enhanced economic opportunities or social dividends.

I only give two examples, in the interests of time, but anyone who cares to read the submissions to the inquiry or the evidence that we've taken in hearings to date will see that those sorts of attitudes are representative of the evidence being provided. People remain excited about this agenda but are, frankly, pretty disappointed with what has come of it four years down the track.

While there has been disappointment voiced within the hearings, we've also heard about the enormous potential that our north continues to have. Traditional industries like resources and agriculture remain ripe with opportunities to expand and value-add. The committee has also heard a lot of evidence about emerging industries, such as the space industry, tropical science and health, defence maintenance, advanced manufacturing and renewable energy projects, and what is required to build these industries in northern Australia. I think that is one issue that the government particularly needs to look at, as it prepares a refresh of this northern Australia agenda, to ensure that we are grabbing all industry opportunities—whether they be in traditional industries or emerging industries—to make sure that we insulate northern Australia from the kind of booms and busts that we've seen in economies that remain largely dependent on commodity based industries like resources and agriculture. In my view, this chance to grow emerging industries is barely mentioned within the northern Australia white paper, and it is something that really needs attention in any refresh that the government is planning.

Investing in emerging industries, particularly in a pioneering landscape like northern Australia, is inherently risky business. Unfortunately, the federal government's brainchild to help facilitate these investments—the Northern Australia Infrastructure Facility—has become its most infamous failure. Time and time again submissions to the inquiry have highlighted the northern Australia agenda's crowning failure: the Northern Australia Infrastructure Facility, or, as its critics in the north have dubbed it, the 'no actual infrastructure fund'.

Despite being announced over four years ago, the fund has, to this date, only released $44 million—less than one per cent of its $5 billion budget—and not one cent of that money has been spent in Queensland, the largest and most populated state across northern Australia. Instead, we've seen over $400,000 worth of bonuses handed out to senior executives within the NAIF and nearly $26.6 million spent on administrative costs. So what we can see so far is that nearly 40c in every dollar that is left in NAIF has been spent on running costs—from executive and staff salaries, to office space, to consultants, to advertising, to travel and to bonuses. That is just not an acceptable performance over four years of this agenda being up and running. Indeed, there has been more money spent on executive bonuses than on projects in my state of Queensland.

And, worse, we've now seen one of the loans actually fall over. We see repeatedly Minister Canavan in this chamber and outside crow about the number of projects and the amount of dollars that have been approved by the NAIF. But what he doesn't want to admit is that there
are at least two loans, equating to close to half the value of the loans that the NAIF has already approved, that are now under a serious cloud. It was recently announced that a loan given to Pilbara Minerals Ltd would not proceed to financial close. Despite this, Minister Canavan has continued to claim it as a win in his media releases. I might also mention that in his northern Australia annual statement last year, Minister Canavan singled out the Pilbara Minerals Ltd project as a NAIF success story. What a difference a year makes!

Just last month we also saw reports of a second NAIF loan in doubt—this time, the loan to Genex Power's $700 million Kidston pumped-hydro project in North Queensland. The project is built on a $610 million loan from the NAIF—87 per cent of the project's value and almost half the loans approved by the NAIF overall. If the NAIF's Genex loan falls over, it will leave a massive hole in the $1.2 billion in loans so far approved by the NAIF.

The operation of the NAIF has now become such a worry for the minister that he has taken the extraordinary step of announcing yet another review into the NAIF, a facility he oversees.

Senator Canavan: A statutory review.

Senator WATT: I take the interjection from the minister. The minister now says that it's a statutory review. But, if you have a look at his press release the day that he made this announcement late on a Friday afternoon, he was pretending it was a new thing. This is the fourth review that the NAIF will undergo in only three years. If that's not a sign that this organisation is in trouble, I don't know what is.

The truth is that Minister Canavan has direct oversight of a limited number of government funds in his role as Minister for Resources and Northern Australia. I saw yesterday in this chamber—and I've seen it outside as well—that Minister Canavan likes to take credit for all sorts of things that are happening in northern Australia that are actually the responsibility of other ministers, people who oversee roads, water and energy infrastructure. They are the kinds of things that Minister Canavan wants to talk about—other people's achievements. That's because he doesn't want to talk about the things that are actually his own responsibility, particularly the NAIF.

Minister Canavan's inability to get the NAIF functioning properly is not just disappointing; it's holding back jobs and economic development in northern Australia. It's about time that Minister Canavan spent more time getting the NAIF running properly and actually spending money on projects, rather than going around the country lecturing people and jockeying for the Nationals' deputy leadership.

We all want to see the northern Australia agenda flourish. Labor has been and remains supportive, but at the moment the federal government is unable or unwilling to deliver on the vision. Northern Australia has huge potential, and we need to seize it. (Time expired)

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:48): I also seek to take note of this statement, and I will try to make my comments quick—if we are looking at time management issues. I am rising to talk about a particular place in the Kimberley that I personally and, I know, a lot of other people hold deep concerns about—about it being developed and water extracted—and that is the Fitzroy River. This is a particularly important river system in Western Australia. There have in fact been many campaigns to protect this river, and I have to declare here that I have been part of those campaigns to protect this river.
People in the Kimberley are very concerned about the northern Australia development agenda and what it means for the Fitzroy River.

On 26 October there was a festival for the Fitzroy held. Over 500 people gathered on the riverbed of the Fitzroy River for a concert to show support for protecting the Fitzroy and Margaret rivers. Traditional owners called on the McGowan government to make sure no water would be extracted for large-scale irrigation.

This is not the first time that megaproposals have been proposed for the Fitzroy River. All, fortunately, have not proceeded. The people there and a number of other people have expressed their ongoing concerns about two recent fish kill events involving 46 critically endangered sawfish and large barramundi. This also affected a crocodile and a jabiru. The traditional owners argued this is an example of what could happen if large amounts of water were to be taken from the Fitzroy or its tributaries for irrigation. There were also events held in other places in Western Australia, including a seven-metre-long sawfish appearing on the steps of the Western Australian parliament house. The reason people are so concerned is we are already seeing these impacts, but there are also ongoing attempts to take out large amounts of water from the Fitzroy River. There have, as I said, been attempts in the past to dam the river for things like cotton growing. And I want to do a big shout-out here to all the traditional owners and to Environs Kimberley, who have campaigned so hard on protecting this really important river system.

The problem here is we have very large-scale proposals for large-scale irrigation. For example, there was irrigation proposed by, for example, the chair of Hancock Prospecting, Gina Rinehart, which proposed an investment of $285 million to divert 325 gigalitres of water from the river to water cotton and the cattle industry. That is not the only proposal that is around for the Fitzroy River. It is very important that the agenda for developing the north does not threaten these vital ecosystems.

I was in the Kimberley at the AGM for the Kimberley Land Council a couple of months ago, where many people stood behind a banner calling on the state government to protect the Fitzroy River. My clear message here is: protect the Fitzroy River; do not endanger it. It was listed on the National Heritage List in 2011. In 2016, the traditional owners published the Fitzroy River Declaration, calling for full protection of the river and its tributaries, with a buffer zone to protect it from mining, fracking, immigration and dams.

This is a desert river that is subject to the bloom and bust of monsoon rains. I have heard so many people say, 'The water is wasted; it's going out to sea.' That water is part of a vital ecosystem. It is vital to that ecosystem, and it is ignorant to just say that that water flowing down the system is wasted. It is not. It is very important for the ecosystem, but it also varies. So overcommitting the river system could kill the river system, and we have seen what can happen with the deaths of the sawfish.

Senator GREEN (Queensland) (18:53): I rise to speak tonight on the government's agenda for northern Australia. The reason I am standing up here tonight is the northern Australia agenda is often explained to me as an agenda to further the policies of the government rather than a policy to further the agenda of northern Australia. I have some concerns about the issues that are not being talked about as part of this agenda. I want to begin tonight by acknowledging the Torres Strait Island Regional Council and Deputy Mayor Keith Fell and Mayor Fred Gela, who are here today in the gallery to listen to this debate...
because they are members of our community in northern Australia. It has taken a long time to get to this debate tonight, so thank you for your patience, and it has taken a long time for them to be included in the conversations around northern Australia.

I often talk about the Torres Strait in here and how long it takes to get here and how the voices of the people who live in the Torres Strait can seem to be silenced by that distance. I know, as the people here know—and I am very pleased that the Minister for Resources and Northern Australia is in the chamber to listen to these issues being raised—that it takes a long time to get here. It takes a ferry and then a small plane and then another plane and then another plane, and it's a long journey. It's about 3,000 kilometres from Canberra to the Torres Strait. But these people who are here tonight are here representing their community, and they have raised with me quite a few issues that I think are being overlooked in the northern Australia agenda.

I haven't had an opportunity to read the minister's statement in full. I have been able to have a look through it tonight and certainly to consider the statements that have been made on previous occasions, and it does occur to me that there's one glaring omission. The statement does talk about industry, and it's very important that the northern Australia agenda talks about infrastructure and industry and economic development, but there's no mention at all of climate change in the statement. It might seem unnatural for a minister of the Liberal-National government to make a statement including mention of climate change, but it just goes to show that they don't really understand the issues that are facing people in regional Queensland and the issues that are facing people in the Torres Strait Islands, because the No. 1 priority of the Torres Strait Island Regional Council's journey to Canberra today is to talk to the government about support for climate change mitigation and protection, and natural disaster impacts.

The Deputy Prime Minister has made comments to the effect that climate change is just a concern for people living in inner cities. I sometimes have sympathy for some of those comments, because people who live in inner cities might not ever really feel the effects of climate change. But members of the Torres Strait Islands, including the councillors who are here, will feel the effects first, before all of the Australians who are concerned about this. So to say that this is an issue that only people in the inner city care about is just not true, and it shows that you're not actually listening to the concerns of people who are living in islands that need protection against erosion, islands that, if we see sea levels rising, will disappear. I have to say that is something that I didn't think I'd be quite as emotional about, but, when I heard Fred Gela talk about the impacts on his communities and the fact that his people will be the first people that will have to relocate from islands that they've lived on not for a hundred years but for centuries, it really made it clear to me that this is something that we need to take seriously. We need to make sure that regional people are included in the conversations. Even if climate change is not the central part of the northern Australia agenda, it is certainly something that should be included in terms of mitigation of the impacts of climate change.

The other thing I noticed isn't necessarily part of the discussion that we're having tonight around the northern Australia agenda is the desperate need for housing. I appreciate that that comes under a different portfolio and it doesn't feel like it fits neatly with some of the concerns that are raised in the northern Australia agenda, but housing is fundamental to the lives of the people living in northern Australia. At the moment in the Torres Strait there are 324 households on the needs register for a house—324 families that need a home. That is on
top of the thousands of people in Far North Queensland and regional Queensland that need housing. The government did make a promise to those people before the election, a $105 million promise, to provide housing directly to councils such as TSIRC, to give that funding to the councils to build houses but also to create jobs. That's something that needs to be done. Unfortunately, six months later, we're still waiting for that funding to be delivered. Not a single house has been built since that election promise was made.

The thing is that election promises are made and funding requirements need to be organised—I understand that. But the ferociousness of this announcement and the way that it was spoken about and dealt with meant that there was an expectation that that money would flow through to communities. And these are not communities that can make do until the money is provided; they need those houses right now. So I would like to see the northern Australia agenda include a conversation about the social welfare of the people living in northern Australia. Certainly it is an important thing not only for the Torres Strait but for communities like Yarrabah.

Finally, I want to make note of something that Senator Watt raised, and that is the Northern Australia Infrastructure Facility or, as we've been referring to it, the 'no actual infrastructure fund'. The NAIF is based in Cairns, where I am based, and I could walk to the head office from my office. But, at the moment, no money has actually been spent in Cairns on a project. The NAIF was established three years ago and we still haven't seen a project in Cairns—nothing, not a cent, not one single job in Cairns. In fact, the NAIF has spent no money and created no jobs in Queensland.

Despite this, the NAIF saw fit to hand out $400,000 worth of bonuses to its senior executive this year. That's just in one year alone. Those executives who haven't actually built anything or created any jobs in northern Australia have handed out to themselves $400,000 in bonuses. When it comes to the pub test, it doesn't matter whether the pub is in inner-city Brisbane or on Thursday Island, that's never going to pass. Minister Canavan is failing to do his job and get jobs and funding flowing in Far North Queensland and across northern Australia. That $400,000 could have built at least one of the houses we need to build in Far North Queensland. Over 300 people are waiting for a house in the Torres Strait, and $400,000 went to bonuses for senior executives who have not created one single job. It shows the hypocrisy of this scheme, it shows the failure of this government, it shows the failure of this minister to take this scheme seriously and it shows that there are people in northern Australia who are not getting a look-in.

We know that there are parts of northern Australia that need economic development and that there is so much potential, but we need the government and the minister to open up their eyes, look further than the very limited scope of that agenda and start thinking outside the box. That's what we want. We want infrastructure built in places like the Torres Strait, we want homes for people to live in and we want to make sure that people have not only a job to go to but a home to go to at the end of the day. I don't think that's too much to ask for. I don't think Australians living in Queensland should have to beg and borrow to get a house. I don't think Australians living in Queensland shouldn't have a home to go to at the end of the day. (Time expired)

Senator McCarthy (Northern Territory—Deputy Opposition Whip in the Senate) (19:03): It's great to see such enthusiasm about northern Australia. I take note of the
minister's statement and thank him for providing the Senate with an update on the
government's implementation of the Northern Australia white paper. This is obviously an
opportunity to provide much-needed advice to the government. I join with my colleagues
Senator Green and Senator Watt on the issues they've raised in relation to Queensland. I'd like
to speak about the Northern Territory. I know that our colleague Senator Dodson has very
similar concerns about the Kimberley region in WA.

