**INTERNET**

The *Journals of the Senate* are available at

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

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

**SITTING DAYS—2015**

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

**RADIO BROADCASTS**

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

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

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

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

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

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

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

<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz, Hon. Eric</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Back, Christopher John</td>
<td>WA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Bernardi, Cory</td>
<td>SA</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Bilyk, Catryna Louise</td>
<td>TAS</td>
<td>30.6.2020</td>
<td>ALP</td>
</tr>
<tr>
<td>Birmingham, Hon. Simon John</td>
<td>SA</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Brandis, Hon. George Henry, QC</td>
<td>QLD</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Brown, Carol Louise</td>
<td>TAS</td>
<td>30.6.2020</td>
<td>ALP</td>
</tr>
<tr>
<td>Bullock, Joseph Warrington</td>
<td>WA</td>
<td>30.6.2020</td>
<td>ALP</td>
</tr>
<tr>
<td>Bushby, David Christopher</td>
<td>TAS</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Cameron, Hon. Douglas Niven</td>
<td>NSW</td>
<td>30.6.2020</td>
<td>ALP</td>
</tr>
<tr>
<td>Canavan, Matthew James</td>
<td>QLD</td>
<td>30.6.2020</td>
<td>LNP</td>
</tr>
<tr>
<td>Carr, Hon. Kim John</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Cash, Hon. Michaela Clare</td>
<td>WA</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Colbeck, Hon. Richard Mansell</td>
<td>TAS</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Collins, Hon. Jacinta Mary Ann</td>
<td>VIC</td>
<td>30.6.2020</td>
<td>ALP</td>
</tr>
<tr>
<td>Conroy, Hon. Stephen Michael</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Cormann, Hon. Mathias Hubert Paul</td>
<td>WA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Dastyari, Sam</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Day, Robert John</td>
<td>SA</td>
<td>30.6.2020</td>
<td>FFP</td>
</tr>
<tr>
<td>Di Natale, Richard</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Edwards, Sean</td>
<td>SA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Fawcett, David Julian</td>
<td>SA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Fierravanti-Wells, Hon. Concetta Anna</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Fifield, Hon. Mitchell Peter</td>
<td>VIC</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Gallacher, Alexander McEachian</td>
<td>SA</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Gallagher, Katherine Ruth(3)</td>
<td>ACT</td>
<td></td>
<td>ALP</td>
</tr>
<tr>
<td>Hanson-Young, Sarah Coral</td>
<td>SA</td>
<td>30.6.2020</td>
<td>AG</td>
</tr>
<tr>
<td>Heffernan, Hon. William Daniel</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Johnston, Hon. David Albert Lloyd</td>
<td>WA</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Ketter, Christopher Ronald</td>
<td>QLD</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Lambie, Jacqui</td>
<td>TAS</td>
<td>30.6.2020</td>
<td>IND</td>
</tr>
<tr>
<td>Lazarus, Glenn Patrick</td>
<td>QLD</td>
<td>30.6.2020</td>
<td>IND</td>
</tr>
<tr>
<td>Leyonhjelm, David Ean</td>
<td>NSW</td>
<td>30.6.2020</td>
<td>LDP</td>
</tr>
<tr>
<td>Lines, Susan</td>
<td>WA</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Lindgren, Joanna Maria(4)</td>
<td>QLD</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Ludlam, Scott</td>
<td>WA</td>
<td>30.6.2020</td>
<td>AG</td>
</tr>
<tr>
<td>Macdonald, Hon. Ian Douglas</td>
<td>QLD</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Madigan, John Joseph</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>IND</td>
</tr>
<tr>
<td>Marshall, Gavin Mark</td>
<td>VIC</td>
<td>30.6.2020</td>
<td>ALP</td>
</tr>
<tr>
<td>McAllister, Jennifer(2)</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>McEwen, Anne</td>
<td>SA</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>McGrath, James</td>
<td>QLD</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>McKenzie, Bridget</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>NATS</td>
</tr>
<tr>
<td>McKim, Nicholas James(5)</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>McLucas, Hon. Jan Elizabeth</td>
<td>QLD</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Moore, Claire Mary</td>
<td>QLD</td>
<td>30.6.2020</td>
<td>ALP</td>
</tr>
<tr>
<td>Muir, Ricky Lee</td>
<td>VIC</td>
<td>30.6.2020</td>
<td>AMEP</td>
</tr>
<tr>
<td>Nash, Hon. Fiona Joy</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>NATS</td>
</tr>
<tr>
<td>Senator</td>
<td>State or Territory</td>
<td>Term expires</td>
<td>Party</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>--------------------</td>
<td>--------------</td>
<td>-------</td>
</tr>
<tr>
<td>O'Neill, Deborah Mary (1)</td>
<td>NSW</td>
<td>30.6.2020</td>
<td>ALP</td>
</tr>
<tr>
<td>O'Sullivan, Barry James</td>
<td>QLD</td>
<td>30.6.2020</td>
<td>NATS</td>
</tr>
<tr>
<td>Parry, Stephen Shane</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Payne, Hon. Marise Ann</td>
<td>NSW</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Peris, Nova Maree OAM</td>
<td>NT</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Polley, Helen Beatrice</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Reynolds, Linda Karen CSC</td>
<td>WA</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Rhiannon, Lee</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Rice, Janet Elizabeth</td>
<td>VIC</td>
<td>30.6.2020</td>
<td>AG</td>
</tr>
<tr>
<td>Ronaldson, Hon. Michael</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Ruston, Anne Sowerby</td>
<td>SA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Ryan, Hon. Scott Michael</td>
<td>VIC</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Scullion, Hon. Nigel Gregory</td>
<td>NT</td>
<td>30.6.2020</td>
<td>CLP</td>
</tr>
<tr>
<td>Seselja, Zdenko Matthew</td>
<td>ACT</td>
<td></td>
<td>LP</td>
</tr>
<tr>
<td>Siewert, Rachel Mary</td>
<td>WA</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Simms, Robert Andrew (6)</td>
<td>SA</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Singh, Hon. Lisa Maria</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Sinodinos, Hon. Arthur</td>
<td>NSW</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Smith, Dean Anthony</td>
<td>WA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Sterle, Glenn</td>
<td>WA</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Urquhart, Anne Elizabeth</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Wang, Zhenya</td>
<td>WA</td>
<td>30.6.2020</td>
<td>PUP</td>
</tr>
<tr>
<td>Waters, Larissa Joy</td>
<td>QLD</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Whish-Wilson, Peter Stuart</td>
<td>TAS</td>
<td>30.6.2020</td>
<td>AG</td>
</tr>
<tr>
<td>Williams, John Reginald</td>
<td>NSW</td>
<td>30.6.2020</td>
<td>NATS</td>
</tr>
<tr>
<td>Wong, Hon. Penelope Ying Yen</td>
<td>SA</td>
<td>30.6.2020</td>
<td>ALP</td>
</tr>
<tr>
<td>Xenophon, Nicholas</td>
<td>SA</td>
<td>30.6.2020</td>
<td>IND</td>
</tr>
</tbody>
</table>

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

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

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

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

(3) Chosen by the Australian Capital Territory Legislative Assembly to fill a casual vacancy (vice K. Lundy), pursuant to section 15 of the Constitution.

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

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

(6) Chosen by the Parliament of South Australia to fill a casual vacancy (vice P Wright), pursuant to section 15 of the Constitution.
PARTY ABBREVIATIONS
AG—Australian Greens; ALP—Australian Labor Party;
AMEP—Australian Motoring Enthusiast Party; CLP—Country Liberal Party;
FFP—Family First Party; IND—Independent, LDP—Liberal Democratic Party;
LNP—Liberal National Party; LP—Liberal Party of Australia;
NATS—The Nationals; PUP—Palmer United Party

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

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

TUESDAY, 1 DECEMBER 2015

Chamber
DOCUMENTS—
   Tabling ......................................................................................................................... 9369
COMMITTEES—
   Foreign Affairs, Defence and Trade References Committee—
      Meeting .................................................................................................................. 9369
BUSINESS—
   Rearrangement ........................................................................................................ 9369
BILLS—
   Higher Education Support Amendment (VET FEE-HELP Reform) Bill 2015—
      Second Reading ...................................................................................................... 9371
QUESTIONS WITHOUT NOTICE—
   Goods and Services Tax .................................................................................. 9388
DISTINGUISHED VISITORS ................................................................................ 9390
QUESTIONS WITHOUT NOTICE—
   Climate Change .................................................................................................. 9390
   Goods and Services Tax ................................................................................ 9391
   Renewable Energy ............................................................................................ 9393
   Employment ......................................................................................................... 9395
   Special Minister of State .................................................................................... 9396
   Trade ..................................................................................................................... 9397
   Automotive Industry .......................................................................................... 9399
   Donations to Political Parties ........................................................................... 9400
   Teachers ................................................................................................................. 9401
   Special Minister of State .................................................................................... 9403
   Remote School Attendance Strategy ............................................................... 9406
QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS—
   Goods and Services Tax ................................................................................ 9407
   Renewable Energy ............................................................................................ 9413
BILLS—
   Australian Citizenship Amendment (Allegiance to Australia) Bill 2015—
      First Reading ....................................................................................................... 9415
      Explanatory Memorandum ............................................................................... 9415
NOTICES—
   Presentation ........................................................................................................ 9415
   Postponement ...................................................................................................... 9420
COMMITTEES—
   Community Affairs References Committee—
      Reference .......................................................................................................... 9420
MOTIONS—
   Pregnancy and Infant Loss Remembrance Day ................................................. 9421
   World AIDS Day ................................................................................................. 9421
BILLS—
   Australian Broadcasting Corporation Amendment (Rural and Regional Advocacy) Bill 2015—
      First Reading ....................................................................................................... 9422
      Second Reading .................................................................................................. 9422
## CONTENTS—continued

**COMMITTEES**—
- Law Enforcement Committee—
  - Meeting .................................................................................................................. 9424

**MOTIONS**—
- West Papua .................................................................................................................. 9424
- Central Coast: Australian Taxation Office ................................................................. 9425
- East Timor .................................................................................................................... 9427
- Suspension of Standing Orders .................................................................................... 9428

**DOCUMENTS**—
- Consideration ............................................................................................................. 9431

**PETITIONS**—
- Medicinal Cannabis ..................................................................................................... 9431

**COMMITTEES**—
- Economics References Committee—
  - Report .................................................................................................................... 9431
- Joint Statutory Committee on Public Works—
  - Report .................................................................................................................... 9441
- Foreign Affairs, Defence and Trade Joint Committee—
  - Report .................................................................................................................... 9443
- Economics References Committee—
  - Report .................................................................................................................... 9446

**MINISTERIAL STATEMENTS**—
- Centenary of Anzac ..................................................................................................... 9451
- Infrastructure ............................................................................................................... 9452

**COMMITTEES**—
- Economics References Committee—
- Foreign Affairs, Defence and Trade References Committee—
  - Membership ............................................................................................................. 9457

**BILLS**—
- Australian Institute of Aboriginal and Torres Strait Islander Studies Amendment Bill 2015—
  - First Reading ........................................................................................................... 9458
  - Second Reading ....................................................................................................... 9458
- Export Control Amendment (Quotas) Bill 2015—
  - First Reading ........................................................................................................... 9460
  - Second Reading ....................................................................................................... 9460
- Higher Education Support Amendment (VET FEE-HELP Reform) Bill 2015—
  - Second Reading ....................................................................................................... 9461
- Australian Citizenship Amendment (Allegiance to Australia) Bill 2015—
  - Second Reading ....................................................................................................... 9474
  - In Committee ........................................................................................................... 9509

**ADJOURNMENT**—
- Agriculture .................................................................................................................. 9515
- Northern Tasmania: Health Care ................................................................................ 9517
- Change the Record Coalition ...................................................................................... 9518
- Change the Record Coalition ...................................................................................... 9519
- HIV-AIDS ..................................................................................................................... 9520
CONTENTS—continued

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>HIV-AIDS</td>
<td>9521</td>
</tr>
<tr>
<td>Santamaria, Mr Bartholomew Augustine</td>
<td>9524</td>
</tr>
<tr>
<td>Business Council of Australia</td>
<td>9526</td>
</tr>
<tr>
<td>Victoria: Gambling</td>
<td>9529</td>
</tr>
<tr>
<td>Royal Commission into Trade Union Governance and Corruption</td>
<td>9532</td>
</tr>
<tr>
<td>Perth Freight Link</td>
<td>9535</td>
</tr>
<tr>
<td>Myanmar</td>
<td>9535</td>
</tr>
<tr>
<td>Federal Assistance Grants</td>
<td>9540</td>
</tr>
<tr>
<td>Pensions and Benefits</td>
<td>9540</td>
</tr>
<tr>
<td>Veterans' Affairs</td>
<td>9540</td>
</tr>
<tr>
<td>Australian Greens</td>
<td>9545</td>
</tr>
<tr>
<td>International Day of Solidarity with the Palestinian People</td>
<td>9545</td>
</tr>
</tbody>
</table>

DOCUMENTS—

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tabling</td>
<td>9550</td>
</tr>
<tr>
<td>Tabling</td>
<td>9552</td>
</tr>
</tbody>
</table>
Tuesday, 1 December 2015

The PRESIDENT (Senator the Hon. Stephen Parry) took the chair at 12:30, read prayers and made an acknowledgement of country.

DOCUMENTS

Tabling

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

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

COMMITTEES

Foreign Affairs, Defence and Trade References Committee

Meeting

The Clerk: A proposal has been lodged by the Foreign Affairs, Defence and Trade References Committee for a public meeting on 3 December from 9.30 am.

The PRESIDENT (12:31): Does any senator wish to have that question put? If not, I will proceed.