Just on that, I would like to acknowledge our visitors from the Torres Strait in the gallery.
It's lovely to have you here. Thank you for taking the time to travel so many kilometres to
listen but also to let politicians know how important the Torres Strait Islands are to our
country and to all Australians.

It's been four years since Prime Minister Tony Abbott released the Northern Australia
white paper, an essential part of the government's plan to build a strong, prosperous economy.
It announced:
We will fix the roads and telecommunications, build the dams and deliver the certainty that landholders
and water users need.

What a let-down that's been.

The government's Northern Australia Infrastructure Facility promised $5 billion in
concessional loans for projects throughout the north. Four years on just one per cent, less than
$50 million of its $5 billion budget, has been released—one per cent! What's more, in the
meantime they've racked up about $26 million in running costs—$26 million out of $40-odd
million. That could be so sensibly spent where we need it in these remote regions of our
country in the north. It is an indictment of the NAIF that, four years after it was announced,
the amount spent on executive and staff salaries, travel, consultants and other administrative
costs is approaching the amount actually released for projects in northern Australia. Shame on
you and shame on the government for allowing and enabling that waste.

There were recent hearings in Nhulunbuy and Darwin. Senator Watt, the shadow minister
for northern Australia, took the committee into the northern Australia agenda. It heard of the
frustration felt by the people of the Top End. Ian Kew from the Darwin Major Business
Group told the hearing, 'If we just muddle along like we have for the last four or five years,
with a lot of fancy reports but not much real action, then that's not going to do much for the
economy.' Mr David Malone from Master Builders NT asked us, 'Is the Commonwealth
slowly abandoning the north?' I ask Minister Canavan: are you abandoning the north? That is
how it feels.

The Prime Minister hasn't visited the Northern Territory since the federal election. He
raced up there in January before the election. He wanted to get out to Kakadu, which is one of
the most beautiful places but needs so much infrastructure and rebuilding. He raced out there
only because he knew Labor was going out there to make an announcement. Then he won the
election, and we haven't seen hide nor hair from him, have we? It would appear that he simply
does not care. It's well past time for Mr Morrison to spend time in the Northern Territory to
learn about the importance of projects and the need for investment. It's time Mr Morrison
heard directly from Territorians, saw the state of the Northern Territory roads and understood
why spending on Kakadu is so important. There is a real need for investment in critical
infrastructure in the Northern Territory, yet you cannot see that, feel that or get a sense of that
by sitting in the seat of Cook.
The ACTING DEPUTY PRESIDENT (Senator Bernardi): Senator McCarthy, your time has expired and the time for this debate has expired.
Question agreed to.

DOCUMENTS
Franchising Taskforce
Order for the Production of Documents

Senator O'NEILL (New South Wales) (19:08): I seek leave to respond to the failure of Minister Cash to provide on time documents that are the subject of an order for the production of documents. They were scheduled to be delivered no later than 3.30 pm on Monday 25 November 2019. Given the rearrangement of the business of the Senate yesterday, this is the first opportunity that I have had to respond.

The ACTING DEPUTY PRESIDENT (Senator Bernardi): The question for the Senate is: is leave granted? Before I put that question, I make everyone aware that there is a hard marker and there is some other business to get through. I suggest leave might be possible with a time limit. Is leave granted?
Leave not granted.

COMMITTEES
Legal and Constitutional Affairs Legislation Committee
Membership

The ACTING DEPUTY PRESIDENT (Senator Bernardi) (19:09): The President has received a letter requesting changes in the membership of a committee.

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (19:09): by leave—I move:

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

Legal and Constitutional Affairs Legislation Committee
Appointed—Substitute member: Senator Dodson to replace Senator Carr for the committee's inquiry into the Native Title Legislation Amendment Bill 2019.
Participating member: Senator Carr.
Question agreed to.
BILLS

Australian Research Council Amendment Bill 2019
Communications Legislation Amendment (Deregulation and Other Measures) Bill 2019
Family Assistance Legislation Amendment (Building on the Child Care Package) Bill 2019
Telecommunications (Interception and Access) Amendment (Assistance and Access Amendments Review) Bill 2019
Treasury Laws Amendment (Combating Illegal Phoenixing) Bill 2019

First Reading

Bills received from the House of Representatives.

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (19:10): These bills are being introduced together. After debate on the motion for the second reading has been adjourned, I shall move a motion to have the bills listed separately. 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 BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (19:10): I table a revised explanatory memorandum relating to the Family Assistance Legislation Amendment (Building on the Child Care Package) Bill 2019 and move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

AUSTRALIAN RESEARCH COUNCIL AMENDMENT BILL 2019

Today I am introducing the Australian Research Council Amendment Bill 2019, which amends the Australian Research Council Act 2001 to ensure that Australia's research community can continue to be supported by the funding schemes of the Australian Research Council or ARC.

The ARC's purpose is to grow knowledge and innovation for the benefit of the Australian community by financially underpinning research of the highest quality, and by assessing the quality, engagement and impact of that research. The ARC also provides important advice on research matters and has a respected voice in the Australian research landscape.

ARC funding is awarded on the basis of a competitive peer review process, and it administers the largest single competitive grants process in Australia that is available to researchers across all disciplines from 'STEM' to 'HASS'—the National Competitive Grants Program or NCGP.
The NCGP comprises two programs—Discovery and Linkage—under which are number of funding schemes that provide funding for basic and applied research, research fellowships, research training, research collaboration and infrastructure.

Researchers in universities around the country carry out research every day on different matters affecting the everyday lives of us all, not only in Australia but also right around the world. Cutting edge research is changing our world dramatically, but the incremental progress of long term research programs is also vital for many industries, where commercial success comes from being just a cut above the rest.

ARC Centre's of Excellence, funded through the NCGP, contain many examples of this. A group of physicists at the ARC Centre of Excellence for Quantum Computation and Communication Technology based at the University of New South Wales has just this July announced that they have successfully built a super-fast version of the central building block of a quantum computer. They have constructed and demonstrated the first two-qubit gate between atom qubits in silicon—a major milestone on the team's quest to build an atom-scale quantum computer, all the result of a vision first outlined by scientists 20 years ago. This ARC funded Centre is led by the 2018 Australian of the Year, Professor Michelle Simmons, a great Australian who is also the recipient of an ARC Laureate Fellowship. The success of this astounding feat of research into quantum computing might never have happened in Australia without the continuous funding support that Professor Simmons and her team have had for many years through the ARC.

Many ARC grants are awarded to research teams on the condition that they have integrated their research with Australian industry—the researchers must have at least one industry partner on board, and many of the researchers on these grants are actually located in an industry setting. The ARC's Industrial Transformation Research Program is tailored to this kind of commercial integration, and there are Training Centres and Research Hubs all around Australia, working with hundreds of small businesses and large companies, to give them a commercial advantage and train the next generation of research leaders.

One such Hub which was recently announced, in August by Senator the Hon. Jonathon Duniam, is The ARC Research Hub for Sustainable Onshore Lobster Aquaculture, leading the global charge in establishing the world's first sustainable onshore lobster aquaculture industry. The Government through the ARC is investing $5 million into this research Hub based in Hobart, with Tasmanian manufacturer PFG Group and Tasmanian spiny lobster hatchery operator Ornatas, providing significant additional support. The research team at the Hub, led by Associate Professor Gregory Smith, are building on momentum gained through previous ARC funding, to position Australia at the forefront of onshore lobster aquaculture, with opportunity for technology transfer to other aquaculture sectors.

Many Australian research careers have been set in motion through the award of an ARC grant, and there are fellowships which are targeted towards early career researchers, as well as those at other career stages, and the ARC's Discovery Indigenous scheme provides funding for research led by Aboriginal and Torres Strait Islander researchers.

Research projects led by ARC-funded Aboriginal and Torres Strait Islander researchers are contributing economic, commercial, environmental, social and cultural benefits to both Aboriginal and Torres Strait Islander peoples, and to the Australian community as a whole.

Just to give one example: a research project led by ex-state and Women's National Basketball League player, and a 2019 Western Australia Local Hero, Professor Cheryl Kickett-Tucker at Curtin University, received over $1 million through the ARC's Discovery Indigenous scheme. Professor Kickett-Tucker's work involves the development, implementation and evaluation of Cultural Learnings, a program designed to secure the transfer of knowledge from Aboriginal Elders and carers to children within school environments. The research is aiming to strengthen Aboriginal children's cultural
knowledge and self-esteem, to create a positive shift in children's school outcomes such as attendance, behaviour, attitudes, effort and achievement.

The amendments through this Bill are required because the Australian Research Council Act is the legislative basis that supports the financial operations of these grants programs. This Bill will amend the Australian Research Council Act to update the existing funding caps and insert new funding caps through until 30 June 2023 to allow continued funding of quality research in Australia.

The routine update to the ARC's funding caps that is enabled through this Bill provides for anticipated inflationary growth so that the Government can continue to support thousands of research projects like those I have mentioned, research which has applicability and an impact on communities, families and individuals.

The Government has made a significant investment in science, research and innovation—in 2018–19 alone, we have committed $9.6 billion across all portfolios.

Funding the ARC is part of this investment, and over the next four years, with the passage of this Bill, the ARC will deliver over $3 billion in funding for research projects, ranging in size from the tens of thousands of dollars, to the tens of millions.

Australia's future economic prosperity relies on our capacity to harness the knowledge and innovation of our universities and our researchers, and that is why we bring this Bill to the Parliament.

By ensuring the ARC can play its role in supporting and expanding Australia's research strengths, we are ensuring the support of many thousands of direct and indirect jobs that our research and scientific capabilities sustain.

I commend this Bill.

COMMUNICATIONS LEGISLATION AMENDMENT (DEREGULATION AND OTHER MEASURES) BILL 2019

The Communications Legislation Amendment (Deregulation and Other Measures) Bill 2019 contains measures that will reduce the regulatory burden on the broadcasting and telecommunications sectors. The Bill will also allow for the appointment of an industry body to manage telephone numbering, a function currently undertaken by the Australian Communications and Media Authority (ACMA). The Bill also removes unnecessary and spent provisions.

I will now outline the measures in each of the schedules to the Bill.

Schedule 1

Schedule 1 of the Bill will remove a duplicative obligation in the Broadcasting Services Act 1992 that requires incoming controllers of regulated media assets to notify ACMA of changes in the control of a licence or publication. That Act already requires licensees, publishers and controllers of regulated media assets to notify ACMA of such changes.

Schedule 1 will also remove the requirement in the Broadcasting Services Act 1992 for the film classification scheme to apply to films broadcast on commercial television. The television classification guidelines will apply instead.

Similarly, any breaches of the classification requirements for films broadcast on television by commercial television broadcasting licensees, community television broadcasting licensees and open narrowcasting service providers will no longer be dealt with as breaches of broadcasting licence conditions. Rather, such breaches will be dealt with under the television code of practice.

The National Broadband Network Companies Act 2011 will be amended to allow NBN Co to dispose of surplus non-communications goods. This change will allow NBN Co to sell items like office equipment and vehicles, and better manage its assets.

Amendments will be made to the Telecommunications Act 1997 so that ACMA need no longer consult with an advisory committee before declaring a submarine cable protection zone. It is sufficient
that ACMA is required to consult with the Secretary of the Environment Department and the public in these circumstances.

Schedule 2

The Broadcasting Reform Act 2017 introduced the broadcasting spectrum tax arrangement and established a transitional support payment scheme covering financial years 2017-18 to 2021-22. That legislation provides that Network Investments Pty Ltd is entitled to receive a transitional support payment of $632,000 in each of those financial years.

However, one of Network Investments' transmitters was inadvertently excluded in the model used to calculate the payments. Once the existence of that transmitter is included in the modelling, Network Investments is entitled to receive $819,000 per year for 5 years, an additional $187,000 each year. Schedule 2 of the Bill corrects this error and Network Investments will be no worse off as a result of the transition from a revenue-based broadcasting licence fee to an interim broadcasting spectrum tax arrangement.

Schedule 3

Schedule 3 of the Bill will repeal tariff filing arrangements applying to the telecommunications industry under the Competition and Consumer Act 2010. Division 4 of Part XIB of that Act allows the Australian Competition and Consumer Commission (the ACCC) to collect certain tariff information from carriers and carriage-service providers that have a substantial degree of market power. Division 5 sets out a tariff filing regime that applies specifically to Telstra.

These provisions impose an unnecessary regulatory burden on industry and there is already considerable pricing information in the public domain.

Schedule 3 will also provide the ACCC and ACMA with greater flexibility to decide what matters to report on. The ACCC will be empowered to decide which telecommunications charges paid by consumers to monitor and report on, having regard to which goods or services are most commonly used by consumers. ACMA's mandatory reporting requirements relating to the performance of carriers and carriage service providers will be limited to national interest matters and data retention requirements. The Minister will retain the power to direct ACMA to report on specified matters.

The ACCC and ACMA will no longer need to provide these reports, or the ACCC's annual report on competitive safeguards within the telecommunications industry, to the Minister and the Minister will no longer need to table them in Parliament prior to wider publication. Instead the ACCC and ACMA will be required to publish the reports on their respective websites within six months of the end of the financial year. The reports will then be available to the public more quickly.

Schedule 3 will also require the ACCC to review any Record Keeping Rules it creates directing specified carriers and carriage service providers to keep or retain certain records to monitor charges paid by consumers. Those review will need to take place at least every five years so that the Rules remain up-to-date.

Schedule 4


Schedule 5

Schedule 5 to the Bill would remove redundant and spent legislation within my portfolio.

Schedule 6

Schedule 6 would allow the Minister to appoint an industry-based numbering manager in place of ACMA. The Government wants to allow for such an arrangement in the event industry develops a suitable numbering scheme.
It is possible that the telecommunications industry may be able to manage numbering more efficiently and effectively than ACMA. For instance, the industry could introduce new number ranges more quickly, thereby promoting service innovation. Because service providers are directly involved in developing products, they have a greater incentive to fast-track new initiatives and keep down costs.

The Minister would only be able to appoint someone to be the numbering scheme manager if he or she is satisfied that the proposed manager will be able to administer numbering in accordance with statutory principles that are designed to protect competition, consumers, national security and public revenue.

Schedule 7

Schedule 7 of the Bill will remove the requirement in the Broadcasting Services Act 1992 for ACMA to publish a notice in the Commonwealth Gazette when it is determining, varying or revoking a program standard or standard relating to datacasting. Instead the amendments will require ACMA to publish a notice both on its website and in one or more forms that are readily accessible – like in a newspaper or another website. This will help ACMA better reach its target audience.

Schedule 8

Schedule 8 of the Act will remove the ability of NBN Co under the Telecommunications Act 1997 to issue and keep a register of statements that it will not be installing fibre in a new real estate development, which in turn removes the obligation on a developer to install fibre-ready pit and pipe.

The current provisions require NBN Co, as an industry participant, to make decisions of a regulatory nature. This is not appropriate. The Minister will continue to have the power to exempt developments from the pit and pipe rules if required.

In conclusion, this Bill makes a useful contribution to the Government's commitment to ensuring that Australia's broadcasting and telecommunications laws are fit for purpose. The Government remains committed to removing unnecessary and outdated legislation in light of changing technology and consumer expectations.

I commend the Bill to the House.

FAMILY ASSISTANCE LEGISLATION AMENDMENT (BUILDING ON THE CHILD CARE PACKAGE) BILL 2019

The Family Assistance Legislation Amendment (Building on the Child Care Package) Bill 2019 makes life easier for families and providers using the child care subsidy. It makes some important refinements to the operation of the Government's child care package that was implemented on 2 July 2018.

The child care package represents the biggest reforms to child care since the introduction of Commonwealth Child Care Act in 1972.

The development of the child care package was led by the need for increased investment and genuine reform in early learning and child care. Just over one year into its implementation, it is delivering on both counts.

In coming years, it will bring the Government's investment in early learning and child care to around $10 billion a year, to the benefit of the 1.1 million families utilising approved care.

We have combined two separate payments into a single subsidy that is helping parents access more affordable early learning and child care while they can work, train, study or volunteer.

The Child Care Subsidy provides the most hours of support to the families who work the longest hours. It also ensures the greatest amount of financial support goes to the families who earn the least.

The vast majority of families are entitled to 72 hours or more of subsidised care per fortnight and most families are entitled to a subsidy rate of 50 per cent or more – approximately one quarter are entitled to the highest 85 per cent rate.
The latest Child Care Consumer Price Index figures from the ABS indicate that, across Australia, out of pocket costs for families are 7.9 per cent lower than their peak in the June quarter 2018.

More children and families are using subsidised care than ever before. There's no annual cap for more than three quarters of the families using the system. This is a great relief for those families who previously hit the cap before the end of the financial year.

The Child Care Safety Net, including the Additional Child Care Subsidy and Community Child Care Fund, is also helping our most vulnerable and disadvantaged children, giving them a strong start through access to quality early learning and child care.

Just over 12 months into implementation, it is clear that the Government is delivering on its goal to create a more affordable, accessible and flexible child care system.

We are also taking stock of areas for improvement.

A key to the successful implementation of the child care package was the extensive consultation undertaken with families and the child care sector.

Since July last year, the Government has continued to listen to feedback from families and the child care sector on what aspects of the child care package have worked well, their concerns, and what we could improve.

The key measures contained in this Bill reflect feedback from families and child care providers, and early findings from formal evaluation processes.

This Bill makes amendments to the current A New Tax System (Family Assistance) Act 1999 and A New Tax System (Family Assistance) (Administration) Act 1999, including:

- Making life easier for families by extending the timeframe for enrolments to be ceased due to a child's non-attendance at a service, from 8 to 14 weeks. This will reduce regulatory burden on both families and child care providers by eliminating the need for children to be re-enrolled following most regular breaks in attendance, such as where a child attends care during school holidays but not during school terms.

- A number of colleagues and providers have raised this issue with me, including the Member for Mayo, who wrote to me on behalf of Woodside Primary School Out of School Hours Care in her electorate. I know that all of the families from that centre who wrote to the Member will be pleased to see this change and I thank them for the feedback.

- Providing more options for providers to deliver services by removing the limit on the number of children child care providers can certify as being at risk of serious abuse or neglect to receive a higher rate of subsidy under the Additional Child Care Subsidy. This will reduce barriers to vulnerable children accessing early learning and child care while retaining the capacity to impose a limit, if necessary, to ensure providers are certifying children appropriately.

- Supporting families who have the most to gain by establishing the capacity for small number of targeted payments made by third parties – such as another government agency – to be used in combination with the Child Care Subsidy to ensure cost is not a barrier to vulnerable and disadvantaged families accessing early learning and child care.

- Supporting families with affordability by enabling parents to receive subsidy in limited circumstances where their child cannot attend scheduled care at the start or end of an enrolment. This will ensure parents are not unfairly disadvantaged by a rule intended to prevent unscrupulous behaviour by some child care providers.

Another important change introduced by this Bill is the inclusion of In Home Care in the legislation. While In Home Care is currently given effect in subordinate legislation, it was not included in the Bill that gave effect to the child care package, because the final details of the program were not completed until after that legislation was passed.
In addition to including the hourly rate cap for In Home Care alongside other care types, the Bill allows eligibility criteria for access to In Home Care to be prescribed in subordinate legislation to ensure this capped care type is targeted to families for whom other options are not available or appropriate.

The Bill also contains a number of other refinements, corrections and consequential amendments to bring clarity to policy intent, address unintended consequences, and achieve closer alignment with related state and territory laws.

In conclusion, this Bill demonstrates that the Government is making life easier for families and providers using child care subsidy and that the Government has been listening to hardworking Australian families and the child care sector.

The changes in this Bill will reduce regulatory burden on families and child care providers, support vulnerable and disadvantaged families' access to quality early learning and child care, and help parents access financial assistance to support their participation in the workforce.

The Government's landmark child care package is delivering significant and much needed reform. This Bill will ensure the Government continues to build on these significant achievements.

I commend the Bill.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) AMENDMENT (ASSISTANCE AND ACCESS AMENDMENTS REVIEW) BILL 2019

I move that this Bill now be read a second time.

The Parliamentary Joint Committee on Intelligence and Security (the PJCIS) and the Independent National Security Legislation Monitor (the INSLM) have important functions in oversight of Australia's national security and counter-terrorism legislation.

This Bill ensures that both the PJCIS and the INSLM have adequate time to complete their reviews of the Telecommunications and Other Legislation Amendment (Assistance and Access) Act 2018.

In its second review of the Assistance and Access Act, the Committee recommended that the deadline for its third review be extended to June 2020. The Chair of the Committee subsequently requested a further extension to 30 September 2020, to allow the Committee to consider any recommendations by the Monitor, who has asked the Committee for an extension until June 2020 to complete his own review of the legislation. The Government supported this recommendation and this request, and this Bill implements that change.

The Government supported the recommendation due to the importance of ensuring a complete and comprehensive examination of the Assistance and Access Act by both the Committee and the Monitor, in the interests of protecting the security and the rights of all Australians.

Given the impact of the Assistance and Access Act's importance in ensuring the safety and security of our community, the Government accepts the PJCIS and INSLM's request for more time to review the Act as they have requested.

Extending the review dates will allow the Committee sufficient time to consider the findings of the Monitor and to undertake comprehensive consultations with industry and the public.

By way of conclusion, I urge the timely passage of this Bill. I also acknowledge and appreciate the extensive and continuing work of the PJCIS and INSLM in reviewing this legislation.

I commend the Bill to the House.

TREASURY LAWS AMENDMENT (COMBATING ILLEGAL PHOENIXING) BILL 2019

CHAMBER
This Bill amends the Corporations Act 2001 (Corporations Act), A New Tax System (Goods and Services Tax) Act 1999 (GST Act) and the Taxation Administration Act 1953 (Taxation Act) to combat illegal phoenix activity.

Illegal phoenixing involves the stripping and transfer of assets from one company to another by individuals or entities to avoid paying liabilities. It has been a problem over many decades.

This Bill will give our regulators additional enforcement and regulatory tools to better detect and address illegal phoenix activity and to prosecute or penalise directors and others who facilitate this illegal activity, such as unscrupulous pre-insolvency advisers.

To support these reforms, the Government will also provide an additional $8.7 million over four years from the 2018-19 financial year to increase funding for the Assetless Administration Fund. This additional funding will increase ASIC’s ability to fund liquidators who play a vital role in investigating and reporting illegal phoenix activity.

The Bill also makes minor amendments to the Government’s already legislated insolvency reforms which formed part of the National Innovation and Science Agenda. These amendments will ensure that these important reforms operate as intended.

The Bill was considered by the Senate Economics Legislation Committee, which recommended that the Bill be passed.

Full details of the measures are contained in the Explanatory Memorandum.

Debate adjourned.
This Bill implements measures announced in the Government's 2017-18 Budget housing affordability package to improve housing affordability, encourage investment in affordable rental housing and improve the integrity of the tax system. These measures support those already legislated as part of the Treasury Laws Amendment (Housing Tax Integrity) Act 2017 and the Treasury Laws Amendment (Reducing Pressure on Housing Affordability Measures No. 1) Act 2017.

Schedule 1 to this Bill implements stronger rules for foreign residents owning Australian housing to reduce pressure on housing affordability.

Firstly, foreign residents will be denied access to the main residence capital gains tax (CGT) exemption from 7.30pm AEST on 9 May 2017 except in the case of certain life events that occur within six years of losing their Australian residency.

A grandfathering arrangement will apply for properties already held at that time, with the change taking effect for these properties from 1 July 2020. This will provide foreign residents sufficient time to consider and plan their affairs.

These amendments will also allow foreign residents to continue to access to the main residence exemption within 6 years of becoming a foreign resident if a CGT event occurs to their Australian property and during that period they experience certain life events - their death, or divorce (and equivalent) or terminal illness, or the death or terminal illness of their spouse, or child who is under 18 years old.

Secondly, this schedule addresses an integrity issue with the CGT rules for foreign residents that hold indirect interests in Australian real property, such as land, from 7.30pm AEST on 9 May 2017.

This reform addresses an integrity issue with the principal asset test to require a foreign resident to consider any interests held by its associates, if it disposes of an indirect interest in Australian real property for example by selling shares in a land rich company.

This ensures the principal asset test cannot be circumvented by disaggregating holdings of membership interests.

These foreign resident CGT changes, together with the 2017 expansion of the foreign resident CGT withholding regime, are expected to have a gain to revenue of $510.0 million over the forward estimates period to 2020-21.

Schedule 2 to this Bill delivers on the Government's commitment to introduce tax incentives to boost investment in affordable housing, to create the right incentives and improve outcomes for those in need.

This Bill allows resident investors in qualifying affordable rental housing to obtain a CGT discount of up to 60 per cent from 1 January 2018. Under current arrangements, individuals generally receive a 50 per cent capital gains discount for CGT assets held for at least 12 months. This includes residential investment properties that are supplied for affordable housing.

The additional CGT discount will be available to resident investors who hold affordable housing directly or through certain trusts, such as holding units within a managed investment trust.

To qualify for the additional discount, the affordable housing must be held for a period of at least three years from the start date of this measure, and be managed through a registered community housing provider in accordance with state and territory housing policies and registration requirements.

This measure encourages increased investment in affordable rental housing and forms part of the Government's housing affordability package announced in the 2017-18 Budget.

This measure is estimated to have a cost to revenue of $15.0 million to 2020-21.

Schedule 3 of this Bill is a technical amendment that introduces a reconciliation payment for the near-new dwelling exemption certificate that has already been introduced through Regulation changes.
on 24 June 2017. This change supports the streamlined foreign investment framework announced in the 2017-18 Budget.

This amendment provides the mechanism for imposing a fee on the developer for each near-new dwelling sale to foreign persons.

I would like to thank those that contributed to the public consultation on the draft legislation for these measures.

In conclusion, the Government through this Bill is creating the right incentives as part of our comprehensive and targeted plan to improve outcomes across the housing spectrum.

Full details of these measures are contained in the Explanatory Memorandum.

FOREIGN ACQUISITIONS AND TAKEOVERS FEES IMPOSITION AMENDMENT (NEAR-NEW DWELLING INTERESTS) BILL 2019

This Bill contains technical amendments that support changes announced in the 2017-18 Budget that streamlined the foreign investment framework.

These amendments introduce a reconciliation fee on developers for dwellings sold to foreign persons under a near-new dwelling exemption certificate. The near-new dwelling exemption certificate was introduced through regulatory amendments that took effect from 24 June 2017.

Full details of the measure are contained in the Explanatory Memorandum.

Debate adjourned.

Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019

Second Reading

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

Senator MARIELLE SMITH (South Australia) (19:13): As I was saying in my remarks this morning, these workers are not covered by workers compensation laws, they're not covered by unfair dismissal laws, they're not covered by the minimum wage. These are the kinds of issues that demand action from us here, in this parliament, in the Senate, not this anti-workers bill that threatens the pay and conditions of even more workers. As my colleague Senator Sheldon has so powerfully and convincingly argued, governments and parliaments must start leading, with effective market design and regulation, rather than chasing ineffective versions of neither. But we don't see this government taking the action that is so clearly needed to support and to protect working people. We don't see legislation to tackle the other structural challenges of our time—challenges like stagnant wages, worker exploitation, or regulation and protection for the sharing economy—and we don't see action to combat the challenges presented by the disruption of artificial intelligence and automation in industries like retail, and in warehousing. These challenges are causing new and unprecedented threats to the security and safety of work.

Instead of supporting unions and workers, the government gives us this bill again—a rehashed bill that represents another politically motivated attack on workers' ability to organise and run their own unions, to determine who leads them and to determine how they can best provide representation, advocacy, support and advice. These attacks on workers are in the Liberals' DNA. Remember this bill came from the party who brought us Work Choices. Work Choices was an attack on employees' individual rights in the workplace and, as we all
know, it was a policy that was comprehensively rejected by the Australian people in 2007. After the 2007 election, all we heard from the other side, from the Liberals, was that Work Choices is dead. They told us they’d listened. They told us they’d heard the message from working Australians, who rightly demanded their rights at work be protected. But here we are again, with a third-term Liberal government, and we get the ensuring integrity bill because, after all, going after Australian workers through Work Choices was ultimately unsuccessful. They failed in the end, so now they're going after the union movement itself.

Australia is a nation built on the values of fairness. That includes fair wages, and it includes a safety net for those who are unable to work. The Labor Party fought hard against the Howard government's heartless attempt to unravel these values, and we're fighting hard now because—make no mistake—the Liberals are ideologically bent on attacking workers' pay and conditions, which is just incredibly rich coming from a Prime Minister who continues to parrot that we are a nation where, if you have a go, you get a go. Well, apparently not, if you're a working Australian or you're a union official trying to represent them. Labor will not support a bill that makes it harder for workers to get a fair pay rise. We will not support a bill that could leave workers without the representatives who protect them from wage theft, from super theft and from dangerous workplaces. Workers should get to choose who represents them, not the Prime Minister.

The government is running the claim that this bill has been revised to more closely align these reforms with their corporate equivalents, but this bill remains far more extensive and extreme in the regulation of unions than anything in the corporate world. These laws will make it possible for government ministers and disgruntled employers to shut down unions and to deny working people their right to choose their own representatives. This bill is about silencing working people and making it harder for all working Australians to win pay rises and better conditions.

Fundamentally, this bill fails the fairness test. It would not apply to businesses. It would not apply to banks, despite the serious unethical conduct that was on full display for us all to see during the royal commission—the royal commission that they didn't want, mind you, that they fought against, that they voted against and that we pursued. This won't apply to politicians either. It also fails the commonsense test. If these laws applied equally to corporations, we would see banks, multinational pizza chains and the restaurants of celebrity chefs closed down for breaking workplace laws or we would see their top executives sacked, but this is not being proposed. What is proposed is an outrageous double standard for unions.

The only people who would benefit from these laws are the Morrison government and unethical employers. As stated before, the work to rein in unethical employers is ever increasing. We hear that the Fair Work Ombudsman will seek further funding as its work balloons, but instead the government seeks to give more power to the Registered Organisations Commission, a body thoroughly politicised and discredited over its role in the Australian Workers Union raid scandal. The Registered Organisations Commission should not be further empowered by this bill. It should not be given new ways of interfering in the affairs of Australian workers. We maintain that allegations of serious breaches by officers of registered organisations should be dealt with by the Australian Securities and Investments Commission. Treating companies and registered organisations the same, or at least similarly, should extend to using the same regulator.
But this isn't about common sense. It's not about legislative reform to improve workers' pay, conditions or rights at work. It's an attack on unions; it's an attack on workers; and it is an attack on fairness. And if there's one thing we can be certain of, it is that it is not the only attack coming. Already we have seen from government backbenchers hints that their next target may well be workers' superannuation. At a time when we should be working to address the super gap between men and women, when we should be finding ways to bring women's super up to the levels of their male counterparts, some coalition MPs and some coalition senators seem to think that the solution should be to slash super entitlements for everyone. We must be under no illusions about this government's agenda. They are not here for workers. They are not here for fairness at work. Inequality is on the rise globally, as we see the failure of trickle-down economics to bring the benefits so widely and hopefully promised. Instead, we've seen the bargaining power of ordinary Australians steadily reduced. And their share of national wealth has been steadily dropping, only to be claimed by the top one per cent.

In this climate we need our unions. Unions are a critical thread in the fabric of a fair society. They are needed to ensure workers get the fair pay and the fair go that they deserve. Unions shouldn't be singled out for draconian controls and penalties because they have shown and they have uncovered that some businesses have chosen to do the wrong thing. I reiterate: some businesses—because, of course, not all businesses do the wrong thing. Most people in the corporate world are good people with good intentions, who care about their fellow Australians. But we can be under no illusion that all businesses operate in this way. There are some businesses in Australia behaving badly—behaving appallingly, even.

Last week it was reported that an Australian bank had broken money-laundering laws 23 million times and allegedly contributed to the spread of child sexual exploitation material. And the response we got from the Prime Minister? 'It's a matter for the board.' Yet the same Prime Minister wants the power to expel union leaders and even shut down entire unions for minor paperwork breaches. As my colleague Senator Farrell brought to the Senate's attention during question time yesterday, when the government introduced the ensuring integrity bill, the minister claimed that it was to establish corporate equivalence with unions. But how can there be corporate equivalence if 23 million breaches of the law are 'a matter for the board' if you're a bank but three breaches of paperwork can get you deregistered if you're a union? Why is it that there is one rule for banking executives and another for working Australians when it comes to this government?

Further reports indicate that, in some cases, certain businesses are considering the possible costs of getting caught stealing wages or ignoring dangerous workplaces and they are choosing to behave illegally, because they have determined the benefits of doing so outweigh the potential costs. If there is industrial relations legislation and reform to be made by this parliament, it is legislation that addresses these issues. It is legislation that deals with the regulatory loopholes in the gig and sharing economy. It is legislation that focuses on improving conditions for workers, not taking their rights away.

Across Australia, unions are working to sustain Australians in safe, secure and meaningful jobs. From manufacturing to road transport and from retail to cafes and restaurants, unions are standing up for the rights of working Australians. In contrast, the legislation in front of us is the legislation of a government with no plan to support working Australians and their families—because this government has no plan for our country. It has no plan to deal with
low wages and rising prices. It has no plan to deal with increasing underemployment and unemployment—a huge issue in my state. It has no plan to deal with the many working Australians in insecure work—hamstrung by stagnant wages. And it has no plan to deal with the unacceptable rates of poverty and inequality in Australia—again, a huge issue in my state of South Australia. The cost of essentials is skyrocketing, electricity prices are increasing and child care has become unaffordable under this government. Australians are worried about the economy, but the Prime Minister and the Liberals just pretend there is no problem, which is not surprising from a government that just makes policy decision after policy decision which make it harder for struggling Australians to make ends meet. But Australians deserve better. Working people deserve better.

This bill represents just another example of this Liberal government failing working Australians. It is an attack on unions and, therefore, on the workers who depend on them. It's absolutely mind-blowing that this government would rather protect dodgy employers than stand up for everyday working Australians. Are everyday working Australians not part of the Prime Minister's 'quiet Australians'? He claims to stand up for the issues that affect us all, but does that not include the issues affecting over 500,000 sales workers, 200,000 truck drivers, 279,000 registered nurses or 165,000 primary school teachers? These are the working Australians our unions represent. These are the people unions fight for. They are working Australians that need this government to protect their rights and working conditions and to always be working towards delivering them better pay and better conditions at work. But this legislation shows us plain as day that this government is absolutely out of touch with the needs of working people. Worse than that, it shows us that they are out of touch and they simply don't even care.

Labor does not accept the premise of the bill. We didn't accept it the first time around and we certainly don't accept it now, because we cannot possibly support a bill that will make it harder for people to get a fair pay rise and that leaves workers without the representatives that will protect them from wage theft and dangerous workplaces. We don't support this government pursuing its ideological opposition to unions and working people at the expense of genuine reform that would improve the lives of Australian workers and their families. This bill has no redeeming features whatsoever, and the Senate should be rejecting it in its entirety. It affects the day-to-day operation of every single union. It changes everything, and none of it for the better. This bill is not only undemocratic and draconian; it is simply unnecessary. It is ideological, it is flawed, it will achieve nothing for working Australians and it will undermine our workers, our unions and our democracy.

I urge my fellow senators: join Labor. Join our fight for working Australians. Fight back against them and their ideological obsession with taking rights away from Australian working people. They don't care about working Australians. They never have; they never will. This is the first step on a slippery slope back to Work Choices, back to coming after your super. We have to fight against it. We have to vote against it. I urge the entire Senate to join Labor, stand up for working Australians, stand up for the people that we represent out there, stand up for the people in my state of South Australia and oppose this legislation, because it's disgraceful.

**Senator PATRICK** (South Australia) (19:28): I rise to speak on the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019. I strongly support the work of unions and recognise their value in ensuring fairer and safer workplaces across
Australia. Unions have long played a vital role in our society and our economy and continue to provide an invaluable contribution to the Australian labour market. They are essential in negotiating fair wages for their members, ensuring safe workplaces and advocating in relation to public policy, including identifying public health concerns and calling for remedies—for example, procedures to deal safely with certain building products such as asbestos. The overwhelming majority of unions and union officials act constructively, in good faith and within the law. Regrettably, however, a small number of unions and union officials have a persistent track record of flouting the law and engaging in workplace thuggery. This small minority of unions and union officials take the view that obeying the law is optional and that any court imposed penalty is simply the cost of doing business.

A culture of never expressing regret or contrition, of never admitting wrongdoing or accepting fault, has meant that these union officials refused to change their behaviour and bring their organisations into line with the rule of law. Instead, they express public pride in breaking the law and encouraging others to break the law. If anyone has any doubt about this problem, they need to look at the many adverse judicial comments from the Federal Circuit Court and Federal Court justices about the CFMEU and its officials.

Judicial officers are normally very reserved and restrained in their remarks, but they have not held back when it comes to the CFMEU's record of lawbreaking, intimidation, violence and recidivism. Justice Jessup of the Federal Court labelled the CFMEU as 'notorious' and 'an embarrassment to the trade union movement'. Justice Tracey of the Federal Court referred to the CFMEU's 'depressing litany of misbehaviour'. Justice Bennett of the Federal Circuit Court noted:

The CFMEU has … an extensive history of contraventions … The only reasonable conclusion to be drawn is that the organisation either does not understand or does not care for the legal restrictions on industrial activity imposed by the legislature and the courts.

Justice Vasta of the Federal Circuit Court has described the CFMEU as 'the most recidivist corporate offender in Australian history'. He similarly observed:

It seems that the CFMEU feel that they can usurp Parliament and that they can set the law in this country. There is no place for such an attitude in Australian society.

Justice Logan of the Federal Court also pointed to the necessary consequences of such recidivist behaviour. He said:

An industrial organisation, be it an employer organisation or an employee organisation, which persistently abuses the privilege by engaging in unlawful conduct cannot expect to remain registered.

It is an unfortunate state of affairs when the reckless action and cavalier attitude of the very few require legislative reform to address it, but this is why we are here today debating a bill to bring order and better governance to remedy these behaviours.

The government bill before the Senate has been the subject of a great deal of debate both inside and outside of the parliament and has been subject to rigorous scrutiny by the Senate Education and Employment Legislation Committee, which reported on 25 October 2019. In my additional comments arising from that inquiry, I stated that Centre Alliance could not support the bill as it stood. In their zeal to crack down on the very small number of rogue unions and union officials, the government proposed using a sledgehammer to crack a nut. The government's bill was potentially quite disproportionate in its impact and lacked adequate safeguards to ensure that the overwhelming majority of law-abiding and responsible unions
and unionists were not caught up by provisions to correct the recidivist, law-breaking minority.

Listening to the various witnesses who made submissions and presented evidence during the Senate inquiry highlighted the main areas of concern and contention. Many unionists from a wide range of unions have contacted my office to express strong fears about the potential impact of the government's original bill on their legitimate activities and the ability of unions to lawfully represent their members. Centre Alliance has listened to and understands those concerns about the government's original proposals. As I already said, we could not have supported the bill as it was originally introduced.

Very significant amendments were required to ensure that legitimate and lawful union activity is protected and the role of unions to lawfully negotiate fair wages, ensure safe workplaces and advocate for their members' interests are not improperly impeded. Centre Alliance has engaged with the government on these issues to make the bill proportionate to the problem it seeks to address and to ensure that there are appropriate and effective safeguards for legitimate and lawful union activity. As a consequence, the bill has been substantially reworked. In effect, we now have what amounts to a new and quite different piece of legislation.