BUSINESS

Rearrangement

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (12:31): by leave—I move:

That, on Tuesday, 1 December 2015:
(a) the hours of meeting shall be 12.30 pm to adjournment;
(b) any proposal pursuant to standing order 75 shall not be proceeded with;
(c) the routine of business from not later than 7.20 pm, shall be government business order of the day no. 2 (Australian Citizenship Amendment (Allegiance to Australia) Bill 2015);
(d) government business be called on after consideration of the bill listed in paragraph (c) and considered till not later than 9.30 pm today; and
(e) the question for the adjournment of the Senate shall be proposed at 9.30 pm.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:32): Here we are on the Tuesday in the last week of sitting and we are getting an hours motion just for tonight. We still do not know what the government finally intends to do for the rest of this week to get their agenda through. Yesterday we had five rearrangements of government business. Today we have had a rearrangement from the draft to the red. How many times is the business of the Senate going to be rearranged while the government makes up its mind about what it wants? How many other bills are going to be coming in? We are going to be having a discussion about exempting bills from the cut-off order, as we were yesterday for the Labor 2013-14 Budget Savings (Measures No. 2) Bill 2015, which we are now expected to discuss as well. We hear rumours about other bills that other ministers want through.
So here we are in the final week. We did not manage any of the business last week. We are expected to sit late because the adjournment is endless tonight—not endless, sorry. It is unlimited hours. I always call it the 'endless' adjournment. Whips tend to do that, folks, because it does feel like that. It certainly feels that way when you are still here at 12 or one o'clock in the morning. There is an unlimited adjournment tonight, so we will be sitting very late. The expectation from government, I presume, is that they still want other bills through and they expect us to be sitting here late on Thursday. This happens every year. The government know that they need to manage these bills through this process, and yet they leave it till 12.30, as we sit here on a Tuesday, to say, 'You are going to be sitting late tonight.' We do not know what the agenda will be, because, as I said, it changes all the time. Maybe we are going for a record here. Yesterday, from my experience here, was a record in terms of the number of times that government business changed order. Tonight we are supposed to be debating the Australian Citizenship Amendment (Allegiance to Australia) Bill 2015 as a special bill when it is listed at No. 2 on the red. What does the government want? Do they want to debate it at No. 2, or do they want to debate it late tonight? In fact, have they put that on specially tonight because they think no-one will be listening? The government have had plenty of opportunities to map out their agenda, to not rush this process and to be clear about what they wanted to get through the Senate: which urgent bills, which budget bills and which special bills actually need to get through tonight. And yet we still have not seen that agenda.

I suspect that on Thursday morning we are going to get another hours motion to say we will sit endlessly on Thursday night, with no limit. The Greens will not be supporting this hours motion. The government has had plenty of time to get its act together, to get its agenda dealt with through this place. We will not be supporting this hours motion.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (12:36): I have a few observations to make in relation to the program having changed on a few occasions over the last day or two. I should indicate, and it is probably well known to colleagues in this place, that some of those rearrangements have been at the request of ministers, some of the rearrangements have been at the request of the Labor Party and some have been at the request of the Greens. I cannot recall if there have been any at the request of crossbenchers, so I will not make that statement.

I will just indicate, as I often say, that management of this chamber is a collective exercise, given there is no one grouping in this place that has the numbers. From time to time, there will be requests from different groupings to reorder the business. Sometimes, absolutely, it is at the request of the government on the basis of individual ministers, but certainly at other times it is at the request of other groupings in this place. I just make that as a statement of fact. I would also indicate that this week there have been a couple of meetings of leaders, whips and managers, which involve those officeholders as well as all crossbench senators, and this motion is really the distillation of the range of views that were expressed around the table. I do not indicate by that that there was unanimous agreement but certainly this motion is the product of those discussions.

Question agreed to.
BILLS

Higher Education Support Amendment (VET FEE-HELP Reform) Bill 2015

Second Reading

Debate resumed on the motion:
That this bill be now read a second time.

Senator KIM CARR (Victoria) (12:38): I move the second reading amendment standing in my name:
At the end of the motion, add:
"but the Senate calls on the Government to:

(a) appoint a National Vocational Education and Training Ombudsman who would have the power to investigate consumer complaints and order the refund of course fees where Registered Training Organisations (RTOs) have been found to act unscrupulously, either to the student directly or the Government, whichever is applicable, resulting in the student discharging any related VET FEE-HELP debt;

(b) support the call for the Auditor-General to conduct an audit on the use of VET-FEE-HELP;

(c) amend the Higher Education Support Act 2003 to impose caps on tuition fee amount similar to the student contribution caps for HECS-HELP;

(d) reduce the lifetime loan limit for VET FEE-HELP to half the current amount;

(e) ban or directly regulate brokers or marketing agents; and

(f) provide the Department and the Minister with the necessary statutory powers to suspend VET FEE-HELP payments to providers which are under investigation".

This bill is grossly inadequate as a response to the crisis in Australia's vocational education and training sector. We have a litany of advice as to why that is the case—and we now have the government's acknowledgement of that. At a quarter past 12 today the government chose to brief the opposition—and they did not actually go to the right place to do that. They chose to advise the opposition, through Sharon Bird, that the government intends to move four additional amendments to its own legislation dealing with just how deep the malaise is, which the government is now finally coming to understand. While the Labor Party does not oppose the provisions in themselves, we do think the government should have talked to us a little earlier than on the eve of the bill actually being put into this chamber for debate. It shows you the arrogance of some of the members of the House of Representatives that they treat this chamber in such a contemptuous way.

These are serious matters. A full Senate inquiry into these matters commenced last year. We have had denial from the government throughout this period. They have tried to find a scapegoat—that the problems were essentially down to the Labor Party, for measures first introduced in 2007. And now, of course, there is this minute-to-midnight series of amendments that the government wants us to consider. But they are not prepared to give us an undertaking in terms of what they have got to say about the opposition's amendments, which have been on the public record for some considerable time. I am concerned that the bill, as printed, tinkers at the edges of the problem and does not deal with the substance. And it appears that the government agrees with me, because it has chosen now to move this minute-to-midnight series of amendments, the details of which we have been briefed on but have not actually seen.
This bill relies on an assumption that we should just trust people. It does not turn off the tap for the money that has been flowing to the rorters who have brought such discredit to our vocational education system. It relies on the capacity of the Department of Education and ASQA to actually do the job. Well, I think that is a proposition that has been sorely tested. Both of these agencies have been found wanting, yet we are asked to trust in the capacity of agencies which have badly let the team down over the last two years. So the opposition is proposing amendments to give this legislation real teeth.

The gravity of the crisis should not be a surprise to anyone in this chamber given the cascade of media reports about dodgy private colleges, soaring debts and, of course, the extraordinary abuse of students that we have seen across the country. A systematic rorting of billions of dollars has been undertaken on this government's watch. These reports confirm the material presented to this chamber by the Senate inquiry into VET FEE-HELP loans. I know that, up until recently, it has been the view of the government that we should try to pretend these things are not happening. But the reports cannot be dismissed.

The collapse just this week of Vocation, one of the largest private providers, surely brings it home that the chickens are roosting. Vocation Ltd was the first listed training provider to call in the administrators. Yesterday, less than a week after the company was placed under voluntary administration, it ceased operations and closed up shop. The withdrawal of public funds after a quality review by the governments of Victoria, New South Wales and Queensland meant that Vocation's colleges—and there were a whole series of them—were not able to be viable. The collapse has put 180 staff immediately out of work and leaves 12,000 students in limbo. These students no longer have a sure path to a qualification for the kind of employment that would allow them to actually repay their debt.

Vocation's problems began late last year when the Victorian regulator stripped the group of $20 million in funding because of the poor quality training provided at two of its businesses which were subsequently disbanded. That wiped 94 per cent, or $700 million, off the value of the company. The end of Vocation has raised disturbing questions. How many other private providers will follow Vocation into oblivion? How many more students, many of them lured by unscrupulous spruikers into signing up to massive debts to enrol in courses that lead nowhere, will have their hopes dashed? How many more bad debts will be left for the taxpayer to carry?

Despite the Vocation subsidiaries being registered by ASQA, the Commonwealth regulator, the national regulator, that regulator appears not to have detected serious problems about these colleges. If it had, it shows no evidence of it. It certainly did not tell the Victorian authorities of what it knew. It would appear it did not even tell Commonwealth officials of what it knew, if it knew anything. Indeed, it was the Victoria government that had to lead—to take action—to bring this company to account. I congratulate the minister for training, Mr Steve Herbert, in the new Victorian Labor government, who took this issue on, directly. It has done extraordinary amounts to restore confidence in the vocational education system in Victoria. It was not just Vocation, it was a whole series of its subsidiaries.

Why is it, if this department is so good, so capable and so professional, that on 29 May VET FEE-HELP status was extended to Vocation? What has happened to the $3.1 million in Commonwealth funds paid to this RTO in 2014, and how many of the 570 students enrolled have actually succeeded? The most disturbing question of all is: why does the Commonwealth
continue to allow private education providers to operate on a business model that relies on public funds to deliver substandard course offerings? It appears to have no capacity to ensure that these colleges play by the rules. It has no capacity to stop them enrolling people who do not have a capacity to undertake the course. It has no capacity to ensure that they turn up. It has no capacity, it would appear, to ensure that the courses are offered. But it seems to have an extraordinary capacity to hand out the cheques.

Labor has been urging the government to act on these matters since 2014. The government's response to this emerging problem has been too little, too late. The origins of these problems go well back to the introduction of this scheme, in 2007, by John Howard. There were, and I acknowledge this, unintended consequences of the changes made by the Labor government with its Skills Reform agenda. But all of those were supported by the coalition. So it is not good enough to try to find a scapegoat in the former Labor government. None of that lets the government off the hook, today. It has been in office for two years. It has been aware of these problems, clearly, given the public have been aware of them since the government's election. We have seen the photos of the boot loads of laptops being hawked around disadvantaged communities in the last month. This is despite the claims the minister made in his tough talk in March of this year and further action that was taken in August. The measures have not worked.

Between the end of 2013 and the end of 2014, the number of students obtaining VET FEE-HELP loans grew by 103 per cent. At the same time, the Commonwealth VET FEE-HELP debt has increased by 151 per cent. The number of providers offering access to VET FEE-HELP loans increased by 44 per cent. The average loan amount per student has increased by 24 per cent. In the present financial year the cost to all student loans is budgeted to be $2.4 billion. By 2018-19 the amount would have blown out to $4.4 billion. That is all on this government's watch. This is a scale of increase that anybody involved in education would understand to be totally unsustainable.

A disproportionate amount of increase comes from the VET FEE-HELP loans. In the Grattan Institute's submission to the Senate inquiry, Dr Andrew Norton estimated that up to 40 per cent of VET FEE-HELP debt would become bad debt, because the career earnings of VET are typically lower than the earnings of higher-education students. The mounting debt crisis was not curtailed by the various ministers' tough talk and, I fear, it is unlikely to be seriously affected by these measures as the bill stands.

The bill introduced a two-day cooling-off period between enrolling and applying for a VET FEE-HELP loan. You could walk around this with a blindfold. It is easily circumvented if providers use forms with different signature dates for enrolment and the loan application. The bill goes on, in other ways, to make it easier for student debts to be cancelled if they have been signed up for a loan improperly, and for the government to recoup the cost from providers, but the protections for students are not nearly tough enough. That is why Labor will move to impose caps on tuition fees for courses offered for VET FEE-HELP and for a lower limit of $50,000 on student loans.

It is incredible that now, under this government, we have courses in VET colleges that are twice the price of courses at university. The most expensive university courses are only half the cost of some of these diplomas, many of which have very dubious connections to employment prospects. We want to move an amendment to require the Department of
Education and Skills to advise intending students to write off the total debt and to tell them the amount of money they are taking on when they do this. Under our amendment, debt would be incurred until the student formally responded to the department's advice about accepting the amount of debt they are getting themselves into.

Our second reading amendment will urge the government to appoint an industry funded national VET ombudsman. It will call on the government to ban or severely curtail the activities of brokers. Labor is moving these amendments because the parliament must do what this government will not do. There must be firm and decisive action against the unscrupulous provider who is destroying public confidence in Australia's VET system. We must have a return to confidence—this is so important for the future skills development of this country and for the future aspirations of people who engage in these programs—and we must ensure that there is quality and integrity in this program so that students, employers and education providers appreciate what their responsibilities are. The government has not been prepared to do this so far. It has allowed an ideological preference for private provision in education to prevent it from ensuring that we have a genuine, robust regulatory framework in place.

The crisis in VET is not a matter of a few dodgy providers. There is a systematic problem here. It is not just about the odd one out; it is becoming far too common for that. The sharks and the shonks of the education market have been able to ignore the law while building their businesses. I find it incredible that it is the stock exchange that has forced continual disclosure when these companies have listed, rather than the regulatory authority of the Commonwealth ensuring that these companies do the right thing by people who are dealing with them. We have seen agents and brokers exploit, manipulate and abuse vulnerable people—people on low incomes, intellectually disabled people, Indigenous Australians—who have been offered inducements such as free laptops and the promise of great riches, resulting in huge debts and no prospect whatsoever to undertake the courses of study they are signing up for.

Fairfax newspapers' Michael Bachelard in particular has done a very good job in highlighting these issues—but it is not just him; there are many others. Bachelard reported on the plight of the Lutanichi family, who live in public housing in regional Queensland. All the adults in the family receive welfare payments. They have all been signed up for VET courses by agents from two Victorian based providers, the Ascet Institute of Technology and the Phoenix Institute. Phoenix Institute is a name that will be familiar to senators as the company, owned by Australian Careers Network, that is being prosecuted by the Australian Competition and Consumer Commission. In the Federal Court in November, just last month, the ACCC launched legal action against Phoenix Institute, alleging that it had tricked disadvantaged people into signing up for multiple courses—and this is the real trick here. It is not just that the courses for various diplomas are $18,000 each; they are often double diploma courses, so the students end up with debts of $36,000. The ACCC argued that the institute should repay $106 million to the Commonwealth. Sales agents for Phoenix have signed people up to multiple online diploma courses costing, as I say, $18,000 each. The Australian Skills Quality Authority has now proceeded to cancel Phoenix's registration, making it ineligible for further funding—but that is of little comfort to the people who have signed up to these bodgie arrangements. Five children of the family that I mentioned signed up for their free laptops and for VET FEE-HELP loans, which they will be obliged to repay if they ever reach the income threshold. If they do not, the debt will transfer to the Commonwealth.
Mr Bachelard witnessed the agent for Ascet telling the family:
You can choose four course options: project management, human resource management, business, and leadership management.

… you don't have to go to a college; you just stay home and spend maybe two or three hours [on the computer] during the week … Mostly people complete the course [in] … of six or eight months.

These obviously are lies. They are sham courses which lead nowhere. Genuine diplomas in the subjects that have been touted by Ascet agents would take at least two years of full-time study with serious educationalists; they are not a rort you can treat as some sort of video game. Reputable institutions—and understand there are many private providers in the VET sector that are genuinely reputable—are having their reputations absolutely shredded by these shonks and sharks. There are similar stories and, in the committee stage, I will be obliged to go to a number of other stories of that type.