The amended bill is now proportionate, balanced and appropriate to its public policy objective, and this debate should reflect the very substantial changes that have been made. Whilst this bill will have the same basic purpose of curbing unlawful behaviour, it has been substantially tempered. As amended, the bill will not prevent or impede the right of unions to represent their members effectively, to campaign for wage increases and to ensure workplaces abide with health and safety requirements. Unions and their members that operate lawfully—that is the overwhelming majority of unions and unionists—will continue to exercise their rights and pursue their legitimate objectives. The amended bill is not a union-bashing bill—unless, of course, you are talking about a handful of unions and union officials that break the law as a matter of routine and engage in thuggish business practice. To continue to say that this is what this bill does is misleading and fearmongering, and this approach isn't helpful.

I also note in the debate that there has been a number of furphies. I've listened to some members of the chamber saying, 'What about the banks?' Of course, their conduct, particularly Westpac's, is abhorrent. But I note that in the last 24 hours we've seen three resignations. I contrast that with what happens or, rather, doesn't happen to some of these union members that persistently break the law. I also note that Westpac is now before the courts. Perhaps they won't be broken up, but I point out to the chamber that, in the last sitting week, Centre Alliance moved amendments to allow for court ordered divestiture of large corporations that engaged in egregious conduct, and they were not supported by Labor.

I also note that, if you go onto the Treasury website, there is a plan, including time frames, for the introduction of legislation that will deal with the misconduct of banks identified in the banking royal commission, so it's not true to say that this parliament is focusing on unions. We've dealt with the retail energy sector, we're dealing with the unions this week, and in the future we will deal with other elements addressing misconduct. I hope we're dealing also with political misconduct by way of an ICAC bill.

My office has received many calls from well-intentioned yet poorly informed union members urging me to vote no for the bill as it originally stood and to say no to the bill
regardless of any amendments. Many have been misled about what the amended bill—this bill that's now before the Senate—will mean for them and their unions. Much scaremongering is continuing, and that approach isn't helpful. I point out that I engaged with unions all the way through my negotiations with the government, up until unions decided to start advertising against us, and I point out that they advertised in states where there were no crossbench senators, so I think they must have really just been advertising to their own members that they were standing up for them—but, of course, paying for it with union members' funds. Much of the scaremongering included full-page newspaper ads, robocalls and billboards. It came from rogue unions that fear their business model of bullying, intimidation and flouting of the law will be brought to an end. They should be held accountable, and this amended bill will go some way to ensure this, whilst ensuring that legitimate, well-behaved, law-abiding union activity is safeguarded.

As I've said, a great deal of work has gone into reworking the bill to make it fairer and to modify points of contention identified during the inquiry process. Together, the government and Centre Alliance have extensively modified the bill, and that's what we see here today. The improvements have been carefully thought out and constructed to avoid harsh or disproportionate impacts upon law-abiding unions and yet be strict enough to bring those law-breaking unions back into line. The bill has been modified to ensure that a designated finding will not capture trivial and technical breaches of the law and will not in itself lead to disqualification of a registered organisation or member.

The new regime establishes a penalty point scheme which is a fair and objective method to determine whether an application for disqualification should be made. I have described this as being something like a drivers licence system. The bill also includes provisions to ensure that only systematic conduct is targeted. If a union official makes a mistake of type A and then type B some time later and then type C some time later—making mistakes—that should not invoke an application to a court. If an offence of type A occurs and then recurs systematically, clearly not learning lessons along the way, then an application could be raised. This approach ensures that more serious contraventions are addressed, and, as I said, the ROC commissioner is now required to prioritise serious concerns or those cases that demonstrate a systematic attitude before bringing an application to the court. So, in that way, the bill strikes a fair balance. On one hand, it preserves the right to agitate for improvements in wages, employee conditions and public safety, while, on the other hand, it ensures organisations are unable to hold employers hostage. The ability to undertake collective action is a long-entrenched right within the Australian employment landscape. That right is preserved and safeguarded.

In the course of the committee's review of the bill, it became evident that there was a lot of concern surrounding the standing of a person with sufficient interest, or of the minister, to apply for the disqualification of a person and the deregistration of an organisation. The amendments to this bill remove the standing of the minister and a person with significant interest. The removal of the ability for a minister to make application for the deregistration or disqualification will ensure impartiality and that any application made is not politically or commercially motivated. A person with sufficient interest may make a referral to the commissioner. However, where they do, the commissioner retains full discretion on whether to act on the referral.
The full discretion of the court has also been reinstated, and this is a very important safeguard. While the courts will have full discretion when considering an application for disqualification, deregistration or alternative orders, they must consider whether any such order is just in the circumstances after considering the gravity of the grounds of the application. So, if a ROC commissioner brings an application that is not, indeed, grave, the court will consider that and will simply reject the application, dismiss the application.

The circumstances the court may have regard to may include whether any deregistration may result in the members becoming unrepresented. Where the court is of the opinion that the circumstances don’t support an order for deregistration, they may instead impose an alternative order, such as excluding certain members or suspending the rights and privileges of individuals, while preserving the organisation intact.

Further, the court will have the discretion to consider any other matter it considers relevant. Another consideration for the court when deciding whether unprotected industrial action may result in the disqualification of a person or the deregistration of an organisation is whether the industrial campaign has a public health focus. We need our unions to maintain their civic focus, like they have done with the dangers of asbestos and when patient ratio numbers in hospitals are too high. These considerations are very relevant factors for the court to consider.

Another change in the bill is amalgamations of unions being subject to a public interest test. It's Centre Alliance's view that this would unduly burden and hinder the ability of law-abiding organisations to amalgamate after a democratic process has approved the joining of two organisations. An approved method is now in the bill that basically says that the public interest test will only be required or only apply to amalgamations when an organisation has over 20 court-determined compliance breaches that have occurred over the last 10 years. That's a very, very high bar. Most unions will never have to be subjected to a public interest test if they choose to merge. So, if you've got a clean record, there is no impediment.

In effect, with all of these changes, we have what amounts to a new and quite different law, with the reframing of the bill to ensure that the court, as the final arbiter, has sufficient discretion and safeguards to take into consideration a range of factors in coming to a fair, reasonable and just decision. The government's bill prior to amendment was disproportionate and lacked adequate safeguards. The amended bill is now proportionate, balanced and appropriate to its public policy objective. The amended bill will now not prevent or impede the right of unions to represent members, to fight for wage increases and to ensure workplaces comply with health and safety requirements.

The bill, as now amended, clearly targets unacceptable behaviour, not a particular union. If registered organisations are compliant with their legal obligations—just as many other Australian companies, other organisations and individuals are required to comply with the law, including the provisions of various regulatory regimes—they will have nothing to be concerned about. If a very small number of unions and union officials continue to repeatedly break the law and the decisions of independent courts, they will fall foul of the provisions in this bill. However, again, the overwhelming majority of unions and their members, who operate lawfully, will continue to exercise their rights and pursue their legitimate objectives. By constraining the behaviour of what is a small recidivist minority, this legislation will unquestionably strengthen the place of unions as legitimate and essential contributors to our society and economy.
Senator DODSON (Western Australia) (19:48): I rise to oppose the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019. This bill is fundamentally an ideological attack on the whole of the trade union movement. It reeks of spite and vengeance. It is the work of a government that has no interest in upholding good public policy and one that has always nursed a visceral hatred of trade unions; a government that is prepared to sit on its hands while unscrupulous employers exploit workers who are already poorly paid by failing to pay them their legal dues; a government that talks about being committed to undoing red tape yet promotes legislation like this that will unleash unholy opportunities for hostile interests to tie up in knots trade unions they don't like and whose resources are already stretched defending the rights of their members.

It's a travesty that the government has called this the ensuring integrity bill, because this legislation is wholly lacking in integrity. But what else can you expect from a born-to-rule mob full of arrogance and confidence that they have the silent Australians in their pocket? The offensive overreach of this legislation has already been revealed in the plethora of submissions to the Senate Education and Employment Legislation Committee. The bipartisan Parliamentary Joint Committee on Human Rights also identified serious shortcomings:

And what were the committee's initial concerns? It found that the bill was incompatible with the right to freedom of association. Freedom of association sits at the very heart of our democracy. That's why this right is protected by the United Nations International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. This important bipartisan committee, of which I am a member, was set up to hold governments accountable to their human rights obligations. In the absence of a domestic human rights law like a constitutionally enshrined bill of rights, it is one of the few tools we have to ensure Australia's compliance with core human rights treaties to which we are a party. But this government is prepared to trample human rights and ignore the recommendations of the Parliamentary Joint Committee on Human Rights.

Make no mistake: this bill is not driven by any notion of integrity. It is a purely ideological attack driven by contempt for working people and for their representatives. The union movement has done more to maintain the integrity of our civil society than those opposite will ever know. Their ideological hatred of the unions blinds them to the struggles ordinary people have waged to obtain many of the rights, opportunities and privileges we now take for granted.

First Nations know this struggle very well, and indeed the union movement has been an important ally in the fights that First Nations have struggled through to get civil and land rights recognised. In the biggest struggles of social and economic justice, when oppressive governments and powerful vested interests have sought to oppress First Nations, it has been the union movement that has stood in solidarity and demanded integrity when no-one else would stand with us. It was the union movement that helped the Gurindji people in their years in the strike camp, sustained them in their struggle and gave Vincent Lingiari a voice in the big cities. The truck they used to ferry supplies from Darwin to the strikers at Daguragu is now in the National Museum. I'd encourage those opposite to go and have a look at it and ask
themselves whether those unionists lacked integrity. It was the Council of Trade Unions, led by the then president Bob Hawke who stood side by side with First Nations peoples when we took on the Western Australian Liberal government of Sir Charles Court and an international mining company which wanted to drill on sacred land at Noonkanbah. I wonder if those opposite would say these struggles lacked integrity.

These struggles continue today. It is the First Nations Workers Alliance that is standing in solidarity with the First Nations workers on the CDEP, this government's ruthless and draconian program that is tearing First Nations communities apart. It is the union movement that is standing in solidarity with the First Nations, and we call on the government to properly respond to the Uluru Statement from the Heart for a voice to the parliament and to entrench that voice in the Constitution. The government first said they rejected this. Then they changed their mind. Now they're obfuscating and diluting it—because the minister, the first Aboriginal person to hold that portfolio, does not have the support of his leader, the Prime Minister, to deliver what the First Nations have already asked for. So much for integrity!

If this government is serious about ensuring integrity, it doesn't need this bill. All it needs is a mirror; when it looks at the reflection, it will see the lack of integrity. And, if it looks deeper into our history, it will see that it has been the union movement that has ensured integrity.

I heard Senator Patrick speak, and I understand that the government has tried to ameliorate the concerns of the crossbench colleagues, while secretly negotiating amendments which the government hopes will win them over—and it seems from his statement that they have. But, if those crossbenchers are thinking that these few hurried amendments can repair the damage that this legislation will cause to the framework of industrial law, which is already stacked against workers, then they're occupying a parallel universe, because this legislation is cruelly and cynically calculated to nobble trade unions and hobble their ability to protect their members from those who simply want to maintain a vendetta against unions and who will never accept the basic rights of workers to organise.

This bill is dishonestly pitched. It purports to apply to trade unions the same legislative regime as applies to business and corporations, but even a scant reading of the bill reveals that there is no balance here. This legislation does not put unions and corporations on the same footing, because the requirements on corporations are much less onerous and less punitive.

Take the provisions in schedule 1, for example. It lays out grounds for disqualification that are breathtaking in their scope. The minister or any person with 'sufficient interest' can apply for orders to disqualify a person from holding office in a union. The threshold for disqualification is as low as you can go. The new and expanded grounds for disqualification require one or, at the most, two instances of misconduct for an application to be made. That misconduct could be merely technical, like an official not having given the right notice when needing to inspect a dangerous worksite or to investigate the underpayment of workers. And, yes, we can believe that the underpaying company, the very company that may be perpetrating the underpayment, could be the party that applies to have the official disqualified. There is no such process available in law for anyone with 'sufficient interest' to have an errant company director disqualified. So this idea that unions are having to toe the same line as the corporate sector is not just a furphy; it's a blatant distortion of reality, and everyone can see through that.
It's the same scenario when it comes to the deregistration provisions in schedule 2. There are already, in Australian law, provisions that can be invoked to have a union disqualified. But, no, we have to have a special law specially aimed at those people we don't like in certain unions because they've upset someone! There are already in Australian law, as I say, these provisions. But that's not enough for this government which is so intent on destroying the trade union movement.

Under proposed schedule 2, the minister or, again, that other, scary person—whomever that might be—who has 'sufficient interest' can apply to the court to deregister a union on grounds that require one or, at most, two instances of unlawful conduct. It doesn't even need to be repeated, serious or wilful conduct. There's no way that corporations are subject to laws as punitive, unfair and capricious as the proposed laws we are dealing with here that will apply to unions. If such laws were proposed to deal with bad behaviour in the business sector, imagine the uproar, and rightly so.

I see that the government is, as I've said, trying to hose down the concerns of Centre Alliance by proposing amendments that will give standing only to the commissioner of the Registered Organisations Commission. Well, pardon me for thinking these amendments are like a boarding school penalty regime, and it's being applied here as in the other policy domains that especially affect First Nations peoples. That is the mantra that one culprit justifies punishment for all, and that's underpinning this bill. The Registered Organisations Commission is the same so-called independent regulator that's already been discredited for its illegal raids on the office of the AWU. It's the same so-called independent regulator that forewarned the minister's office about those raids and enabled the minister's office to tip off the news media.

Let's have a quick look at schedule 3 and see if it measures up to the standards that apply to companies. Schedule 3 deals with administration of what are called 'dysfunctional organisations'. Again, there's no equivalent for companies. If there were any similar treatment, unions could claim to have 'sufficient interest' and apply to have a company that's causing them difficulty placed into administration. Wouldn't that be a novelty and wouldn't there be an uproar in our nation! That would be just preposterous. Finally, there's schedule 4, which provides the means for mergers of unions to be blocked by the Fair Work Commission. There's a public interest test to be applied to mergers, whatever that means. The public interest obviously will be a political interest being exercised by someone else, not the rank and file of the unions.

One thing is for sure: this is an outright assault on the rights of workers to organise and exercise free choice. If this bill is enacted into law, Labor will make sure that it haunts the government all the way to the next election. Your divine right to rule over workers is so tarnished by your arrogance that it stops you from seeing the damage you are doing to a balanced and civil society. The government hasn't learnt the lessons from its own history. Work Choices was John Howard's legacy, but its attack on workers went too far and the Howard government paid the price for that in the 2007 election. This coalition government has learnt nothing from that defeat, because the bill has the same smell of vicious and petty vindictiveness which infected the Work Choices act.

Labor, on the other hand, will continue to remain true to its values of fairness. I encourage my crossbench colleagues to step away from this government's blind arrogance and stand with
the workers in their time of need. We published a dissenting report after the inquiry by the Senate Education and Employment Legislation Committee into this legislation. Our report called on the Senate to protect and uphold the rights of the Australian workers by rejecting this legislation, and that remains our position.

It is probably hard for people who are born to rule to understand the significance of having advocates who are able to put your case for you because you are inarticulate, because you have not had the flash education, because you do not know how to navigate the pathways of the courts or the tribunals or even the halls of the employer. It is probably hard to understand—and I feel sorry for you, because it is when you get involved in helping liberate both the employer and the employee from that ideological position that some good things can flow, to the benefit of not only both entities but the country as a whole. Unfortunately, this bill does not do that. It is simply aimed at attacking the trade unions, because that is the ideological position out of which it has sprung.

Labor's position will remain in search of better ways to improve these situations. There is nothing in this bill with which we will agree, because there is nothing in it which is founded on principles of good policy and achieving a balanced civil society. How are you going to get your garbage picked up if you smash the workers? Where are the chardonnay bottles going to be thrown and who is going to pick them up? Do not be surprised if you have a rubbish pile outside your front door because of the way you want to bash up the unions and the workers in this country. This bill is born out of an irrational prejudice, out of an innate loathing of unions, and because unions exist to protect the rights of the workers, to advance their opportunities, to ensure there are safe working conditions and to ensure that there is a balance between what the employer delivers and gets and what the workers are entitled to receive—justice.

Solidarity is required here. It is time to stand with the workers to ensure that they get their just and proper rewards for their efforts—for their work and contribution to the productivity and profits of companies—and to not treat them or their advocates as if they are some kind of irrational, irresponsible entity within our civil and political society. Unions have contributed greatly to the social and civic society that we have. Without them, many of the privileges we all enjoy would not be enjoyed by us at all. It is unfortunate that this bill seeks yet again to isolate workers and create further class war, perpetrated by you on the other side.

This is a bill that has very little to recommend it to anyone. Senator Patrick has great hopes about what these amendments may do to the bill, but, unfortunately, I do not share his faith in a government that is about destroying unions and not upholding workers' rights. (Time expired)

Senator HANSON (Queensland) (20:08): Yesterday I learned of the tragic loss of a long-term Queensland coalminer at Carborough Downs, which is north-east of Moranbah, off the Peak Downs Highway. Brad Duxbury was a 57-year-old member of the Fitzroy Australia Resources team, and I have no doubt that his death will impact not only his family but the tight-knit Queensland coalmining community and equally the people of Moranbah and Coppabella. While I understand his family have asked for privacy as they work through this difficult time, I would like them to know that he has been recognised not only by his colleagues but by those here in this parliament as well.
We are here to discuss the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019. The government have outlined that this bill is in response to the final report of the Royal Commission into Trade Union Governance and Corruption and is to ensure the integrity of registered organisations and their officials. There are four schedules to the bill: schedule 1, which determines the disqualification of officers; schedule 2, the cancellation of union registration; schedule 3, the administration of dysfunctional unions; and schedule 4, a public interest test for union amalgamation.

I've always been a person who has understood the need for unions throughout Australia. But, at the same time, I'm also on the record as saying that I've forewarned union bosses that bullying and thuggery must be stamped out in accordance with public expectations. I won't beat around the bush: the CFMEU are one of the main reasons we're here debating this bill. The breaches this union have been found guilty of have frustrated businesses, the courts and, at times, their own members. They have protested at my own party headquarters, but I also acknowledge that they have protested at Labor and Liberal offices as well. They're big and they're powerful, and I can understand why some people find them awfully intimidating.

On the other hand, we've got unions that represent musicians, the aviation industry, the finance sector, firefighters, the media, teachers, electricians, plumbers, nurses, cleaners, retail workers, maritime workers and many of our lowest paid blue-collar workers throughout the country. We either rarely hear from those unions or don't hear from them at all.

I have been an employer. The success of any business comes down to a number of factors, but one of those unquestionable factors is workers. I've always said that employees have a right to a fair day's pay for a fair day's work, and they also have a right to return home safely to their family at the end of their shift. I'm well aware that this parliament has attempted to stamp out unfair behaviour between employers and employees through the implementation of the Fair Work Commission and the Fair Work Ombudsman. I note in the Fair Work Ombudsman's annual performance statement that Sandra Parker states:

A changing workplace environment increases the opportunity for unscrupulous employers to evade detection, particularly where vulnerable workers are employed. Wage exploitation of migrant workers also remains a complex issue as it crosses employment, migration, corporations, taxation and other laws.

The Fair Work Ombudsman's annual performance statement also says:

- Staff turnover rates are at a ten-year high of around 18% and higher for young people, with more than half of them leaving their employer each year.
- Franchising is a common business model in Australia.
- Migration is the largest contributor to employment growth.
- The number of temporary visa holders arriving in Australia each year is substantially larger than the permanent migration program.
- Technology is driving changes to workplaces and the nature of work.

I find this report alarming, and this is why frustration has grown amongst workers and their representative bodies across Australia.

Andrew White and Ewin Hannan from The Australian wrote a story on 20 November this year that stated that PricewaterhouseCoopers estimate wage theft of Australian workers is as much as $1.35 billion each year. Those most at risk of wage theft are construction, healthcare,
retail, accommodation and food service workers. Construction is the biggest risk area, with as much as $320 million in annual underpayment of wages, according to the modelling by the Fair Work Ombudsman.

I've got no doubt a large portion of the problem is due to the complexity surrounding awards. This is something I blame on the government and unions collectively. The mere mention of reform in our awards or industrial relations sector triggers warnings of John Howard's Work Choices policy, but when you've got mum-and-dad businesses as well as corporate companies like Woolworths, Supercheap, Michael Hill and our own ABC stuffing up people's wages because of the complexity of working out hourly rates, we have to show some maturity and acknowledge that change is required.

The Attorney-General, Christian Porter, is on the record accusing companies of being hopeless when it comes to ensuring workers are properly paid. He said many employers spent more time on minimising tax than on their workplace obligations, and he's right. There were around 750 multinational companies operating in Australia throughout the 2016-17 financial year. Collectively they generated $612 billion in revenue but, after expenses, paid just $10 billion in tax. To put that into perspective, the 750 multinational companies across Australia paid an average of 1.63 per cent in tax. To offer a further perspective on how little multinationals pay, Australian smokers paid almost $13 billion in excise taxes that same year. That's $3 billion more than the 750 multinational companies who are ripping the guts out of Australia and sending their profits offshore.

The Morrison government's solution to this was a bill with a title that led the public to believe the government were doing something about multinational tax avoidance, called the Treasury Laws Amendment (Making Sure Multinationals Pay Their Fair Share of Tax in Australia and Other Measures) Bill 2019. For the sake of transparency, the bill raises a measly $125 million extra from $612 billion in revenue. That's an extra—wait for this—0.02 per cent in additional tax. I find it ironic that we're here to debate ensuring integrity in our unions but fail to hold the integrity of our multinational corporates to account, especially when we carry a national debt of almost $600 billion.

This government raises a valid concern when it argues that Australia's biggest union has racked up 2,000 breaches and over $16 billion in penalties over the last 15 years. But, on the other hand, only last week Westpac accrued more than 23 million breaches for potential money laundering. The breaches raise enormous concern that these overseas transactions could have ended up financing terrorism, child exploitation and pornography. It's mind-boggling. Each breach carries a penalty of up to $63,000, which could potentially see Westpac face fines of more than $1 billion. They're not the only ones. The Commonwealth Bank were caught doing the same thing in 2018 and agreed to pay $700 million for their illegal actions. Again, where is the integrity of our banking system?

Prime Minister Scott Morrison didn't seem too concerned when he was asked about the issue on the ABC last week. He was quoted as saying:

Well, that's ultimately a judgment for the board of Westpac, I mean it's for the board to make decisions about who should be running banks, not governments.

I would argue the government does have a say over the integrity of our banks, given it's a major stakeholder in each and every one of them through the Guarantee Scheme for Large Deposits and Wholesale Funding. As fate would have it, Westpac's chief executive, Brian
Hartzer, announced he will step down on 2 December but take with him $2.7 million in lieu of 12 months notice. Again, where is the integrity? What I pick up from the public is a crystal-clear view that this government, and past governments, have one rule for white-collar crime and a much harsher rule for blue-collar crime. In fact, in a letter to the editor in today's Sydney Morning Herald, Jim Iveson from Hornsby Heights said, 'A more appropriate name would have been the ensuring inequality bill.'

I hate to break the bad news to Australian workers, but One Nation are now the only political party left defending Australian jobs. This week Labor again abandoned young and older Australians at a time when youth and over-50s unemployment is at record high levels. They did it by way of new free trade agreements with Indonesia, Peru and Hong Kong which approved an increase in the number of foreign workers as a part of those deals. If you've ever had any question over why wages have stagnated, it's because we keep allowing in cheap labour from developing countries. So, if Australian workers or unions want to be upset with anyone this week, don't be upset with the crossbench members; take your fury out on Labor and the Liberal-National government.

I have put forward 11 amendments to the ensuring integrity bill, which were circulated last week. Members of all unions should know that I've made these amendments with the support of Senator Roberts and your union representatives. The intent of these changes is to further protect Australian workers and minimise the risk of deregistration over paperwork misdemeanours and the like. One Nation note and appreciate the level of consultation from the Queensland Law Society. I also want to acknowledge the early dialogue with the unions that was initiated by Central Queensland union member Chris Brodsky. It was his approach and introduction that led to the very worthwhile discussions Senator Roberts and I had with the CFMMEU, the AWU and, in total, 10 union bodies across Australia. We haven't taken our role on this bill lightly when determining our amendments. It's also worth noting the input from the chambers of commerce, Master Builders, the Business Council of Australia, the Australian Institute of Company Directors and the countless phone calls from workers across Queensland and Australia. I'd also like to thank the Attorney-General, who has made himself and his staff available throughout this very long consultation process.

Senator KENEALLY (New South Wales—Deputy Leader of the Opposition in the Senate) (20:23): I rise to contribute to the debate on the government's union-bashing legislation, the supposed ensuring integrity bill. But I want to begin by telling you a story. It's a story I previously told in my first speech in this place, but it bears repeating in the context of this legislation. It's a story that highlights the important role that the labour movement has played in many workers' lives, in my life and in the lives of many ordinary people around the world.

The story starts in 1987, just after I graduated from high school, a year before this chamber opened. I took a job on an assembly line at Johns Manville, a fibreglass manufacturer that had two factories in my home town. The work itself was tedious and hot, and the hourly rate was quite good. I worked eight-hour shifts, sometimes 12 hours, in a crew of four people. In our work, we had heavy canvas jumpsuits, and our job was to get giant rolls of fibreglass off a giant machine. We got them off the machine, we tested their quality and then we wrapped them in plastic and shipped on down the line to go out to the shipping docks. Our products looked like massive paper towel rolls as we shipped them down the line. My responsibility in
this factory was to attach adhesive tape to a four-metre-long rotating spindle so it could grab the next sheet of fibreglass as it came off the machine. When I worked there, that spindle rotated at about three kilometres an hour. I was told to stand back three metres behind a safety line. I held that adhesive tape on a specially designed hook, and I had in my hands, on that hook, a safety stop switch.

Months earlier, a young woman named Leslie Lambert had my job. She worked there before I started there. Leslie did not have the same safety equipment or practices. When Leslie was working there, the spindle rotated at about 20 kilometres an hour. There was no instruction to stand three metres back. There was no hook or safety switch. One afternoon Leslie was caught by the adhesive tape and spun around 10 times, cracking her head and back on the machine, before she was thrown to the floor. Leslie was 19 years old and she died that day. I know from Leslie's obituary that, like me, she was working in that fibreglass factory to put herself through university. I know that she, like me, was a member of the Teamsters Union, a union that had been pushing for safer conditions in that very factory on that very machine. Only a few months separated Leslie Lambert and me, a few months between a dangerous and deadly workplace and a safe one.

The difference between Leslie Lambert and me was just a few months—it is also 31 years. It is 31 years in which Leslie Lambert has lain in a grave in East Swanton, Ohio. It's 31 years in which I have been able to raise a family, get an education, migrate to another country, have a career, work, travel, raise my children—simply be alive, simply live a life. I know that the Teamsters Union made their members' safety at work a priority in that factory. I know they had my back as a worker and I have never forgotten that. You could say the importance of a safe workplace and the role that unions play in keeping workers safe and in advocating for safe working conditions is seared into my very existence.