We have seen a clear pattern of behaviour where minister after minister in this government, on their watch, has failed to acknowledge their responsibilities. We have seen a department that appears unable to deal with this situation. Despite the increased money given to ASQA, we have seen a regulator that does not seem fit for purpose and has failed to communicate with state authorities, let alone Commonwealth offices. This is clearly an untenable situation which has gone on too long. There is an opportunity here for this Senate to turn off the tap and make sure these providers go out of business. If we do not, tens of thousands of Australians are going to be ripped off; billions of dollars will be lost from the Commonwealth of Australia. (Time expired)

Senator SIMMS (South Australia) (12:58): The VET FEE-HELP system is broken and rotten to its core. What was originally designed as a model to expand access to training for Australians has now become an untameable beast that is ripping off students, ripping off taxpayers and corroding the integrity of our entire VET sector. Since the full transition to this demand driven entitlement, VET FEE-HELP has exploded in cost, rocketing from $300 million in $2012 to $650 million in 2013, and then almost tripling in 2014 to nearly $2 billion of taxpayers’ money—$2 billion of taxpayers’ money; $2 billion of student money. Current estimates put it at $3 billion to $4 billion for the year 2015. What a huge amount of money.

What do students and taxpayers get for this huge investment? What do they get? Well, they get a never-ending conga line of rip-offs and scandals and rorts. If you are in any doubt about that, Mr President, just pick up the newspapers and watch the news. This is a scandal. In fact, the Prime Minister himself has described it as a scandal. It seems everybody in this country recognises what a scandal this is and recognises that we need to take action.

Let me recount a few of the incidents that have been reported to the chamber. Only last week we found out that third-party brokers were posting fake job ads. When applicants inquired and applied for the job, they were told they would need a further qualification to be able to take up the role—a qualification which would handily be provided by the RTO employing the broker. Earlier this year, reports surfaced about brokers signing up some people with intellectual disabilities—signing them up to five-figure loans to study courses they did not understand they were enrolled in. They were signed up when they did not understand the terms of the agreement, the complexity of the HELP system and income contingent loans, or the expectations that students would have of their education providers.
Indeed, it has become clear that that is the business model of some of these unscrupulous operators—preying on people who do not understand the terms of the agreements, getting them to sign along the dotted line when they do not understand what they are signing or what the implications are. What disgusting and unethical behaviour! This is the kind of behaviour that has been fostered by the lack of regulation and the hands-off approach that the government has taken—but, of course, it was the Labor Party that set this system in motion. I am absolutely disgusted by this sort of behaviour and furious that this was ever allowed to occur within the VET model. Indeed, the Greens have been speaking out against this for some time.

In my home state of South Australia, the company iEducate has been going around to schools, particularly some of those in lower income areas, offering inducements to direct students to study their courses. A letter that my office obtained shows iEducate offering students money for signing up to their courses. Part of the letter reads:

There is no limit to the number of students you may enrol, therefore we would pay your school a $5,000 grant should you successfully enrol ten students, provided they pass the census date.

'Provided they pass the census date, there is no limit to the number of people we will enrol—just sign up.' They also offered potential students free laptops.

This vulture-like behaviour is just another example of the unethical business model being practised by these huge providers—luring students away from school and saddling them with huge debts even before they turn the age of 18. How scandalous that is. There are further stories of students being drawn in by inducements like laptops and iPads, even after the government's latest round of reforms. I say 'reforms', but they fell pretty flat in terms of addressing the needs of the sector. While before the reforms students were told they were free, now they are told that the laptops and iPads are simply loans that the RTO would never attempt to recover. So it is kind of an unlimited loan: 'Here's a laptop—don't worry about paying it back.'

Hundreds of students have signed up to a class action against Evocca College for providing substandard courses and using unethical and non-transparent market practices. Students would be routinely told that degrees would cost half of what they would actually cost. Evocca had the gall, the hide, to say in their submission to the committee inquiry into this bill that students are intentionally misusing the system and that one way to fix it is to lower the repayment threshold. This is blaming the victim, of course. They do not take any responsibility for their unethical behaviour. Madam Acting Deputy President, can you imagine giving a $40,000 student loan to someone living on $30,000 a year—right on the margins of being able to make ends meet? What nonsense that is. That really is victim blaming at its absolute worst.

Despite the scandals and despite the rorts, what sorts of outcomes are we getting? If we put those things aside, what sorts of outcomes are we getting? We are seeing plummeting graduation rates, plummeting levels of skills training and exploding student debt, much of which will fall on the taxpayer. It is the taxpayer who is going to be carrying that burden.

Last month the National Centre for Vocational Education Research established that in the early days of the scheme only 21 per cent of students eligible for a VET FEE-HELP loan completed their courses—just 21 per cent. How embarrassing that is. For those doing full-time online courses in management or commerce, the graduation rate was just eight per cent.
What an appalling indictment on our training system that is. What an embarrassment that is. But unfortunately these incredibly low graduation rates are just the beginning of this sordid tale. Such is the lack of confidence in the current VET sector that often the degrees are worth less than the paper they are written on. Businesses know students are not being equipped with the necessary skills to graduate, and students are then coming out and floundering around with huge debts, worthless degrees and job prospects that are being damaged rather than enhanced.

The collateral damage from this VET FEE-HELP experiment is enormous. The human cost is enormous. There is expected to be over $1 billion in dodgy loans that will be unrepayable and which will now be footed by the Australian taxpayer, and that is only for students who are expected to never earn enough to meet the income threshold. Those who are unlucky enough to earn over $54,000 per annum must now repay tens of thousands of dollars for their worthless qualifications—qualifications that have not even contributed to their skills or employability.

VET FEE-HELP has failed. The two national agreements which were part and parcel of the VET FEE-HELP rollout espoused the following aims. They said they would improve training accessibility, affordability and depth of skills. They said they would encourage responsiveness in training arrangements. They said they would assure the quality of training delivery and outcomes, with an emphasis on measures that give industry more confidence in the standard of training delivery and assessment. They said they would provide greater transparency through information to ensure consumers could make informed choices and governments could exercise accountability.

Well, how did they do? How did they meet these aims? Is training more affordable? No, not for the taxpayer, and certainly not for students, with the blow-out in unregulated course fees. Is training more responsive? It is responsive to the demands of the for-profit rent seekers perhaps—responsive to the needs of this for-profit industry—but certainly not responsive to the needs of the students and certainly not providing higher-quality education. The sector has never been held in greater disrepute. Even many in the private VET industry are now calling for further regulation and greater transparency so that consumers can make more informed choices. Even people in this sector—dodgy providers—are coming out and saying they want more accountability, because even they recognise that it is not working. How laughable.

The measures before the Senate today are like putting a new coat of paint on a car that has a cracked engine. The car is broken, and it does not matter how many racing stripes you paint on it; it will not do what is was designed to do—in fact, this car really is a bomb. The government needs to tear the system down, go back to the drawing board and start again. Labor's amendments are an improvement, but they will not fix a broken system. This is the result of a flawed incentive structure, where a demand driven entitlement is combined with lack of information and then a profit incentive. You can try to regulate it, you can try to provide more education, but the for-profit shonks will always find the gaps. If there is an incentive there, there is always an incentive for people to do the wrong thing. Neither Labor nor the coalition has their hands clean here. We need to stop playing politics with our students' future. We need to rethink how we supply skills training in this country. We need to put a stop to this broken system and start again.
The Greens are committed to seeing the end of the VET sector being used as a political football. We want to actually fix this broken system. While the Labor and Liberal parties have been scoring political points off each other over who is more to blame—Labor set it up while the Liberals have sat on their hands; we know all of this—at the end of the day it is students who are being caught in the crossfire; it is students who are being duped out of getting the quality education they thought they signed up for. They are not getting what they paid for. Many more have been lured into courses they never wanted or never needed, and even more are now straddled with debt and worthless degrees.

While we recognise that this bill will not come close to solving all the problems, we do believe that it will address some of these unethical practices, and we believe it is important that we give students some level of clarity heading into the new year. The system needs to be redesigned from the ground up, and hopefully this bill will provide the breathing space to allow that to happen. But the position of the Greens has always been that we do not want to see mere window dressing; we want to see substantial changes to this broken sector. That is why we have been calling for an end to public money going to for-profit providers. It is not accountable. The Australian taxpayer has no oversight over how the money is being spent, and we cannot control the education outcomes. That is a broken model. Once you start giving public money to for-profit providers to start rolling out education, you are really playing with fire. That is the position the Greens have been taking in this debate, and we are the only voice pushing that argument in this debate as the Labor and Liberal parties continue to clamour towards privatisation of our education system.

But we do welcome what the government has put forward in this legislative response. It is a move in the right direction in terms of reining in a broken sector, but we need to go much further than this. We need to end public money going to for-profit providers, and only if we do that will we achieve what Senator Carr has talked about: turning off the tap. We need to turn off the tap for the for-profit providers to ensure that we have a quality education system in this country.
of providers in this space. I heard only yesterday of a provider who went to Palm Island and signed up many, many disadvantaged people for business diplomas just so that they could get the funding. I am confident that measures in this bill go a long way to addressing the issue and go much further than those that any minister in the Labor government who was responsible for this area of public spending ever went.

I would encourage the ALP and I would encourage the Greens to help us fix up this mess so that our vocational education and training sector, which is a key export earner and a key provider of skills and knowledge in our community, can regain its reputation and, once again, be able to be held in high esteem for those young people and older Australians who seek to develop their skills and knowledge, in particular in vocational spaces, because we are going to need them going forward.

I commend the bill. I also commend the report of the committee to the Senate. I hope that both the Greens and the ALP will work with us to start to fix up the mess and continue to build on the work that we have already done.

(Quorum formed)

Senator LINES (Western Australia) (13:18): I rise to add my comments to the Higher Education Support Amendment (VET FEE-HELP Reform) Bill 2015. We had a Senate inquiry which was really concerning in terms of the sorts of scams and shonks, and the horrific stories of students being left without an adequate qualification. The problem is that, whilst Labor is not suggesting that this is a huge problem—in terms of money—it is not the majority of providers. We have seen very good providers in the VET system, both public and private, but, of course, what gets into the media are the shocking rip-offs of students that we have seen from a number of private colleges, which have gone on completely unchecked by the Turnbull government.

It is time that the government really got tough on those that are seeking to flaunt the system. It is as bees to a honey pot. The VET FEE-HELP system has attracted its fair share of shonks and sharks, and those are the people that Labor wants to see dealt with in a very robust way. Once again, like the bill we had in here yesterday, this bill falls short. It misses an opportunity. It is the government, again, applying a light touch. They will tell us that it is robust but it is not robust enough. We have these sharks in the system preying on vulnerable students, students with disability, students from low socioeconomic backgrounds, who are very pleased to be given an opportunity yet are left high and dry from a system, which the government is administering, which clearly needs substantial reform and robust regulation.

The aim of the bill before us today is to do that kind of regulation. But Labor says: this is a bill which is playing catch-up. It is playing catch-up to put in place regulations to the operation of the VET FEE-HELP system. It is playing catch-up to try to retrospectively put in place regulations for the victims of the shonks and the shysters, who have been perpetrating a scam on students, on Australian voters and on Australian taxpayers.

Again, we have before us today another inadequate bill. It continues this government's practise of addressing the symptoms but not fixing the underlying problems. These problems plague the VET FEE-HELP system and vocational education across the country. This bill forms part of the government's hopelessly inadequate and flawed deregulation agenda and it makes the whole of the vocational education system look bad, when, in fact, it is not. There
are significant amounts of money involved, but it is a few small operators that need to be
taken out of the VET system. This bill, just like the bill yesterday on regulation and
international students, is yet another missed opportunity.

The government has failed to take the opportunity to give the Commonwealth and the
national regulator sufficient powers to act. This is what we want—sufficient powers for them
to act decisively against providers who are suspected of misusing the VET FEE-HELP
scheme and exploiting Australians. That is what is happening here: young Australians, in
particular—but mature age students as well—are being manipulated and exploited. They
leave school with the best of intentions to take up a vocational education course. Many of
these shonksters and sharks, if you do a Google search, come right to the top, and you think
that they are decent operators, and yet they are not. Clearly what we saw in Victoria last week
with Phoenix is an example of where students are absolutely preyed on. They are absolutely
run down by these shonky operators. And what for? For the millions of dollars of taxpayers’
money. They are not interested in providing quality education.

As I said at the start of my response today, they make all colleges, whether they are public
or private, get tarnished with the same brush. That is what Labor wants to see completely
stamped out, for the benefit of young and older Australians—because we know that VET is
particularly important for second and third careers, after a business has closed or people
require retraining. Vocational education, including through TAFE, is the great provider of
that. We want a system that is free of corruption, because students and potential students are
the victims of these providers and the broker-led feeding frenzy that is going on.

We know that the government—and they did it in their majority report—like to blame
Labor for this. But the reality is that, when Labor introduced the VET reforms, the
government—the opposition as they were then—supported those reforms. So they cannot
sheet home the blame of their failures to Labor. In his second reading speech, the government
minister sought to play partisan politics with this bill, pinning the blame for this scheme on
the former Labor government. Well, it is just not on, and it is not true.

Unfortunately for the government, the facts do not bear out what it says in its divisive
policies and politics. In 2012—the last year of published figures before the current
government was elected—there were just over 55,000 VET FEE-HELP assisted students.
VET FEE-HELP loans totalled $235 million in that year, and the average loan was just under
$6,000. In 2014 there were almost 203,000 students, a whopping increase of, wait for it, 367
per cent. VET FEE-HELP loans totalled almost $1.8 billion. And we know fees have shot up.
As senators in this place, all of us, no matter which side of the political divide we are on, get
those complaints from students about the great hikes in fees that have occurred. Fees have
shot up to almost $9,600. Under Labor they were about $5,800. They are almost now at
$10,000, a whopping increase of 147 per cent. None of that can be attributed to Labor. It is all
because this government has got a runaway scheme that it tries to regulate all the time after
the event.

Under this government we have had three ministers to date. Ministers Macfarlane and
Birmingham both talked tough, but on the demonstrated outcomes they have failed. Even
Senator Birmingham’s cherished initiative of a transfer of VET powers from states and
territories to the Commonwealth appears to have failed, largely because the territory and state
ministers, quite rightly, doubt the capacity of the Commonwealth Department of Education
and Training to manage a national VET system, given its incompetent administration to date of the VET FEE-HELP scheme.

Let us not forget that VET is vocational education. That is what it is: vocational education, ensuring that our young people about to start their careers can develop new skills to equip them to enter a modern workplace, that they can bring those new skills to the job. But all of that has been lost with the crisis and scandal that is going on across the VET scheme right now. Unfortunately, what it looks like now, looking from the outside in, is that the VET FEE-HELP system has become a business opportunity for shonks and shysters to rip off young people—particularly those who are vulnerable—to rip off Australian taxpayers, to rip off Australian voters. That is what the VET system is currently looking like.