I concluded that story in my first speech by saying the following:

Here in the Senate, I will continue to fight alongside my colleagues in the union movement for all Australians to be paid a living wage and for all workers to be safe at work.

As I rise today, I do so to oppose this bill for that very reason.

With this bill, the government is orchestrating a direct attack on Australian workers and their right to be represented, their right to be safe in their workplaces and their right to be paid a fair wage. After this legislation went through a Senate inquiry, Labor senators said in a dissenting report that they had:

... significant concerns about the adverse impacts this bill would have on the rights of workers, workers' safety and the safety of the public, the economy and the state of democracy in Australia if it were to be passed by the Senate.

Those are significant concerns. They also said:

This Bill would allow for Government interference in democratically-run organisations in a way that goes beyond what we have seen in any developed country. Australia already has some of the most restrictive industrial laws in the world, and this would take the country further down an authoritarian path.

Labor senators did not make these observations lightly. It goes to the seriousness of the legislation that is before this chamber.

This bill is extraordinary for a number of reasons. It is extraordinary in its overreach, it is extraordinary in its callousness and it is extraordinary in its naked partisanship. The 45th
Parliament saw the first iteration of this bill. It was dangerous and extreme then, and it was roundly rejected. Now this bill is back, with the government banking on the crossbench to pass the laws they couldn't ram through the last time.

It's important to understand what this bill would allow. Not only will the bill expand the grounds for disqualification but, worse still, the grounds will require only one or, at the most, two instances of unlawful conduct for an application to be able to be made. It doesn't have to be repeated, serious or wilful conduct. The minister or any person with 'sufficient interest'—and that could include employers or employer organisations—can apply to the court for orders disqualifying a person from holding office in a union. Imagine that. James Hardie executives could have applied to have persons who held office in a union disqualified when unions were trying to hold James Hardie to account for the untold damage they did to their own employees, the victims of asbestos related diseases. That is the kind of outcome this legislation would facilitate. That is what this government wants to do to working people and to their representatives. This bill would also include a minor issue like a technical breach, such as not giving the right notice in the right form when inspecting a dangerous worksite or investigating the rampant underpayment of workers. A person with a 'sufficient interest' could be the very business that was being investigated for underpaying workers. This bill will literally put the fox in charge of the henhouse.

On the other hand, directors of companies which recklessly expose workers to risk of serious illness, injury or death or who engage in systematic wage theft are not exposed to disqualification. To go back to the James Hardie example, those directors and executives don't face the consequences, but they themselves could raise a complaint that would be sufficient for the court to disqualify the representatives of the working people who are suffering because of their actions. If there were corporate equivalence in this legislation, a union could bring disqualification proceedings against the director of a company where the union was pursuing an industrial issue such as systematic wage theft, but this isn't proposed or even considered by those opposite.

Contrary to the government's claims, the requirements imposed by the bill go further than the requirements on corporations. In the bill, the grounds for disqualification from holding office in a registered organisation are broader than the grounds for disqualification of company directors. The penalty for the offence of a disqualified person continuing to hold office in or influence a registered organisation is double the equivalent provision in the Corporations Act. This bill also allows the courts to disqualify union officers for conduct unrelated to their union role. For example, an application to disqualify could be brought against union officials on the basis that they were not fit and proper persons because they had breached a law relating to the intentional damage of property. There is no equivalent disqualification for company directors. I can only imagine the uproar in the corporate boardrooms if there were.

The bill also provides new and expanded grounds for deregistration—again, new grounds that require only one or, at most, two instances of unlawful conduct for an application to be able to be made. Again, it doesn't have to be repeated, serious or wilful conduct. It can involve a single instance of unprotected industrial action. Yet there is no equivalent for companies to be deregistered if they breach industrial laws by stealing wages or breach workplace health and safety laws by failing to protect their employees. Again, the minister or
any person with 'sufficient interest'—there's that phrase again—can apply to the court to deregister a union for breaching these extreme and intrusive orders. Again, no equivalent provisions exist for corporations. If the same thing applied to companies then the minister, an employee or any other person with sufficient interest could apply to a court to wind up a company or impose one of these orders. Wouldn't that be magnificent, if we were talking about a company that was stealing their workers' wages! I'm sure that companies wouldn't tolerate that. Why should they? And why should unions? Why should working people and their representatives tolerate such a scheme?

Clearly, these are extraordinary provisions. There is already an effective and longstanding regime for the disqualification of union officers and the deregistration of unions. The act was amended as recently as 2017 to provide that a union official could be disqualified on the basis of any civil penalty breaches of the Registered Organisations Act. There is currently a range of offences that automatically disqualify a person from standing for or holding office, including fraud, dishonesty, the intentional use of violence and damage to property—the latter of which has no equivalent for company directors. But we all know that union bashing is in the Liberal-National DNA. This is the party of Work Choices, after all, and this bill is from the very top drawer of their regressive agenda.

The government are claiming that this is a new and improved version of the bill and that it's been revised to 'more closely align these reforms with their corporate equivalents'. It is just not true. As the examples I have outlined demonstrate, it is simply not the case. There are no corporate equivalents. This bill is far more extreme in the regulation of unions than anything that exists for businesses or, indeed, politicians. There is no justification for the provisions in this bill; they go far beyond what the Heydon royal commission recommended. The hypocrisy of those opposite is astounding. On the Liberal Party's website they say this bill will cancel 'the registration of an organisation where it or its officials have not acted in the interests of members, not complied with court orders, committed serious offences or have a record of law-breaking.' The government would have you think they are the tough cop on the beat here, yet their actions speak louder than their words.

Seven years of this Liberal-National government show it is utterly toothless when it comes to real lawlessness. We have seen countless examples of employers ripping off their workers in recent years—7-Eleven, Domino's Pizza, Chatime, Michael Hill jewellers, recently Woolworths and even the ABC. And what has this government done to combat worker exploitation? Absolutely nothing. We've seen up to 100,000 people trafficked into this country by people smugglers through our airports. They've sent people here to work for as little as $4 an hour. They've subjected them to slave-like conditions and sexual abuse. Minister Dutton won't even acknowledge this crisis, let alone act on it. But do you know who has been standing up for those vulnerable, exploited people? Unions have been doing that. Where the government has failed to step in, unions have been acting to draw the attention of this government to the crisis that is occurring when it comes to the exploitation of temporary migrant workers.

This government, particularly this Prime Minister, had to be dragged kicking and screaming to support a royal commission into the banking sector. They voted against that royal commission 26 times. This week it was revealed that Westpac had broken the law 23 million times. What did the Prime Minister say about that? Did he say the CEO should keep
his job? Did he have a view? No, he said that's a matter that 'the board and the management need to determine themselves'. So if you breach the law 23 million times it is just up to you and your board and your mates to work out amongst yourselves what happens, but if you misfile paperwork on three occasions this government will have you taken to court, have a democratically elected representative of working people removed from office and deregister the organisation from being able to stand up for the rights of working people. If that's not a double standard, I don't know what is. And it certainly isn't corporate equivalence.

This third-term Liberal government is a pantomime police force—unless you happen to belong to a union, in which case you can expect both barrels to be aimed at you. Never forget that this is the government that created the Registered Organisations Commission and then watched as a dodgy minister ended up before the Federal Court over serious allegations of misconduct. It is deeply ironic that the biggest fish that the Registered Organisations Commission nearly fried was Minister Cash herself, until the supposedly law-and-order party over there stepped in to protect her. Those opposite are the party of double standards; this bill proves that. And yet they come into this chamber and lecture the rest of us on being tough on lawlessness. So today we see a bill debated in this parliament that holds working Australians and their representatives to a higher and, I might add, extreme standard.

Now, I acknowledge there may well be legitimate concerns in the community, and they are sometimes shared by the Labor Party, about the behaviour of some union officials in some unions in some parts of Australia. As I've already shown, we have laws to deal with this. And Labor have shown how we will respond to this behaviour: we expelled John Setka from the party, and we were right to do so. But one person does not characterise an entire union or the entire labour movement.

The Liberal Party would have you believe that somehow 'union' is a synonym of 'crime gang'. The average unionist in this country is your child's teacher or nurse, or your local police officer. It's a firefighter. It's the person who goes to work on an assembly line or who works in construction. These are the people who belong to unions. We have unions in our schools, in our hospitals and in our hospices; we have unions for our journalists, our artists and our Defence Force personnel; we have unions for our police, our ambos and our firefighters. These laws will apply to every single one of them—each and every one. These laws will make it possible for government ministers and disgruntled employers to shut down unions and deny working people their right to choose their own representatives and push for decent wages and good conditions.

We must call this bill out for what it is. It is an attack on our schoolteachers, our police officers, our nurses, our ambos and our firefighters. The government would never propose laws like these for the banks, the multinational pizza chains or the celebrity chefs who have been found to be stealing wages, committing crimes and exploiting workers. No wonder that, under the Morrison government, Australia is set to be a country where your autonomy can be bought at a premium.

I want to end my contribution where I started, and that was with a story about how a union stood up for safety in a workplace where one of my colleagues had died because a union's warnings had not been heeded. Make no mistake: when we weaken the right of working people to raise their concerns and when we weaken the right of working people to come together collectively to bargain, to negotiate, to demand and to agitate for better wages, for
better conditions and for safer workplaces—when we make that harder—we weaken not only the economy but the very fabric of our society and we weaken the very safety that Australians have enjoyed in their workplaces. The sad result, I fear, of this legislation will be not only a loss of autonomy for unions and a loss of democratic rights but the loss of good wages, secure employment and safe working conditions for all Australian working people.

Senator RICE (Victoria) (20:43): The government has called the bill that we are debating tonight the 'ensuring integrity bill'. I refuse to call it that. It's the 'union-busting bill'. It's the 'attacking workers bill'. It's the 'looking after your corporate mates bill'. Integrity has been defined as making sure that the things you say and the things you do are in alignment. So, as we debate this bill, it's worth examining what the coalition government says about integrity and what it actually does. Are their words and their actions in alignment? Spoiler alert! As this debate has made very clear, it's as clear as day that they are not.

It is striking that today, as we have been debating this Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019, there has been a story in the news about Westpac, one of Australia's largest banks, failing to obey anti-money-laundering and counterterrorism-financing laws—a failure that allowed a Westpac customer to make payments to someone in the Philippines who was later arrested for child sex trafficking. But that's just one allegation. As others have also told us here today, it was one of 23 million—yes, 23 million!—breaches of the law involving more than $11 billion in transactions.

This case that has been brought by AUSTRAC comes after the royal commission we've already had which investigated the banks' behaviour. We've all heard so much about how the banks have let down their customers and the community, having devastating impacts on people's lives, and about exploitation by insurance companies, which are owned by the banks. We've heard about people being mired in paperwork on life insurance claims and denied access to money that is rightfully theirs.

You would think that, if the government were truly concerned about integrity, these things would have inspired them to act. You might think that, hearing the damage that these financial institutions have done to our communities, the coalition would want to change things for the better—but no. They had to be dragged kicking and screaming to a royal commission, and many of the reforms that were recommended by the royal commission haven't been implemented. And we haven't heard anything from the coalition about deregistering Westpac. The CEO has resigned, but the institution remains. And they will offend again—it's only a matter of time—unless we take meaningful action. But this coalition government refuses to do that.

Then, on the same day as this is happening, we have the Prime Minister directly calling the New South Wales police about an investigation into the behaviour of one of his cabinet ministers. Does that sound like integrity? Does it sound fair that he can just call up and ask the head of the New South Wales police about an investigation? Does that sound like the Prime Minister is acting with integrity? Why is Angus Taylor under investigation? Because there are unanswered questions about how a document with wildly inaccurate figures went from his office to a journalist, to attack another politician. Does that sound like integrity? And that's before we even start talking about the grasslands inquiry, where property that Angus Taylor part-owned was under investigation for breaches of our environment law, the Environment Protection and Biodiversity Conservation Act. And somehow, instead of acting
with integrity, the government decided that they needed to review how our environmental laws interact with farms like that particular one part-owned by Angus Taylor. The compliance case resulting from this investigation hasn't been resolved, years later. Does that sound like integrity? No.

What is under attack today isn't any of those things. The coalition will not act to ensure integrity amongst financial institutions or amongst its ministers. Instead, it's going after unions. That's the coalition's real agenda. After all, this is the government that had a royal commission into unions that was a politically motivated witch-hunt. This is the government that set up the Registered Organisations Commission, which undertook investigations into the AWU—investigations which were found by the Federal Court last month to be based on suspicion and not to be based on reasonable grounds.

Unions are a cornerstone of our democracy, and they operate on a fundamentally different basis from corporations. Corporations exist to create profits for shareholders. Unions, on the other hand, exist to represent workers and to give them a voice, to advance the interests of their members, and, in doing so, to help all workers. For the benefit of the government, here are some of the things that unions do: they advise people about their rights and entitlements at work; they help address the power imbalance between workers and their employers; and they work to ensure that the lowest paid get a decent wage and a decent quality of life. We can thank unions for penalty rates and for shorter working weeks. We can thank unions for annual leave. These conditions weren't just handed down by gracious corporations; they were hard battles fought by unions, and these are the things that are under attack by this government. By making it harder for unions to operate effectively, this government is attacking the most vulnerable people in our society. It's seeking to reverse gains that have been made over decades.

This government demonises unions, and this legislation will open up unions to harassment, to interruption of their operations, and to being swamped by unwarranted legal action designed to try and destroy them. We know why: because, when workers and unions build their collective voice and collective power as an integral part of our democracy, they have the capacity to change the way this country is run. They challenge the power held by big corporations and governments who are acting to protect the power of those corporations. This government finds that prospect frightening, and so, to prevent it, it is acting to introduce laws that are incompatible with Australia's International Labour Organization commitments and will impose standards to which there are absolutely no corporate or political equivalents.

In contrast to the government's demonising of unions and union members as unlawful thugs, the average union member is a 46-year-old female nurse, much like the nurses that I met who were here in parliament earlier this week. A typical union worker is someone like my friend Huong, who works for the National Union of Workers and works with migrant women, originally from Vietnam, who speak very little English and work under incredibly difficult conditions in the textile, manufacturing and horticultural industries. Huong works with these women. She helps these women to stand up for their rights at work, to stand up against sexual harassment and to make sure that they get paid the wages that they are due, that they get to take the breaks they are entitled to at work and that the conditions that they are working in are safe. That's what your average union worker is doing. That's the type of work that unions do. A typical union worker is someone like the representatives from the CSIRO
Staff Association who I met earlier this week, advocating for increased resources for science in Australia so that our talented postdoctoral researchers don't need to go overseas to find work because the jobs to undertake important research for the future wellbeing of our country no longer exist in Australia. That's the type of work that unions are doing right across the country.

We think of Australia as the land of the fair go, but if this bill passes we will become more like the United States of America, a place where giant corporations squash the little people and people have to struggle, juggling two, three or four jobs and working 50 or 60 hours a week. We're better than that here in Australia. We believe in a decent day's work to earn a decent day's pay. Yet this is the legislation that this government is introducing—legislation that will make it harder for unions to operate and harder to protect the rights and conditions of ordinary workers, ordinary people, at a time when minimum wages have fallen to a point where they are no longer a guarantee of financial security, when wage theft is rampant and when we have overworked, underpaid temporary overseas workers who are both being exploited themselves and undercutting the jobs and conditions of other workers in the country. It's a time when penalty rates have been cut. It's a time when big corporations are making record profits whilst the government is helping employers use labour laws to cut wages, conditions and workplace rights.

This is, in turn, impacting upon our society. In turn, when people are stressed about money and time, that makes everything harder. It is harder for us to build communities and connect with people around us, harder for us to campaign on the issues that we believe in and fight for the things that matter most, harder to protect our environment and to take action on climate change, and harder to stand up for the rights of First Nations people, LGBTIQ+ people and workers everywhere.

The coalition is attacking unions, attacking workers and tearing apart the fabric of our society. We must stand against this bill. We've got a different, better vision of Australia. The Greens have a vision of Australia as a country where we do all get a fair go and where the government stands up for people, not corporations. This bill is fundamentally unfair. There's a complete lack of integrity in the coalition's behaviour. While corporations are running rampant and ministers are not held accountable, the coalition are seeking to attack unions again. If the government were really committed to acting with integrity, they would be withdrawing this bill and they would be standing up for transparency, for accountability and for protecting the wellbeing and workplace rights of ordinary Australians instead of the interests of their corporate mates.

We're almost at the end of this second reading debate. There has been so much debate heard over the last two days, but it's not too late. If you are really concerned about integrity, it's not too late—you could withdraw this bill. I don't see it happening, but that's what would need to happen if we were to truly ensure integrity in our legislation and proposed bills in Australia today.

Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (20:55): I would like to thank all honourable senators who have made contributions to this debate on the Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019. The government acknowledges the important role of registered organisations, both unions and employer associations, in representing their members' interests in the industrial
relations affairs of this country. This valuable contribution should quite rightly continue, but registered organisations should not be immune from the rule of law in carrying out their functions and their obligations.

This bill seeks to ensure that all registered organisations operate within the law. The Royal Commission into Trade Union Governance and Corruption uncovered widespread misconduct and, indeed, a culture of lawlessness permeating some organisations. Our nation's judiciary has repeatedly observed that some officers and organisations seem to show nothing but contempt for the law. Penalties imposed by the courts appear to be considered by at least one union to be simply the cost of doing business. The penalties are certainly not acting as a deterrent, if the ongoing breaking of law is any indication. Only last month, one Federal Court judge said that one organisation, the CFMMEU, was a serial offender and that it had acted 'in deliberate defiance of the law that it has been told, time and time again, it must obey'. This bill will ensure that the courts are able to more effectively deal with organisations and officers who repeatedly flout the law, who put their own interests before members' or who fail to meet the basic standards of accountability and governance that their members have every right to expect of them.

I turn now to senators' contributions during the debate. While unfortunately there isn't enough time this evening for me to bust every single myth about the bill that we've heard from Labor and Greens senators, I will certainly do my best to correct the record insofar as some of the most concerning and major misrepresentations are concerned. Labor claims, for example, that the existing regime is effective in dealing with organisational and officer misconduct, noting that courts can already disqualify officers. Not only does the ongoing law-breaking in some organisations clearly show that the current regime is woefully insufficient—a matter, as I've said, that our nation's judiciary has observed on a number of occasions—but opposition senators fail to acknowledge that, under the current regime, breaches of the Fair Work Act and other core industrial laws, such as in relation to coercion and bullying on worksites, simply can't give rise to a ground for disqualification, let alone deregistration.

There are also claims from those opposite that the regulator, the Registered Organisations Commission, will, out of this bill, wield a significant power. Let me be clear: what the regulator will actually be able to do under this bill is to apply to the court for certain orders if there are grounds on which to do so. This is an entirely appropriate and entirely usable function of a regulator. It is reflected in many other areas of the law. The only difference here is the organisations about whom the commission can make applications include trade unions, and that is why Labor and Greens senators don't like it.

It's also worth noting that, despite what Labor and Greens senators may seek to assert, the commission itself will not be able to disqualify officials under the bill, much less deregister an organisation. By contrast, in terms of regulatory powers, ASIC itself, the corporate regulator, does have the power to disqualify directors of a company or wind up a corporation in certain circumstances without court action being required. I note that APRA has similar powers of disqualification without the need to apply to the court in respect of banking executives thanks to the Banking Executive Accountability Regime, which was, of course, introduced by the coalition government. I will return to that later.

Those opposite have also contended that the commission is a politicised body, citing the matter of AWU v ROC in support of this allegation. Of course, what they have failed to
mention, as they've consistently done in relation to this matter, is that the court, in fact, clearly found that the commission’s investigation was not commenced for an improper political purpose. That is a rather important point. For completeness, I also note the advice of the commission announced this week in relation to the decision that it would appeal that matter. As such, the statements made by those opposite in relation to this matter are consistently but woefully inaccurate. One senator has gone so far as to call one of the commission's officials ‘corrupt’. This allegation is quite simply outrageous and it is not supported—it's entirely unsupported, in fact—by the Federal Court decision.

There have also been some absurd claims about the sort of conduct that might lead to an organisation being deregistered under this bill. To be perfectly clear, it is simply not true that a union could be deregistered merely for submitting paperwork a few days late on three occasions. That could not happen under the bill. Moreover, there is in fact no conduct whatsoever that will automatically result in deregistration under the bill. Only the most serious law-breaking, such as convictions for crimes punishable by imprisonment for more than five years, can lead to automatic disqualification of an officer. It is the court and the court alone that is, appropriately, the only body with the power to deregister an organisation or disqualify an official, save for the automatic disqualification matter I've just referred to—although, even then, conviction by a court is first required for the ground to arise.

The bill is also very clear that courts cannot deregister a registered organisation or disqualify officers it if it would be unjust to do so, having regard to the nature of the underlying conduct and other relevant factors, such as circumstances of an individual's involvement, sanctions already applied to the organisation or its officers in respect of the relevant conduct or the effect of the court order on the members of the organisation. In addition, a court is expressly prohibited from deregistering an organisation or disqualifying an officer if, having regard to the gravity of the conduct in question, it would be unjust to do so. These, alongside a range of other safeguards included within the bill, provide strong protection against unjust outcomes.

There have also been claims in this chamber that the bill will erode workers' rights to be represented by their union. This is also a fallacy. The bill does nothing to diminish people's rights to form a union or to join a union, nor does it in any way limit the existing legal rights of unions to organise, to bargain, to take protected industrial action, to represent their members in relation to safety or underpayment concerns or to exercise rights of entry. As I've already said, the government welcomes the important functions performed by unions, and unions will remain free to perform those functions, as they should, following passage of the bill.

Rather than focus on the actual bill before them, we have also seen many in this debate wrongly suggest that the government is not working to stop wage underpayment and other breaches of industrial laws by employers. Nothing could be further from the truth. Two years ago the government took steps to strengthen the civil penalties available under the Fair Work Act for underpayments, through securing the passage of the Fair Work Amendment (Protecting Vulnerable Workers) Act 2017. This act increased penalties by up to tenfold and gave more evidence-gathering powers to the regulator, the Fair Work Ombudsman. The government has also provided the ombudsman with additional budgetary support of $60 million to help it crack down on wage theft, on sham contracting and on other egregious
lawbreaking by some employers—and it's additional resourcing that is reaping results. The Fair Work Ombudsman is recovering some 64 per cent more wages for workers in 2018-19 than in 2012-13—that being, of course, the final year of the former Labor government.

The government has also committed to introduce criminal sanctions to help stamp out deliberate and systematic wage theft by employers. Drafting of those laws has commenced. The government has sought community feedback to inform the development of a new offence and penalty regime. This is a significant reform, one the government committed to in March 2019, in response to the Migrant Workers' Taskforce—and something that I note was conspicuously, glaringly, absent from the Labor Party's commitments going into the last federal election. Have a look at their platform document—nothing.

The government has also recently indicated its support to further increase civil penalties on businesses guilty of underpaying their staff and to explore options to disqualify company directors from sitting on company boards where they have been found to be responsible for underpaying workers. Fighting wage underpayment and tackling lawbreaking by a militant minority of registered organisations are not mutually exclusive exercises. The government can do and is doing both.

Ensuring the health and safety of all workers is a priority for the government. Nothing in this bill hinders or in any way prevents registered organisations from advocating for the health, safety and welfare of their members and employees more generally. Despite the claims made by those opposite, it is not true that employers who neglect worker safety face no consequences. Under the current law, duty holders who expose workers, or anyone, to serious risk may well be found to have breached their duties and face criminal sanctions, including terms of imprisonment of up to five years for individuals or fines of $600,000 for individuals and up to $3 million for companies.

The claims that have also been made that unions representing nurses and childcare workers will be deregistered under the bill are outlandish. As noted earlier, the provisions in the bill concerning cancellation of registration clearly target serious, systemic misconduct, and the bill is very clear that courts can only deregister an organisation if this would not be unjust given the gravity of the relevant conduct, the effect of the order on members and other relevant matters. Those opposite seem to forget that the existing Fair Work (Registered Organisations) Act—the one that they introduced—already contains the very ground relating to obstructive industrial action about which they are so concerned. What they are failing to tell you is that the provisions in this bill, including with the amendments, actually raise the bar on when this can result in deregistration, by limiting who can apply under the ground to the regulator alone.

Those opposite point to the democratic nature of registered organisations as a reason for not subjecting organisations seeking to merge to a public interest test, as though, apparently, all members of organisations are closely involved in decisions about whether their organisation should amalgamate with another organisation. But we know that, in fact, some mergers proceed with very little engagement at all by members. In the case of the significant merger of the CFMEU, the MUA, and the Textile, Clothing and Footwear Union, the CFMEU indeed successfully applied for exemption from a vote of its members on the merger. This meant that the members of the largest union involved in the merger had no say in whether it went ahead. Only 6,456 members out of 110,953 members, or less than six per cent of the
total members of the CFMEU, voted to approve that merger. In any event, the merger of some organisations can affect not only members but other workers and businesses and the economy more generally. Indeed, the CFMEU proved that point on almost a weekly basis. There is very much a public interest at stake, where, as we have seen, organisations with a long history of blatant law-breaking seek to merge with other organisations.

I also note that those opposite suggest that the government's concerns in relation to registered organisations mean that we apparently purport to say that bankers have some sort of immunity from the law—and that is simply not true. The government's new Banking Executive Accountability Regime, brought in last year, contains significant new penalties for relevant organisations that breach their obligations under that regime. For example, APRA can seek civil penalties of up to $210 million against organisations or disqualify persons for breaching their obligations. And, of course, under section 1317G of the Corporations Act, for breaches of civil penalty provisions in that act corporations can face civil penalties of up to $225 million and individuals can face civil penalties of over $1 million. There is nothing in this bill that we are dealing with in this chamber right now that is even remotely close to those penalties. Furthermore, APRA has the ability, under the Banking Executive Accountability Regime provisions, to disqualify directors from boards and executives itself without the need to take court action. Again, that is not possible under this bill, which only allows the regulator to apply to the court for such an order. And APRA is quite rightly investigating Westpac's conduct in light of the revelations of the past week.

The bill before the Senate concerns unlawful behaviour, law-breaking, in registered organisations. It is appropriately targeted at the sort of serious conduct engaged in by a militant minority of registered organisations and individuals who fail to take their obligations under the law seriously.

This evening I wish to place on the record my gratitude for and thanks to those members of the crossbench in this chamber who have been prepared to consider this bill on its merits and to engage with the government in good faith. I put on the record this evening that the government is happy to support the circulated amendments from One Nation, which build on the additional safeguards and protections included in the government's amendments and put beyond any doubt the fact that this is a bill that targets serious misconduct. I thank senators for their contributions and I commend the bill to the Senate.

Debate adjourned.

Senate adjourned at 21:14