Just last week it was reported that the Phoenix Institute of Australia took more than $100 million in government funding. As a former union official, I would be very proud; in fact, I would be amazed—they signed up 9,000 students in 10 months.

Senator Canavan: Standard practice for the unions, isn't it?

Senator LINES: I tell you what: as a good union official, I never, ever had stats that good. You know why? Because I could not offer incentives; I could not offer inducements; I could not take advantage of people. That is why. And that is exactly what is happening here. Nine thousand students in 10 months—that should have rung alarm bells somewhere, but it did not. And what was being offered? Can you imagine the pressure being applied to those young students? It must have been horrible: 'Sign up now. Sign up today. Sign here. Sign on the dotted line.' Nine thousand students in 10 months should have rung alarm bells somewhere, but it did not.

What were those shonky salespeople of Phoenix saying to those potential students? What on earth was going on? We know from media reports that the Australian Competition and Consumer Commission has started court proceedings against the private training college Phoenix in the Federal Court. The allegation is of misleading and deceptive behaviour, so what on earth were they promising? What were they saying to those 9,000 students that was misleading and deceptive? One can only imagine.

The ACCC went on to say that there are clearly problems with the federal government's billion-dollar VET FEE-HELP system. I think that, when one government regulator criticises another, we should all sit up and take note. So here we have the ACCC calling into question the VET FEE-HELP system. The ACCC said that it is going to go after the $100 million that Phoenix took from those students—the $100 million of taxpayers' money, the $100 million snatched away from reputable companies that want to offer good, quality training that has now gone.

We know that Phoenix targeted people with intellectual disabilities and, it seems, it targeted people who did not have computer skills with its online courses. What kind of shonky operation is that? We know through our Senate inquiry that online courses are preferred by the shonks and the sharks. They told us that at the Senate inquiry. Why? Because there is much more profit. There are no overheads. You do not have to front up with a teacher and a classroom and a physical presence; you just offer it online. We also know that the parent company of Phoenix, Australian Careers Network, has halted its trading since these reports emerged. It has been halted on the stock exchange for three months. Of course, despite
the ACCC saying that it was going to go after Phoenix for that $100 million, Australian Careers Network has said that it will contest that.

In the business pages of our newspapers we hear about one shonky operator fighting with the ACCC, when what is at the heart of this is young people and mature-age students trying to improve their skills. All of that is lost, as the business papers report day in and day out about these shonky operators when really it is about educational opportunities for our young people. So let's get rid of these shonks and these sharks. It is a disastrous outcome that ACN, Australian Careers Network, has halted its trading. What kind of company is that? This is clearly not about vocational education and training; this is about private companies seeking to rip off Australian taxpayers through the VET FEE-HELP scheme. This is fraudulent behaviour that must be stamped out so that we get the quality and the reputation back in the vocational education system. We need a robust system that will stop these rorts starting—not a new bill seeking to rein in rorts once they have started. This is the wrong place to start.

It is not just the shonks, the shysters and the sharks; we know that VET FEE-HELP is accumulating a substantial amount of bad debt. The Grattan Institute told the Senate inquiry that almost half of the VET FEE-HELP debt has become bad debt. The figure they gave was 40 per cent. Forty per cent has become bad debt. What kind of system are we running? It is just throwing good money after bad. It seems that the Turnbull government thinks there is an endless drip of money, a bottomless pit of money. First we had 9,000 students enrolled by a shonky operator in nine months. That did not ring alarm bells anywhere. Then we had a figure of 40 per cent bad debt and that does not ring alarm bells anywhere. That tells me the government has lost the plot. The government is too busy trying to impose a big, fat new GST on everyone to worry about what is happening in education. It is too busy—with its deregulation agenda to let private colleges and other shonks run the system—to notice what is going on here. A 40 per cent debt is a massive debt and it is bad debt, so that means it will not be recovered. That is what we are really talking about here: debt that will never be recovered.

This is not the government's first attempt to fix the VET FEE-HELP scheme. Amendments were made to the act last year and new national standards came into effect on 1 April this year, but they have not stemmed the tide of abuse and exploitation. The system is in crisis on the watch of the Turnbull government. That is what is happening. Senator Birmingham will wax lyrical about everything they are doing, but you cannot talk the talk and not walk the walk. Last week we had the Phoenix Institute in the Federal Court with the ACCC accusing them of fraudulent behaviour, of misleading and deceptive behaviour. That is a pretty strong charge to level at a company.

For months we have heard the government say that its previous changes, the most notable being new national standards that came into effect on 1 April 2015 this year, would fix the problem. They have not fixed the problem. The problem continues. On 1 April—April Fool's Day, it would seem—the then assistant minister for education and training said in a media release, 'The time is up for dodgy marketing agents offering inducements like laptops, meals, vouchers and prizes so that people sign up for VET courses they don't need and incur a debt they cannot repay.' Nine thousand students have been ripped off by Phoenix since 1 April, so what on earth were these standards supposed to do? They certainly did not stop Phoenix.

Since that media release on April Fool's Day, the reports of exploitation have continued. The Age reported on 4 April that brokers were targeting elderly and disabled public housing
tenants in Melbourne suburbs and were giving them iPads. Fifteen private colleges were reported to be under investigation for flouting the new standards by offering inducements like laptop scholarships, according to The Age of 16 May. ASQA was forced to defend its conduct in June 2015.

The Senate inquiry was told that brokers were continuing to flout the national standards. That evidence was given to us by the Redfern Legal Centre. The Australian College of Broadway was accused of enrolling a woman for a $28,000 course after convincing her it was free. That was reported in The Australian on 5 August. The Fairfax media continued to report that Careers Australia had enrolled almost 3,000 students using VET FEE-HELP but only 300 had graduated.

These are the shonks and the shysters. These are the people we want to stamp out with the amendments that we have put forward. The government has laughed off the sorts of recommendations that our Senate inquiry put forward, but we believe they are required as part of a robust system. We will continue to have students in this country left without a qualification if the government does not act decisively on this matter once and for all.

Senator XENOPHON (South Australia) (13:38): I thank Senator Lines for her contribution on the Higher Education Support Amendment (VET FEE-HELP Reform) Bill 2015—and the shonks, the shysters and the sharks. We need to deal with this as a matter of some urgency. But, at the outset, I wish to express my disappointment in the manner in which this bill has been brought on today. The original Higher Education Support Amendment (VET FEE-HELP Reform) Bill 2015, while modest in the reforms it was trying to implement, had at least been subject to scrutiny through the Senate Education and Employment Legislation Committee. The committee's report was tabled in the Senate only yesterday.

The Senate committee system is what makes the Senate unique in the sense that we look at legislation thoroughly, we try to check the excesses of the executive arm of government and, fundamentally, in a very collegiate way, we look to see if there could be any unintended consequences, whether the legislation could be improved and we actually analyse the impact of a particular piece of legislation. The opposition, in their additional comments to the Senate committee's report, expressed their general support for the bill and foreshadowed some amendments. The detail of the amendments were revealed this morning, but I am sure I am not the only who feels that we have not had sufficient time to analyse them.

But at least we had some warning. This morning we awoke to the news that the government had new amendments to its own bill. These were not foreshadowed. We have had less than a few hours to consider what are significant proposed changes to vocational education regulation. For example, the government is proposing to freeze the total loan limit for existing VET FEE-HELP training providers to 2015 levels. In effect, this will mean that, if providers continue to offer courses at 2015 prices, they will not be able to accept a new student unless a current student leaves the school. Of course private providers will have the opportunity to review their pricing structure if they wish to take on more students, but this is not necessarily desirable.

I will go into some of these amendments in a moment, but I think it is good to pause and maybe sum up where we are at. Sometimes it is useful to use a piece from a good journalist that sums up the changes and encapsulates what is going on. On a fair-minded basis, I think Natasha Bita's analysis in The Australian on 26 November does sum this up. I will just read
some excerpts from that article, which I think gives a good snapshot of what we are facing here. She refers to the current system of vocational training as a 'broken system' that is bleeding billions of dollars in taxpayers' money, as lax regulation combined with a flawed funding model lets private colleges reap fat profits at public expense.'

My view of that is that there are a number of very good private colleges but, as you outlined in your contribution, Madam Acting Deputy President Lines, there are a number of colleges that are absolute shockers, where there is rorting and some disgusting behaviour going on—which I will speak to briefly. The article continues:

Colleges can now charge full tuition fees upfront. When a student borrows through VET FEE-HELP, the federal Education Department pays the full fee directly to the college. Students can borrow up to $97,728 and never have to pay it back until they earn more than $54,000 a year.

With this bill, the government plans to split payments into three separate instalments. This will be based on census dates to prove a student is still actively studying. Natasha Bita talks about the history of this, and I think it needs to be borne in mind.

I know that the Minister for Vocational Education and Skills, Mr Luke Hartsuyker MP, is looking at tighter controls with these amendments—which we have had very little notice of—and that he wants to confine this to courses that have an economic benefit and that have a focus on issues such as health care, aged care, child care, computing and trades. This was also summed up in Natasha Bita's article. The opposition wants the education department to be a middleman for VET FEE-HELP, so that the loan is applied for through the department—which seems to be a sensible amendment—and to reduce the lifetime borrowing limit of $97,728. Natasha Bita makes the point: Labor's amendments are sensible, but beg the question as to why the Rudd/Gillard governments failed to adequately regulate vocational training in the first place.

I think that is a very fair question. She continues:

The Howard government introduced legislation in 2007 to let vocational training students borrow their tuition fees, putting them on the same footing as university students. The Coalition legislation had an in-built quality control. Training colleges could only offer student loans for diplomas if they had an arrangement with a university to credit the qualification towards a degree.

But in 2009, the Rudd government ... scrapped the crucial pathway-to-uni requirement for all diploma courses subsidised by the Victorian government. Then, in 2013, it removed the 'credit transfer' requirement nationally.

I think that gives a fair summary of what has occurred. We do have problems. They need to be dealt with, and I understand the urgency on the part of the government in that we need to deal with this in good conscious and good faith before 1 January. We cannot go for another year with these systemic problems in relation to this.

Looking at these amendments, another of the government's amendments would see the government moving to payment in arrears for certain providers where there are concerns about the provider's performance. That is welcome but it begs the question: what the hell were the bureaucrats, who were ticking off some of these colleges that got approval, doing in the first place? Where was their duty of care to the taxpayers of Australia, and to the students of these courses, to ensure that people were not getting ripped-off—either taxpayers or the students who often became victims of these dodgy colleges?
The amendments proposed by the opposition and by the government are significant. It is completely unsatisfactory that the Senate is being asked to debate these amendments today. I understand the imperative that we must get this legislation through at the end of this sitting week because this must be dealt with one way or the other by 1 January; otherwise we will have another year of courses being offered and of dodgy providers out there not being dealt with adequately.

With those concerns aside, I now turn to vocational education regulation generally. The ability to access higher education is a cornerstone of a healthy and productive society. Many now consider it to be a right, not a privilege. It should not be a privilege; it ought to be a right. It is fair to say that there has been a higher education boom in Australia over the past few years. As I indicated earlier, in 2007 the Howard government allowed vocational education students to borrow their tuition fees in the same way university students did. However, restrictions were placed on this borrowing as a student required an arrangement with a university to credit their qualification towards a degree. This pathway-to-uni requirement was ditched by the Gillard government in 2013, which led to an explosion in the number of training providers as well as an explosion in the uptake of VET FEE-HELP loans. Unfortunately a lot of shonks, shysters and sharks got involved.

Statistics released by the Department of Education and Training reveal that the number of students accessing VET FEE-HELP loans increased by around 103 per cent between 2013 and 2014, from just over 100 students to nearly 202,800. The total value of VET FEE-HELP loans accessed by students more than doubled between 2013 and 2014 going from $699 million to—wait for it—$1.75 billion. We are talking about a jump of 250 per cent. It was a massive jump, more than a doubling. In 2014, 96 per cent of all tuition fees charged to eligible students were paid for using a VET FEE-HELP loan. On the face of it, these statistics told a positive story. More students were accessing higher education than ever before and that had to be a good thing. You would think it should be a good thing. Well, not necessarily because, since the FEE-HELP loan arrangements were extended to vocational education and training courses, more students have taken up these courses.

What happened as well was we saw a reduction in the TAFE education system. The problem of too radical a change here was that we debased, in a sense, those TAFE training colleges that, I think, served Australia well. Public institutions have had their funding cut, particularly in the 2014 budget, and that, combined with the explosion of private colleges, meant they were in effect squeezed out. So more students are taking up courses, but more students than ever are falling into debt for courses that, quite frankly, they should never have signed up to in the first place.

Hardly a week goes by when we do not hear about an education provider that has gone belly up or who has been caught out offering inducements so that students sign up for their courses. Last week, the ACCC launched legal action against the Phoenix Institute, a Victorian based college, following allegations that the college had tricked disadvantaged people into signing up for courses they could not afford. It has been alleged that spruikers for the college signed up intellectually disabled people to an $18,000 online diploma course despite the fact many of these people did not have access to a computer. If that is the case, these people are low-lifes to take advantage of disadvantaged and intellectually disabled people—that was a an absolute disgrace. The Phoenix Institute also offered early childhood and community services
courses to students. A compulsory element of this particular course is a work placement. Despite being aware no work placements were available, the college signed up nearly 4,300 students to this course—that too is a disgrace. According to ACCC documents, the Phoenix Institute received $106 million in VET FEE-HELP loans. I am sorry that I did not have the time, but I would have liked to name and shame those individuals involved. Let's hope that the courts deal with that appropriately. I am looking forward to the outcome of the court case instituted by the ACCC.

Unfortunately, the Phoenix Institute is not a single rotten apple. The ACCC is also pursuing Unique International College for $57 million in VET FEE-HELP loans after it was revealed that the college was paying students $2,000 to sign documents they could not read in order to sign up for $25,000 diploma courses. The Australian Skills and Quality Authority has threatened to deregister the Institute of Professional Education following complaints the college had signed students up for courses and debts without their knowledge or permission.

While the loosening of the VET FEE-HELP scheme may have started with good intentions, it has become apparent to all that this industry needs to be reined in. We need to get rid of those shonks. This bill is a step in the right direction in reforming the vocational training sector. The measures in this bill are sensible and much needed but, of course, we now have a whole swag of amendments that we need to go through. Can I gently and respectfully suggest to the government that if you are fair dinkum about getting this bill through in the next two or three days, I would suggest it will involve sitting down with the opposition, with the Australian Greens and with the crossbenchers so that we can thrash something out, because I think the intent of the bill is laudable. We need to deal with this sooner rather than later but there ought to be some consensus to deal with the rorts that clearly must be dealt with.

The measures in this bill are needed. In exchange for the additional $18.2 million required in order to enforce the compliance provisions of this bill, the government hopes to achieve $350.9 million in savings over the forward estimates. I wonder whether those savings could be even more significant if we got rid of all the shonks in the sector and ensured that those good operators were able to flourish without being tainted by the operation of those shonks.

The bill amends the Higher Education Support Act 2003 to require VET FEE-HELP approved training providers to develop and apply appropriate student entry procedure requirements. The explanatory memorandum explains these procedures could include measures to assess a student's academic suitability, including literacy and numeracy ability, before signing students up to courses they will need a loan to pay for. I think that is an essential requirement but, if we are going to bring in these measures, for goodness sake, let us make sure we enforce them because this is costing taxpayers billions of dollars and is breaking the hearts of students who are being ripped off, and we are unjustly enriching a number of shonks out there. This is an important safeguard which was suggested in terms of being able to assess a student's academic suitability, particularly in light of data from the Department of Education and Training which reveals that nine per cent of all VET FEE-HELP loans were accessed by people from backgrounds where there is a question as to whether they knew what they were signing up for, people who had literacy and numeracy disadvantage.

The bill also requires students or people under the age of 18 to obtain their parents' approval before signing up for a VET FEE-HELP loan. In this submission to the Senate
Education and Employment Committee's inquiry to this bill, Open Universities Australia supports this move noting that young people 'are particularly influenced by both strong marketing strategies and peer pressure', and dare I say, getting a $2,000 inducement or getting a free computer. The circumstances under which a student can seek a re-credit of their VET-FEE HELP loan debt balance towards another course will be expanded. So too will the circumstances under which a student can apply for remission of a VET FEE-HELP loan debt.

The Australian Chamber of Commerce and Industry has expressed support for this measure, arguing it will help to improve confidence in the sector by allowing students to recover fees if the course they participated in was substandard. That is a very valuable move. While I support this measure, I also acknowledge the concerns expressed by the Consumer Action Law Centre in their submission to the Senate inquiry, where they said:

It remains unclear exactly how a student is to access these new measures. It also appears from the bill—specifically item 14, proposed section 46(A)—that the bases upon which an individual can seek remission is limited.

It basically says that the Consumer Action Law Centre says that there needs to be more information. They say they are concerned that this process will not consider border consumer law rights, particularly rights pursuant to the Australian consumer law. I urge the government to release draft guidelines as soon as possible in order to receive feedback from industry as to their effectiveness and from consumers in relation to the intent of this particular aspect of the bill.

There are a range of other matters which we dealt with. I believe this bill needs to go to the committee. I support the second reading stages of this bill but the government has advised that the Department of Education and Training will be using data analytics in order to identify which providers are underperforming. This is in order to pinpoint the providers for whom the department may freeze payments or issue other conditions on the provider's operations. However, we are yet to see any detail of how the data analytics will work or the kinds of performance criteria training providers will be assessed against. I agree there is an urgent need of reform in the VET FEE-HELP sector. I agree that we must deal with this by the end of this sitting week; otherwise, we will have another year of catastrophes of taxpayers being ripped off and students being ripped off as well.

This is not a good way to deal with legislation, to be thrown a series of amendments by the government, particularly at the last minute. It is not satisfactory. I, however, will do my best to work in good faith and diligently with the government and the opposition and my crossbench colleagues in order to ensure that we do have a bill which does what it is meant to do—that is, to get rid of the shonks, the shysters and the sharks in this sector. I look forward to a robust committee stage of this bill and I encourage the government to sit down with nongovernment senators so that we can get a breakthrough in relation to this bill.

Senator O'NEILL (New South Wales) (13:56): I rise to make a contribution in the short time allocated to me before question time today on this outrageous claim by the government that they are about to fix the problem. We have seen the fixer in action in the House of Representatives and the fixer in action is well and truly alive in the legislation that this government is seeking to inflict on this sector. Madam Acting President Lines, as a fellow participant in the Education and Employment Committee in the Senate, you and I have had the unhappy experience of listening to commentary after commentary, testimony after
testimony of how this government has failed to listen to the sector, has ignored every single warning sign of danger in this area. For two years they have been in government and they have not been watching carefully what has been going on. And now here they are in the last week of the year bringing in legislation and a series of amendments which have just landed on the table in the Senate in the last hour. That is how good the fixer is fixing things for education in this country.

What is going on today is a mad rush by an incompetent government who do not have any heart for education. They have taken $30 billion out of education in their first budget.

Senator Polley: How much?

Senator O'Neill: $30 billion, impacting the future education of every young people in Australia, and now they are talking about putting a GST of 15 per cent on all things to do with education. This government hates education. This government gets in the way at every step in terms of fair and equitable access to a decent education and this hastily cobbled together piece of legislation—a poor piece of legislation, which is now having last minute amendments made to it in some sort of tokenistic concession—is exactly what Senator Xenophon described it to be. I think he critiqued it as a cobbled together piece of legislation that is failing to respond to the reality that confronts us. And what is the reality?

The reality is that in 2012 and shortly after, when this government came into being, there were 55,000 students engaged in vocational education and training. This is a powerful part of enabling young people and people who seek to retrain the opportunity to change careers and to build careers, and to learn in ways that make a whole lot more sense than when they went to school. So the VET sector has great appeal. $235 million were being spent in 2012 on 55,000 young people predominantly but on mature wage earners as well. The average debt they had at that time was between $5,800 to $6,000. While the government has been pulling the nation apart with divisive policies and a devastatingly bad budget in 2014, we saw that they did not keep an eye on this at all. They did not have an eye to education.

The President: Thank you, Senator O'Neill. It being 2 pm, we now proceed to questions without notice.

QUESTIONS WITHOUT NOTICE

Goods and Services Tax

Senator Urquhart (Tasmania—Deputy Opposition Whip in the Senate) (14:00): My question is to the Minister for Tourism and International Education, Senator Colbeck. I refer to the minister's statement this time last week that, 'There is no proposal from the government on the table to change the GST.' I also refer to the Prime Minister's statement that, 'Changes to the GST should be on the table.' Who is correct—the junior minister for tourism or the Prime Minister?

Senator Colbeck (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (14:00): I thank Senator Urquhart for the question. I do not think there is actually any conflict between what is being said. In fact, the only proposal that I am immediately aware of for an increase in the GST comes from the Premier of South Australia. If the Prime Minister is asking for people to put a proposal on the table, that is fine. I think that is his purview. What I said quite clearly last week was that the government has no proposal on the table for an increase in the GST. The only person that
I know that has a proposal on the table for an increase in the GST is the Premier of South Australia. There has been discussion from the Premier of New South Wales about changes to the GST; other state premiers have said that they do not want to see an increase in the GST, including our Tasmanian Premier, Will Hodgman.

I do not actually see that there is any conflict between what I said last week when I said the government does not have any proposal on the table for a change to the GST, because we do not; we actually do not. If the Prime Minister wants to say that there should be proposals on the table—and there are proposals on the table put on there by the Premier of South Australia—we have a process where we are prepared to consider everything being on the table. We are not shying away from that. We did not do what the Labor Party did in opposition, when they had a root and branch review of the tax system but they forgot the trunk. We are prepared to say we are looking at the entire tax system. We are not squibbing it, like the Labor Party did. We are actually prepared to consider, properly, the tax system—how it might be improved so that we have an economy that continues to grow strongly, an economy that is sound and is fair for all Australians. I do not see that there is any conflict in what I said or in what the Prime Minister said at all.

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (14:02): Mr President, I ask a supplementary question. Will the minister rule out extending the GST on fresh Tasmanian salmon, a key tourism drawcard for his home state?

Senator COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (14:03): As I said in my previous answer and as I said last week, the government has no proposal on the table to increase the GST. If the Labor Party wants to try and run a scare campaign, I think—and I said this last week—that is for them to do. I notice that they are not talking about GST or a 15 per cent GST rate anymore, because they do not want to mention the term '15 per cent' anymore. I cannot for any reason understand why they would be afraid of '15 per cent'! But the government has no proposal on the table to increase the level of the GST. My answer from last week remains in exactly the same way that it does this week. So the Labor Party seem to be proposing they might go through the entire economy proposing different numbers or suggestions. (Time expired)

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (14:04): Mr President, I ask a further supplementary question. Will the minister rule out extending the GST to Tasmanian apples, another tourism drawcard for his home state, the Apple Isle?

Senator COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (14:04): The Labor Party are obviously very, very slow learners. The government, as I said last week and as I have repeated a number of times again today, have no proposal on the table to increase the GST. The only proposal on the table to increase the GST comes from the South Australian Labor Premier, who wants a 15 per cent GST; that was Premier Weatherill's suggestion. So we have no proposals on the table to increase the GST on anything. So, to save the Labor Party from this endless roll through the economy of what might be or what might not be, depending on whatever scare campaign they want to run at a particular point in time: the government has no proposal on the table to increase the GST.
DISTINGUISHED VISITORS

The PRESIDENT (14:05): I draw to the attention of honourable senators the presence in the chamber of a parliamentary delegation from Indonesia, led by His Excellency Mr Irman Gusman MP, Speaker of the House of Regional Representatives Council. On behalf of all senators, I wish you all a warm welcome to Australia and, in particular, to the Senate. With the concurrence of honourable senators, I would ask that the Speaker take a seat on the floor of the chamber.

Honourable senators: Hear, hear!

Mr Gusman was then seated accordingly.

QUESTIONS WITHOUT NOTICE
Climate Change

Senator RONALDSON (Victoria) (14:06): My question is to the Minister for Finance, Senator Cormann, representing the Treasurer. Can the minister inform the Senate of what impact an emissions reduction target in Australia of 45 per cent below 2005 levels by 2030 would have on our economy?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:06): I thank Senator Ronaldson for that question. Labor's latest thought bubble—coming up with a proposal to increase our emissions reduction target to 45 per cent below 2005 levels by 2030—if implemented, would damage the economy and cost jobs. Labor know this, because they actually conducted modelling while in government which shows exactly that.

It would take about $600 billion out of the economy in just 15 years. So Labor's plan, so to speak, would shrink the economy by $600 billion over the next 15 years. I am not [inaudible]. When we came into government, we had a carbon tax which was heading towards $30 a tonne and rising beyond. Under Bill Shorten, we have the $209 CST—the Bill Shorten carbon supertax. This is a great big new tax on everything that Labor want to bring back. Never mind $30 a tonne; a $209 CST. A $209 carbon supertax is what Australians would get under Labor.

What it would do is cut people's wages by about $4,900 a year by 2030. It would push up the cost of electricity by about 78 per cent by 2030. And, of course, this is not everything. What it would actually do, like the Labor Green carbon tax of old—the one when it was just heading to $30 a tonne—is shift jobs and emissions overseas. It would actually not help to reduce emissions in the world. It might reduce emissions in Australia, because Labor would be shrinking the economy, but it would just shift those emissions and those jobs to other parts of the world where there would be higher emissions for the same amount of economic output.

Senator RONALDSON (Victoria) (14:08): Mr President, I ask a supplementary question. Further to that answer, can I ask the minister what would such a 45 per cent emissions reduction target mean for Australian jobs, Australian families and Australian businesses?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:09): The Shorten carbon supertax would be a tax on jobs; it would be a tax on families. It would of course lead to fewer jobs in Australia and more jobs overseas, where our competitors would be able to take market share away from us. But of course families across Australia would have to pay about 78 per cent more for electricity
prices. Do not take my word for it; that is actually what Labor's own modelling in government showed.

As the Minerals Council of Australia quite rightly said, 'The 45 per cent target is not based on detailed economic analysis of its impact on growth, living standards and energy costs'—a very, very accurate observation. The Australian Chamber of Commerce and Industry said, 'Labor's newly announced proposal to double cuts to emissions to 45 per cent by 2030 with a long-term target of net zero emissions by 2050 was not backed by a credible plan that protects economic growth.'

Senator RONALDSON (Victoria) (14:10): Mr President, I ask a further supplementary question. I thank the minister. Can I ask the minister how this government is strengthening growth to create more and better jobs while taking a responsible approach to emissions reductions in Australia?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:10): I thank Senator Ronaldson for that supplementary. The government have put in place, and are putting forward in Paris, an emissions reduction target range of 26 to 28 per cent below 2005 levels by 2030. Our targets are appropriately ambitious and responsible, and they are achievable because we have got a plan to deliver them. At the heart of that plan is our emissions reduction fund, which actually will help to reduce emissions in Australia in a way that will achieve a net reduction in emissions around the world.

Senator Lines interjecting—

The PRESIDENT: Senator Lines!

Senator CORMANN: The emissions reduction fund will actually help to deliver emissions reductions in Australia without shifting jobs to other parts of the world, without undermining the competitiveness of Australian industry. It will help to deliver emissions reductions at the lowest possible cost while actually encouraging stronger growth and the creation of more and better jobs.

Senator Ronaldson: Mr President, I rise on a point of order. I asked a very serious question and I cannot hear the minister's answer.

The PRESIDENT: Order on my left! Senator Ronaldson raises a very good point of order. The noise is unacceptable and I would ask senators to stop interjecting. Minister, you have two seconds left.

Senator CORMANN: Our plan is environmentally effective and economically responsible.

Goods and Services Tax

Senator POLLEY (Tasmania) (14:11): My question is to the Minister representing the Minister for Health, Senator Nash. Is the president of the Victorian branch of the Australian Medical Association, Dr Tony Bartone, right to say that extending the GST to health 'would only affect those who could least afford it'?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (14:12): I can indicate to the senator that I am not aware of that particular comment, so I cannot give her a view on that. But can I be very clear, as the Prime
Minister has been clear and others making comment both in the House of Representatives and in the Senate have: there is nothing on the table regarding the GST from the government.

*Opposition senators interjecting—*

**The PRESIDENT:** Order on my left!

**Senator NASH:** It is most interesting to see that those on the other side both in this place and in the other place are embarking on a scare campaign for the Australian people. It is a scare campaign because there is no basis to the assertions and the hypotheticals that those opposite are raising. It takes a coalition government to be prepared to have a sensible, measured national debate about taxation issues. Those on the other side would much prefer to talk about an increase in the carbon tax and talk about an increase in the smoking tax, none of which are based on anything that is going to provide a benefit to the Australian people.

*Opposition senators interjecting—*

**The PRESIDENT:** Order on my left! Senator Cameron, that includes you.

*Honourable senators interjecting—*

**The PRESIDENT:** Order on my left and my right!

**Senator POLLEY** (Tasmania) (14:13): Mr President, I ask a supplementary question.

Will the minister rule out extending the GST to medical services, medical aids and medical appliances?

**Senator NASH** (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (14:14): I do not know how many times this government has to tell the coalition there is nothing on the table and we are not ruling anything in or out.

*Opposition senators interjecting—*

**The PRESIDENT:** Order! Pause the clock.

**Senator Polley:** Mr President, I rise on a point of order. I would encourage you to draw the attention of the minister to the question that was asked. It was a pretty simple one but she has not yet tried to address it.

**The PRESIDENT:** I think it is a bit unfair. The minister is only 12 seconds into the answer. I call the minister.

**Senator NASH:** I am very happy to repeat it for the senator, because clearly she was not listening or she could not hear because of those who were interjecting around her—very rudely, I might say. I stood here and said very clearly that the government is not ruling anything in or out. I directly answered the senator's question.

When it comes to health, it is the coalition government that is going to ensure that we have a sustainable health system into the future—unlike those opposite, who were quite prepared across a whole range of areas to be economically irrational and economically irresponsible when it comes to running the country.

**Senator POLLEY** (Tasmania) (14:15): Mr President, I ask a further supplementary question. I will try again: won't a GST hike increase the cost of health care and make life more difficult and cause more expense for families who are already struggling to make ends meet?
Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (14:16): I do not know what GST hike the senator is referring to, because it is clearly hypothetical and made up with the fairies at the bottom of the garden that the senator opposite is obviously talking to to get an idea of the GST hike. Those opposite know very well that the coalition government is having a sensible, responsible discussion about taxation matters.

You can try to scare the Australian people as much as you want, Senator, but they know that we need to have a balanced, sensible, mature and responsible debate about this issue, and that is what they will get from the coalition government.

Renewable Energy

Senator DI NATALE (Victoria—Leader of the Australian Greens) (14:16): My question is to the Leader of the Government, representing the Prime Minister. Today the Australian Renewable Energy Agency and the Clean Energy Finance Corporation announced the deployment of a solar project in the DeGrussa mine in central Western Australia. Thanks to these institutions clean energy now competes on price with diesel, but our Prime Minister is in Paris refusing to sign up to a communique, one led by the conservative prime minister, John Key, to end fossil fuel subsidies. My question is this: has the Prime Minister done a deal with the National Party to refuse to end those distorting investment decisions in favour of dirty sunset industries and acting as a handbrake on innovation?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:18): Senator, I can tell you that the government is committed to renewable energy. We are committed to renewable energy, we are committed to emissions reduction and we are committed to policies that actually deliver real outcomes. That is why you referred to the Prime Minister's speech in Paris.

That is why, in his speech in Paris, the Prime Minister committed Australia to the second-most ambitious emissions reduction target per capita of any G20 nation: an emissions reduction target of 2005 levels by 2030 of 52 per cent per capita. That is the second-most ambitious of any of the G20 nations.

That is a responsible climate policy. It is a responsible climate policy—unlike yours, Senator Di Natale—which proposes 90 per cent renewable energy without costing the policy, without indicating who would pay for the policy—

The PRESIDENT: Pause the clock! A point of order, Senator Di Natale?

Senator Di Natale: Yes, Mr President. I acknowledge that there was a long preamble, and I have given the minister an opportunity to give a speech. However, my question was straightforward: has the Prime Minister done a deal with the National Party to ensure that fossil fuel subsidies continue?

The PRESIDENT: Thank you, Senator Di Natale. I will remind the minister of the question.

Senator BRANDIS: Senator Di Natale, when you say 'done a deal with the National Party': we are a coalition government, and all decisions that the government makes in all areas of policy, including in relation to climate policy, are the result of discussions among Liberal and National Party cabinet ministers. So every aspect of this government's climate policy, one of the most ambitious emissions reductions in the world on a per capita basis, is the result of a
decision jointly made by Liberal Party ministers and National Party ministers through an orthodox cabinet process.

We are very proud of that cooperation, we are very proud of that partnership and we are very proud of the sensible outcomes that those deliberations produce.

Senator DI NATALE (Victoria—Leader of the Australian Greens) (14:20): Mr President, I ask a supplementary question. Minister, on average the Clean Energy Finance Corporation and ARENA leverage $2 of private sector money for every dollar they invest in R&D. Is the government aware that if it persists with its abolition bills that on current trends this government would wipe $64 billion of future R&D activity and send this investment capital and our smartest minds overseas to develop these exciting technologies?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:21): Well, I—

Senator Canavan: Mr President, I rise on a point of order under standing order 73. Again, I fail to see how that supplementary question was relevant to the original question, which was about the diesel fuel rebate and subsidies, and the National Party and its defence of those. The supplementary goes to a completely different issue, on the Clean Energy Finance Corporation.

The PRESIDENT: Thank you, Senator Canavan. I will allow the Attorney-General to answer what part of the question that he wishes to answer.

Senator Di Natale: Mr President, I rise on a point of order. My question began with, 'Today, the Australian Renewable Energy Agency and the Clean Energy Finance Corporation announced the deployment'—

Honourable senators interjecting—

The PRESIDENT: Order!

Senator Di Natale: It is absolutely consistent with the first question.

The PRESIDENT: I am going to allow the Attorney-General to answer the question if the Attorney-General wishes to answer the question.

Senator BRANDIS: Senator Di Natale, your question, although perhaps not technically a supplementary question, does give me the opportunity to explain to you all of the measures that the Australian government is taking in order to mitigate the effects of climate change. At the leaders event during the climate change talks, the Prime Minister announced that Australia will provide at least $1 billion to build climate change resilience and reduce emissions over the next five years.

As well, Australia was elected on 6 November—unanimously elected, I might say—as Co-Chair of the Green Climate Fund. As co-chair, Australia will play a key leadership role in the operation of the Green Climate Fund, with a focus on ensuring that it delivers results for our Pacific island neighbours. If you care to ask another supplementary, I will expand. (Time expired)

Senator DI NATALE (Victoria—Leader of the Australian Greens) (14:23): Mr President, I ask a further supplementary question. My question again relates to ARENA and the Clean Energy Finance Corporation. There is clearly a disagreement now amongst cabinet ministers around whether those institutions should continue or be abolished. Will the minister prioritise
for the next cabinet meeting the removal of their abolition bills from the Senate and from the Notice Paper?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:23): Senator Di Natale, there is no disagreement at all. If you apprehend a disagreement then I am afraid you are deluded. The Clean Energy Finance Corporation has a legislated mandate which requires it, as you know, to invest in clean energy technologies, including renewable energy efficiency and low-emissions technologies. The government gives the Clean Energy Finance Corporation a more detailed investment mandate which rejects the CEFC in matters such as levels of risk and return and the broad allocation of investment funding across eligible technologies.

The PRESIDENT: Pause the clock.

Senator Di Natale: Mr President, on a point of order: I did not ask for a dissertation on what CEFC does. What I asked was whether this government will prioritise the abolition bill for both of those institutions.

The PRESIDENT: I will remind the Attorney-General of the question.

Senator BRANDIS: Senator Di Natale, as you are aware, the government has introduced bills to abolish the Clean Energy Finance Corporation, but those bills have not passed the Senate. You are aware of that, so, for as long as the CEFC continues—(Time expired)

Employment

Senator JOHNSTON (Western Australia) (14:25): My question is to the Minister for Employment, Senator Cash. Can the minister inform the Senate of how many jobs have been created since the government came to office?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:25): I thank Senator Johnston for his question. Yes, I can. Under this government, more Australians are in work than ever before. I can advise the Senate that, since this government came to office in September 2013, the level of employment has risen by 366,400, or 3.2 per cent, to a record high of 11,838,200 in October 2015. Under this government, employment has been growing strongly and has risen by 2.7 per cent compared to the decade average rate of 1.8 per cent. In terms of employment growth, over the last year it has been higher—

Senator Lines interjecting—

The PRESIDENT: Senator Lines!

Senator CASH: than that of every G7 nation, and—Senator Lines might like this fact—employment growth under this government is more than three times the rate of the last year that Labor was in government. It is more than three times the rate. It is also worth noting—and again Senator Lines may enjoy this fact—that since July 2014, when the Senate changed, the level of employment has increased by 292,100.

Mr President, you may ask: what does that mean? In plain English, it means that, when you get those on the other side out of the way—which is what we did in July 2014—and this government is able to get on with implementing its economic agenda, what you see is that the rate of jobs growth in Australia increases materially. I can also advise the Senate that the Department of Employment's Vacancy Report shows that job advertisements are up by 2.9 per
cent over the year to October 2015. Everything we do on this side is all about jobs growth and creation. (Time expired)

Senator JOHNSTON (Western Australia) (14:27): Mr President, I ask a supplementary question. I ask the minister: how is the government facilitating job creation for Australians?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:27): Quite simply, this is a government that has a plan to create economic growth. That is evidenced by our signing of three free trade agreements, with Japan, Korea—and who can forget the China free trade agreement, which those on the other side rallied against for so long?

It is also why we have set up the $5.5 billion Jobs and Small Business package. Why? It is because we know that we need to help employers to hire unemployed job seekers. It is also why we have set up our new employment services system, jobactive. This new services system focuses on sustainable outcomes, getting people into employment and ensuring that they stay there.

It is also why, as a government, we remain committed to the Australian Building and Construction Commission. Why? It is because we understand the value of the construction industry to the Australian economy, and we know it should not be held to ransom by militant unions. (Time expired)

Senator JOHNSTON (Western Australia) (14:28): Mr President, I ask a further supplementary question. Lastly, I ask the minister: how does the government's approach differ from alternative approaches?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:28): Let us do a quick compare and contrast. This government, unlike those on the other side, removed unnecessary taxation burdens which were a handbrake on growth and the Australian economy. What did those on the other side do when they were in office? They imposed the carbon tax on the Australian economy. They imposed the mining tax on the Australian economy. And what we also know is this. If they are ever re-elected, if the Australian people thought the carbon tax was bad last time, wait till you see the size of the next carbon tax that those on the other side have—the carbon supertax.

We have also set ourselves a target of red-tape reduction of $1 billion a year, and we are exceeding that target. We are also working with employers to get people into sustainable employment. We are focused on outcomes. This is a government that has a plan to grow the economy and grow jobs. Those on the other side just want to stifle it. (Time expired)

Special Minister of State

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:29): My question is to Senator Brandis, the Minister representing the Minister for Justice. I refer to guidelines issued by the Australian Federal Police for search warrants, which state:

All matters where the execution of a search warrant may have politically sensitive implications (not limited to fraud) should be raised with the Minister responsible for the AFP …

When was the Minister for Justice first informed of the AFP's intention to execute a search warrant at the home of Mr Brough? Did the minister inform Mr Brough, and if so when?
Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:30): I do not know the date, and I am unaware of the other matters that you raise, so I will take the question on notice.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:30): Mr President, I ask a supplementary question. Did the Minister for Justice inform his senior minister, the Attorney-General, of the AFP's intention to execute a search warrant to the home of Mr Brough? Was the Attorney-General copied into any brief for the Minister for Justice informing him of the warrant?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:31): I do not recall any such conversation with the Minister for Justice, and I do not recall seeing any brief either, but, as to the latter, I will check.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:31): Mr President, I ask a further supplementary question. Did the Minister for Justice inform the Prime Minister of the AFP's intention to execute a search warrant at the home of Mr Brough? If so when, and did the Minister for Justice inform anyone else of the AFP's intention to execute this search warrant?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:31): I do not know the answer to those questions. I will inquire.

Trade

Senator REYNOLDS (Western Australia) (14:31): My question is to the Cabinet Secretary, Senator Sinodinos, representing the Minister for Trade and Investment. Can the cabinet secretary inform the Senate how the government's success in securing free trade agreements will foster innovation and growth in the Australian economy?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:32): I thank the honourable senator for her question and for her interest in trade. Trade is the lifeblood of the great state of Western Australia. I can confirm that these free trade agreements that we have been talking about—the Korea free trade agreement, the Japan free trade agreement and the China-Australia free trade agreement, to be followed by the Trans-Pacific Partnership—all will promote free trade, and the free trade will in turn promote greater innovation in the Australian economy because it will promote competition in the Australian economy, and competition and innovation are very closely related. The competition that comes from taking trade barriers down and taking down non-technical or non-tariff barriers to trade and all the rest of it—all of that will promote greater free flow of goods and services.

Our modelling indicates our three recent bilateral free trade agreements will add $24.4 billion to Australia's gross domestic product between 2016 and 2035. Household consumption in Australia will increase by $4,350 on average over the same period. What we are doing with the Harper review will promote competition, which will promote innovation and allow us to take advantage of these free trade agreements. And what we are doing in reducing unnecessary, burdensome and costly regulation will further add to the impetus for competition and innovation.
The new Assistant Minister for Productivity has been tasked with expanding our regulatory agenda to include more items which directly increase productivity. On top of that we are exploring ways to promote the formation of entrepreneurial companies in Australia. Changes to the Significant Investor Visa program will do just that. They will direct investment dollars to where they can provide the most benefit—venture capital funds backing start-up innovators.

**Senator REYNOLDS** (Western Australia) (14:34): Mr President, I ask a supplementary question. I thank the Cabinet Secretary for that response. It is very important for Western Australia and for the nation. My next question is: how is the government protecting Australians' intellectual property in trade negotiations, and why is this important for supporting an innovative economy?

**Senator SINODINOS** (New South Wales—Cabinet Secretary) (14:34): The Australian government clearly recognises the importance of intellectual property. We have some of the world's leading minds and we need to ensure that their ideas are protected and promoted where possible. Australia has been the source of inventions such as spray-on skin, the cochlear implant and the cervical cancer vaccine, and this is why Australia has ensured that the Trans-Pacific Partnership recognised the importance of new and innovative biologic medicines. And, thanks to our tenacious and hardworking Minister for Trade and Investment, the government has protected our existing patents system and copyright regime. In fact, the defence minister and I were present at a discussion over the phone between the Prime Minister and the President of the United States over this very issue of biologics, where the US were seeking to push us further in this space. But what we did was to protect the existing five years of data protection on biologic medicines, which will help to ensure Australian innovators have appropriate protection for their intellectual property. It will incentivise Australians to develop new ideas. *(Time expired)*

**Senator REYNOLDS** (Western Australia) (14:35): Mr President, I ask a further supplementary question. Can the Cabinet Secretary also inform the Senate how freer trade will allow greater investments in Australia's innovation sector?

**Senator SINODINOS** (New South Wales—Cabinet Secretary) (14:35): As I mentioned before, we have the newly refashioned Significant Investor Visa to direct investment dollars to where they can provide the most benefit—venture capital funds backing start-up innovators. SIVs can produce positive, long-term impacts with additional investment dollars delivering much-needed capital to our entrepreneurs. But the changes do more than deliver money. In the longer term they will provide massive opportunities for home-grown Australian technology and innovation sectors to engage with other countries around the world, developing people-to-people linkages, and grow our entrepreneurial talent base and develop our innovation industry well into the 21st century.

In reviewing the criteria around eligible investments for the investment visa program, our plan is to ask SIV applicants to put more skin in the game for Australia, and we aim to channel the investment into areas that may offer great potential but find it hard to attract investment dollars today. In that context, may I say we are examining, as Senator Day raised the other day, the option of a free trade agreement with Israel, which would seek to capture these benefits. *(Time expired)*
Automotive Industry

Senator MUIR (Victoria) (14:37): My question is for the Minister for Finance, representing the Minister for Small Business. It is now the 12-month anniversary of the voluntary code of conduct in relation to automotive service and data repairs between manufacturers and independent repairers. When the voluntary code of conduct was agreed to there was a provision for it to be reviewed in 12 months time. Considering that the 12-month mark has been reached, is the government considering reviewing the effectiveness of the voluntary code of conduct per the agreement itself?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:37): I thank Senator Muir for that question. The development of the voluntary code of practice access to service and repair information for motor vehicles was in fact a two-step process. The former Minister for Small Business, Bruce Billson, facilitated its development through the signing of a heads of agreement to the ‘agreement on access to service and report information for motor vehicles’ by the Federal Chamber of Automotive Industries, the Australian Automobile Association and the Australian Automotive Dealer Association on 15 December 2014, nearly 12 months ago. This is what enabled the development of the voluntary code of access to service and repair information for motor vehicles by the Federal Chamber of Automotive Industries in February of this year. The voluntary code has only been in existence since February 2015. The code state in clause 1.4:

An initial review of the Code must be conducted within eighteen months of the commencement of the Code.

In accordance with the code, the government expects the review to be conducted by August 2016.

Senator MUIR (Victoria) (14:38): Mr President, I ask a supplementary question. In an average three-month period 6.5 million vehicle owners have their vehicle serviced. Forty-two per cent of these vehicle owners elect to use an independent repairer. However, I am advised that, to date, only one of Australia’s 68 car companies is complying fully with the voluntary code of conduct. Given the failure of the voluntary code to share service repair data, what does the government intend to do to protect the consumer’s choice of repairer?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:39): I thank Senator Muir for that supplementary. The government and, more specifically, the Minister for Small Business and the Assistant Treasurer are aware of the Australian Automotive Aftermarket Association’s concerns regarding independent repairers’ access to vehicle servicing information. With the widespread use of onboard computer systems in new vehicles, access to such data is important to enable independent vehicle repairers to service vehicles and provide consumers the choice of whom they wish to service their vehicle. The agreement we have been talking about has dispute resolution processes whereby signatories to the agreement can notify the steering committee of any breaches to the agreement by other participating members. This includes the Federal Chamber of Automotive Industries, who represent manufacturers.

Senator MUIR (Victoria) (14:40): Mr President, I ask a further supplementary question. Will the government commit to a solution that involves the mandatory sharing of vehicle diagnostic and repair information?
Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:40): While I am not in a position to make the sort of commitment that Senator Muir is seeking there, the government is open to listening further to the Australian Automotive Aftermarket Association’s concern in relation to these matters and will be monitoring the effectiveness of the code in the lead-up to the 18-months review. I encourage the AAAA to engage with this process.

Donations to Political Parties

Senator GALLAGHER (Australian Capital Territory) (14:40): My question is to Senator Nash, the Minister representing the Minister for Health. I refer to the minister’s statement yesterday:

All of us in this chamber know that smoking causes great harm to Australians; leads to death from cancer and lung and heart disease; and hurts families.

Can the minister confirm that, over the past 10 years, the National Party has received at least $358,000 from big tobacco in political donations?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (14:41): I cannot confirm that. Those matters are matters for the federal secretariat.

Senator GALLAGHER (Australian Capital Territory) (14:41): Mr President, I ask a supplementary question. Can the minister tell the Senate why the National Party continues to support big tobacco as legitimate businesses for the purposes of political donations despite her tough words in this chamber yesterday?

The PRESIDENT: Before I call the minister, that question—

Senator Wong: Mr President—

The PRESIDENT: Just a minute, Senator Wong; I haven’t finished speaking yet. Senator Wong—a point of order?

Senator Wong: The question goes to a statement made by the minister yesterday. I would suggest to you that the statement made yesterday, which is what is referenced in the supplementary, is—

Senator Ian Macdonald interjecting—

Senator Bernardi interjecting—

The PRESIDENT: Order! Senator Bernardi and Senator Macdonald.

Senator Wong: I suggest to you as you consider your ruling on this that this goes directly to a statement the minister—

Senator Ian Macdonald: You can’t argue with the President.

The PRESIDENT: Order! I will determine that, Senator Macdonald. Senator Wong.

Senator Wong: I am seeking to address it prior to him ruling.

The PRESIDENT: Order! Senator Wong, don’t argue with senators. You are addressing me.

Senator Wong: With respect: I wouldn’t have to argue with them if they didn’t keep interjecting. The primary question quoted the minister’s statement yesterday. The
supplementary questions contrast that statement with the position of the National Party. I would submit to you that it is perfectly in order.

The PRESIDENT: You are right; questions can occur or be made towards statements made, but the statement had no reference whatsoever to the National Party or its fundraising. I will allow the minister to answer any part of that question she wishes to.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (14:43): Decisions about donations are a matter for the federal organisation, and questions relating to those should be referred to the federal organisation.

Senator Ian Macdonald interjecting—

The PRESIDENT: Order! Senator Macdonald, I will warn you.

Senator GALLAGHER (Australian Capital Territory) (14:43): Mr President, I ask a further supplementary question. Why does the minister hold responsibility for tobacco policy despite her party receiving political donations from big tobacco? How much of the minister’s last campaign for a Senate seat was funded by big tobacco?

The PRESIDENT: I will allow the minister to answer any part of that question she deems that she would like to answer.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (14:44): Of course I can confirm for the Senate that this coalition government is absolutely focused on reducing smoking rates. As to the second part: any questions relating to donations should be referred to the federal organisation.

Opposition senators interjecting—

The PRESIDENT: On my left. Order!

Senator Ian Macdonald: Mr President, I rise on a point of order. I am trying to listen to the answer but I cannot hear over the constant interjections of the Leader of the Opposition in the Senate and I ask you to bring her to order. She consistently and continuously yells at everybody.

Senator Cameron interjecting—

The PRESIDENT: Senator Cameron. On the point of order, Senator Cameron?

Senator Cameron: The point of order is on hypocrisy.

The PRESIDENT: There is no point of order, Senator Cameron.

Honourable senators interjecting—

The PRESIDENT: Order! Order!

Opposition senators interjecting—

The PRESIDENT: On my left. Twice today, senators have raised points of order in relation to interjections. I remind all senators that they are disorderly. It is very difficult for me to hear, let alone for others to hear in the chamber, both questions and answers.

Teachers

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (14:45): My question is to the Minister for Education and Training, Senator Birmingham. Will the minister
inform the Senate about the results of the trial of the new literacy and numeracy test for teacher education students?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:45): I thank Senator Bushby for his question, which is a very important issue for the nation but especially for Tasmania in terms of having confidence in the quality of our teachers and confidence in the literacy and numeracy standards that are taught to our children.

The Turnbull government is providing new measures, in cooperation with the states and territories, to give confidence in the capabilities of our teachers in their own literacy and numeracy standards and therefore their capacity to be able to teach and appropriately deliver a good literacy and numeracy education to our children. Our government provided the opportunity, as part of our reforms, for up to 5,000 students to voluntarily sit the new test that we are applying across all initial teacher-training education graduates across nine centres: Perth, Darwin, Brisbane, Sydney, Melbourne, Adelaide, Canberra, Ballarat and Albury. This test is an opportunity for students to demonstrate that they are in the top 30 per cent of all Australians for literacy and numeracy standards. Importantly, from next year, it will be a compulsory part of graduation for any student and will therefore be available right around the nation, including, of course, in Tasmania.

What we have seen from these initial results is that some 92 per cent of those involved in teacher training at university passed the literacy component of the test and 90 per cent passed the numeracy component of the test. While these are pleasing pass rates, it demonstrates that our universities have a way to go to ensure that every single graduate completing a teacher training program at university is within that top 30 per cent band for literacy and numeracy. To do so will give us confidence, and, most importantly, will give parents, principals and the community confidence that our teachers are up to standard and can provide the requisite literacy and numeracy skills and training to students to ensure they have the basics for an excellent education into the future.

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (14:47): I ask a supplementary question. Will the minister advise the Senate why this test is considered necessary?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:47): The government recognises that the quality of teachers is the single most important in-school factor in determining student outcomes. Yes, there are many other factors that are critically important that our government is focused on—parental engagement and the quality of the national curriculum—but, within the classroom, it is the calibre and quality of the teaching that matters most.

Back in 2011, education ministers from around Australia agreed that teaching graduates should meet this top 30 per cent benchmark for literacy and numeracy standards. However, sadly, the Teacher Education Ministerial Advisory Group independent review the government undertook demonstrated that this was not necessarily being met. So this new measure, the mandatory test, which will ensure that, from 1 July next year, all students undertaking teacher training in universities must pass this test, therefore guarantees that they will meet the minimum 30 per cent standard. It will guarantee to parents, principals and others that they have teachers in the classrooms who are capable and competent in literacy and numeracy. (Time expired)
Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (14:49): I ask a final supplementary question. Will the minister please explain to the Senate how this will improve student outcomes?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:49): This complements the record funding that our government is delivering to the school systems right around Australia. It complements what we have done in the new national curriculum that will apply from next year. It complements our parental engagement strategy. All of this comes together with our new teacher quality agenda to give schools, principals, education authorities, and, most importantly, parents, families and the community greater confidence in what is happening in the classroom and for literacy and numeracy outcomes of students around Australia.

This is an important benchmark to set. When it comes to what our teachers should have, and their capabilities and competencies within the classroom, the top 30 per cent of Australians for literacy and numeracy is not an unreasonable expectation. The vast majority of our teachers do an outstanding job, but it is critically important that we ensure public confidence in the teaching profession because, by having such excellent standards, we will then attract even better students into the teaching profession in years to come. I am confident these reforms will help to enhance the reputation of our teachers around Australia. (Time expired)

Special Minister of State

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:50): My question is again to the Attorney-General, Senator Brandis. I refer to the Attorney-General’s previous answer to my question in which he claimed not to recall any conversation with the Minister for Justice in relation to the execution of a search warrant on Mr Brough, the Special Minister of State. Is the minister aware that, a short while ago, the Justice Minister informed the other place that he told the Attorney-General the warrant would be executed? When and how did the justice minister so inform the Attorney-General?

Opposition senators interjecting—

The PRESIDENT: Order on my left!

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:50): I am very disappointed in you, Senator Wong—

Opposition senators interjecting—

The PRESIDENT: On my left!

Senator BRANDIS: because, you have, in the course of that question, both misquoted me and misquoted Mr Keenan. Your question to me was whether I was advised by Mr Keenan before the warrant was issued, not in relation to the issue of the warrant but whether I was advised before the warrant was issued, and I said I have no recollection of such a conversation—and I have not.

Opposition senators interjecting—

The PRESIDENT: Order on my left!
Senator BRANDIS: You also misquoted Mr Keenan. Mr Keenan said, in the House of Representatives, 'I informed the Prime Minister's chief of staff and the Attorney-General after—the warrants were executed.' Senator Wong, I am sure you are not deliberately misleading the Senate—

Government senators interjecting—

The PRESIDENT: On my right!

Senator BRANDIS: but, Senator Wong, in both what you have put to me about what I said and about what you have attributed to Mr Keenan, you have misquoted us both.

Honourable senators interjecting—

The PRESIDENT: Order on both sides! On my right and my left!

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:52): Mr President, I ask a supplementary question. I reiterate the question in the primary question: when and how did the justice minister so inform the Attorney-General? And how many other conversations has the Attorney-General had with the justice minister about the execution of search warrants on the homes of ministers in the Abbott-Turnbull government? How about a non-lawyer's answer?

Honourable senators interjecting—

The PRESIDENT: Order on my left! Both sides!

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:52): It is not a lawyer's answer or a piece of pedantry to say that there is all the difference in the world between being advised of the execution of a search warrant before it is executed and being advised after it is executed, and you know that very well, Senator Wong. You do owe me an apology and you owe the Senate an apology. You asked me a question about whether I was advised before the warrant was executed. I was advised of it after it was executed, which is the ordinary procedure—

The PRESIDENT: If you have concluded your answer, Attorney-General, Senator Wong, a final—

Senator BRANDIS: Sorry, Mr President; I have not completed my answer. I am not aware of any other conversations I have had with Mr Keenan in relation to the execution of search warrants.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:53): Mr President, I ask a further supplementary question. Did the Attorney-General speak to anyone else about the execution of a search warrant on the home of Mr Brough? If so, whom did he tell and when? How hard is it to recall these conversations, Attorney?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:54): After having been advised by Mr Keenan after—

Senator Wong: Now it comes out.

Senator BRANDIS: I was not asked about Mr Keenan's advice after the warrant had been executed. I was asked whether I had—

Senator Wong interjecting—
The PRESIDENT: Pause the clock. A point of order, Senator Macdonald?

Senator Ian Macdonald: Mr President, I am sitting not two metres from the Attorney, and I cannot hear him because of the constant yelling by Senator Wong, the Leader of the Opposition in the Senate. You have warned her several times. She asks a question, turns her back and yells at her backbench when she has asked a question of the minister.

Senator Cameron: You are such a hypocrite!

Opposition senators interjecting—

The PRESIDENT: Thank you, Senator Macdonald. Order on my left!

Senator Bernardi: Mr President, I rise on a point of order. Senator Cameron used most unparliamentary words in abuse of Senator Macdonald, and I ask him to withdraw.

The PRESIDENT: Senator Cameron, in the noise of the chamber I did not hear anything you may have said. If you did say anything inappropriate, I would ask you to withdraw.

Senator Cameron: I do not think—just for a full explanation—calling Senator Macdonald a hypocrite is anything but the truth.

The PRESIDENT: No; you cannot say that, Senator Cameron. You will have to withdraw that.

Senator Cameron: I withdraw.

The PRESIDENT: Thank you, Senator Cameron. Attorney-General, you have the call.

Senator BRANDIS: Let me read onto the record of the Senate what Mr Keenan did say, so that the gravity and seriousness of Senator Wong's misrepresentation of what he said can be apparent: 'Thank you very much, Mr Speaker—'

The PRESIDENT: Pause the clock. A point of order, Senator Wong?

Senator Wong: Mr President, the point of order is direct relevance.

Senator Kim Carr interjecting—

The PRESIDENT: Senator Carr, I cannot hear your leader.

Senator Wong: Mr President, the point of order is direct relevance.

Senator Kim Carr interjecting—

The PRESIDENT: Senator Carr, I cannot hear your leader.

Senator Wong: I asked about the discussions the Attorney-General had in relation to the search warrant on the home of Mr Brough. That is what I asked about. With respect, Mr President, if he wants to make this contribution post question time, he is welcome to do so.

The PRESIDENT: In light of the question that has been asked of the Attorney-General—the series of three questions and the last supplementary—I will allow the Attorney-General to continue.

Senator BRANDIS: So Mr Keenan said: ‘Thank you very much, Mr Speaker. After the warrants were executed, as I would normally do in a matter like this, I informed the Prime Minister's chief of staff and the Attorney-General—

Opposition senators interjecting—

The PRESIDENT: Order on my left!

Senator BRANDIS: as the cabinet minister in the portfolio.’ It was after the warrants were executed. Senator Wong, you also asked me whether I had any conversations with anyone after I was informed by Mr Keenan, after the warrants had been executed. I may well have done.
Remote School Attendance Strategy

Senator LINDGREN (Queensland) (14:57): My question is to the Minister for Indigenous Affairs, Senator Scullion. Will the minister update the Senate on how the government's Remote School Attendance Strategy is delivering on this government's commitment to get more children into schools in remote communities?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:57): I thank the senator for that question and acknowledge her keen interest in improving educational outcomes for our children, a passion that she has brought to this place with some 20 years experience as an educator. When we came to government, we found that there had been no improvement in the very poor school attendance rates in most remote Indigenous communities. In fact, we found that, from 2007, attendance was dropping in many places. While some may wash their hands and say this is a state and territory government responsibility, which it is, it was clear that a new approach was needed, so this government acted and acted decisively.

In 2014 the government introduced the Remote School Attendance Strategy to improve school attendance. School attendance officers are now operating in 73 schools, in 69 communities, and I am pleased to report that, while we still have a long way to go, we are making real progress. In the Northern Territory, attendance rates at government schools have increased. For example, the attendance rates at both Ngukurr and Alekarenge schools rose by 15 per cent from term 2 in 2013 to term 2 in 2015. In Senator Lindgren's home state of Queensland, government asked our schools, and the number of children attending school increased by 12 per cent over the same period of time. We have all seen a number of individual schools in Western Australia and South Australia with large increases. This government is committed to the challenge of making sure children go to school and building on the progress that has already been made. That is why I have recently announced an additional $80 million to extend the Remote School Attendance Strategy for a further three years, until the end of 2018.

Senator LINDGREN (Queensland) (14:59): Mr President, I ask a supplementary question. Why is it important for the Commonwealth to prioritise improvements to school attendance in remote communities?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:59): We all recognise that a good education is the foundation of a healthy and successful life. We know that the evidence says: if you are not attending school at least 90 per cent of the time, you are not retaining the information you need to get a proper education. A Western Australian study has found that as much as one-third of the gap in educational attainment between Indigenous and non-Indigenous children could be attributed to poorer rates of school attendance for Indigenous children.

A good education leads to good employment opportunities and supports a healthy and safe community. Whilst there has been a lot of talk around this place about targets and aspirations, we on this side of the chamber recognise that the most effective way to deliver better outcomes for Indigenous Australians is to work on the ground with communities to deliver practical solutions.
The Remote School Attendance Strategy is a community-driven strategy, and this kind of improvement is only possible when schools, parents, families and local organisations work together to get these kids to school.

Senator LINDGREN (Queensland) (15:00): Mr President, I ask a further supplementary question. Can the minister also advise how the Remote School Attendance Strategy is supporting local Aboriginal and Torres Strait Islander people into real jobs?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (15:01): Again I thank the senator for that question. I am pleased to report that the Remote School Attendance Strategy is providing real jobs for many Aboriginal and Torres Strait Islander people in remote communities across Australia. There are currently over 500 local community members employed as school attendance supervisors and school attendance officers across the 73 communities that the strategy is operating in. These attendance officers who are on the front line of efforts to get children attending school are all local people who know their communities. It has been a great privilege of my job to spend time with them and to see their determination. I must say that the most pleasing aspect has been the number of school attendance officers who have been poached by other organisations in the community. That has been a real starting point to begin a great career. From Donald in Yirrkala to Lennie in Halls Creek, school attendance officers are doing such a great job, and I take this opportunity to thank them for the fantastic work they are doing for their communities.

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Goods and Services Tax

Senator POLLEY (Tasmania) (15:02): I move:

That the Senate take note of the answers given by the Minister for Tourism and International Education (Senator Colbeck) and the Minister for Rural Health (Senator Nash) to questions without notice asked by Senators Urquhart and Polley today relating to the Goods and Services Tax.

Today we saw again in this Senate a pathetic attempt to try to dismiss what we know the government has planned, and that is the increase of the GST to 15 per cent. When it came out into the public domain report that the GST will be added to everything—including fresh food, vegetables and fruit—the representative of the Minister for Health in this place said that she does not want to intervene in this debate. The Minister for Health has the responsibility to provide decent policy and to ensure that we have the best possible health system in this country.

The health system is only what we created when we were in government, because the Abbott-Turnbull government has actually cut $60 billion out of health. Senator Nash, you represent the Nationals in this place and you are the representative of the Minister for Health. If you are not concerned about $60 billion being cut out of the health budget, then who on your side would be? Obviously the Nationals are the doormat for this government, but we on this side will always stand up for struggling families. We will always oppose any increase to the GST to 15 per cent, because it will impact on every Australian family and every individual in this country. It does not matter whether you are going to the grocery store or
whether you are going to the greengrocer; you are going to be hit. Every time you buy new school uniforms, your family will have to pay 15 per cent on all those items. Every single day when parents and carers around this country pack a child's lunch to go to school, they will have 15 per cent imposed on the cost of the apple that is put into that lunch. These are the real, everyday effects that this government's GST increase will bring to Australian families.

We have Senator Nash crying 'foul', accusing us on this side of scaremongering. This Turnbull-Abbott government are world-renowned for their scare campaigns. The former Prime Minister, the one who was rolled by those opposite, was a master of the three-word slogan, but those opposite are now finding that they may have changed their leader, he may wear better suits, he may be able to put more than three words together, but he is still defending the cuts that were made in last year's budget and this year's budget. They still have the same policies, except now they say, 'We want to have a mature debate about the taxation system in this country'. All we have done today in question time has been to ask questions about what the impact will be of a 15 per cent impost on medical services, medical appliances and everything that Australian families need around health. We already know that they have tried to undermine Medicare; we know because it is in their DNA to destroy Medicare. But when it comes to families being able to manage their budgets, coming up with that extra 15 per cent on everything across the board—everything that affects their household—this government is so unfair. It is a heartless government that has no idea how difficult it is for Australian families to meet their weekly budgets.

We know that people who live on a pension and low-income families are often forced during the cold winter months to go to bed with their electric blanket because they cannot afford electricity prices. What we will see is a greater impact and cost burden and another new big tax by this government on electricity, on gas, on groceries, on health care and on education, and all other bills will go up and they will keep going up.

A 15 per cent GST will have an enormous impact on Australian families and, in my home state of Tasmania, they can least afford it. We have the most challenges when it comes to people who are unemployed. We have a lot of trouble when it comes to people having the opportunity to go on to tertiary education. So, on top of the plan by this government to erode those opportunities for everyday Tasmanians, the government now wants to increase the GST to 15 per cent.

_Senator Ian Macdonald interjecting—_

**Senator POLLEY:** It is very easy. Just come in here and tell us that you will not support it. (_Time expired_)

**Senator Ian Macdonald:** Be nice.

**Senator SESELJA** (Australian Capital Territory) (15:07): I thank Senator Macdonald for the words of advice. I will indeed follow his wise counsel.

**Senator Conroy:** I would not follow 'Wacka' anywhere.

**Senator SESELJA:** I would follow 'Wacka', but I was actually talking about Senator Macdonald. I am grateful for the advice from Senator Macdonald, as the father of the Senate, and I am grateful for Senator 'Wacka' Williams' advice as well. I am glad that I was able to take 30 seconds responding to Senator Conroy's interjections—

**Senator Conroy:** Because you've got nothing to say.
Senator SESELJA: This attack from the Labor Party is getting somewhat boring.

Senator Conroy: Would you like me to fill in another few minutes for you?

Senator SESELJA: You are right, Senator Conroy, it is hard to fill up five minutes again responding to the same ridiculous question time tactics that we have seen from the Labor Party. Which strategic genius in the Labor Party came up with the 'devastating' attack in question time that we saw today? Those in the Press Gallery are still reeling from the absolute brilliance that we saw in Labor's question time attack! They are in meltdown up there—in absolute meltdown—over this extraordinary surprise attack on the GST, led by Senator Wong and now followed up by Senator Polley. We never could have seen that coming, and it has left those on this side absolutely reeling! It is an extraordinary attack, and I think whoever thought of it should be congratulated.

Let us talk about what we are dealing with in this country when it comes to tax reform and discussion around tax reform. We are talking about a mature and sensible debate that many are engaging in, except the federal Labor opposition. The federal Labor opposition, through their 'devastating' attacks in question time, are choosing to exclude themselves from that discussion. That is well and good. That is their choice, and they will go to the voters with that kind of a plan and that kind of a record. But the coalition government has a fundamental focus, and the fundamental focus is on growing jobs and growing the economy. That is absolutely what we want to do, and we will do it in difficult times and with global challenges. If we had a serious alternative government, they would have been asking questions about jobs and the economy, because that is the most important thing a government can be doing. Senator Cash talked about something like 290,000 jobs that have been created since the changed Senate.

We came into government with a plan to get rid of the carbon tax, get rid of the mining tax, sign up free trade agreements so that we can grow the economy, and cut red tape for small business. Of course, a number of these things were frustrated for some time by the old Senate. But then we did see the carbon tax removed, we did see the mining tax removed and we have also seen the wonderful work on free trade agreements. We are starting to see the dividends of many of those policies. There are also our small business policies, which are not only about cutting red tape but also giving small business a tax cut and giving them a recent asset write-off. That is starting to flow through the economy. And, as I said, something like 290,000 jobs have been created. I think it is over 200,000 this year. I think that is something the Treasurer has said. That is something that we should be proud of, and it is something that we want to build on.

Some state premiers are engaging in serious discussions about tax reform, and the Commonwealth government is very open to this. Unlike the Labor Party, we don't just want to increase taxes; we are open to the question of tax reform. But it needs to be about—creating jobs and growing the economy. There is nothing better a government can do than create jobs—many jobs and high-paying jobs—for people in our economy, because that is the way people can get ahead and live the most dignified lives. That is what we in this place should be fighting for. The rubbish that the opposition go on with reflects very poorly on them. (Time expired)

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (15:12): We know that this government has a huge table piled with stuff, but those opposite cannot seem to
agree on exactly what that stuff is. Our Prime Minister is unshakeable from the assertion that everything is on the table—and this includes a hit to the cost of living for every single Australian through a GST hike. In fact, in a recent interview with 5AA in Adelaide, the Prime Minister was very clear that the GST holds a prominent place in his planned changes to our taxation system. On this issue, Prime Minister Turnbull said:

I know Stephen very much shares my view which is that changes to the GST should be on the table.

But last week in this place, my Tasmanian colleague Senator Colbeck seemed blissfully unaware of his leader's intentions when he told question time last week that there was no proposal on the table from the government. Perhaps Senator Colbeck knows exactly what his leader is really planning but he is trying to distance himself from it. He knows, like I do, that a GST hike would be bad for Tasmania. It would be bad for Tasmanian workers, bad for Tasmanian pensioners, bad for those seeking work and bad for all Tasmanian families. It would also be bad for Tasmanian businesses—businesses like our salmon and apple producers, who would suffer the double hit of trying to sell their goods at a higher price to Australians who will have less money.

I am particularly concerned that those opposite are planning to slug the GST charge on the price of fresh food, which is currently exempt. We know that many fresh foods are already more expensive than some far less nutritious offerings on the supermarket shelves. We know that grocery bills are already forcing Australians to make difficult decisions when their need for a healthy diet comes into direct conflict with the money that they have in their wallets. If the GST were applied to fresh food, it would be inevitable that financial realities would lead many Australians to forgo fresh food in favour of cheaper junk food and inevitably our health outcomes would suffer, but those opposite do not seem to care about that. We need to be encouraging Australians to eat more of our amazing fresh produce—like Tasmanian salmon and apples—not putting it out of their reach.

The obvious discrepancy between our Prime Minister and our tourism minister is not the only inconsistency in the ranks of our government when it comes to the GST. On one hand we have the Prime Minister talking in soothing words about fairness. He assures us that poor Australians will not be worse off and he tells us that there will be compensation packages to make up for the hike in the cost of living for those on low incomes. Then on the other hand we have his Treasurer, Mr Scott Morrison, saying that, 'Any change to the GST would not result in a greater tax take from the federal government.' He tells us that if a GST were brought in it would be counterbalanced by tax cuts in other areas. It does not take an economist to work out these two statements are mutually incompatible.

Let us be clear, the GST is a regressive tax. It is the basic reality that the less you earn the more you have to shell out as a proportion of your income on the GST. If you are going to hike the GST but cut income tax without increasing the overall tax take, you are just replacing a progressive tax with a regressive one and that, by definition, will hit the poorest people in the country. Who do you think is going to benefit out of this? The richest in the country. The most wealthy in our society. This is a government that jumps and shouts about a plan to cut down on smoking but will not reject a tax hike on fresh fruit and vegetables—talk about twisted priorities. Swapping a progressive tax for a regressive one is not about reform. It is a lazy swipe at low-income Australians. Hiking the cost of living for everyday working Australians with no net budgetary benefit is not good economic management; it is just a cheap
attack on the most vulnerable people in our society. Adding a GST burden to the cost of fresh food is not a choice that is in the national interest. It is a recipe for a health disaster. (Time expired)

Senator WILLIAMS (New South Wales) (15:17): I find it amazing that Senator Urquhart is talking about the cost of living and—

Senator Conroy: The GST's main man.

Senator WILLIAMS: We have got Senator Conroy interjecting again—dear oh dear. We will just disregard the interjections. I will talk to you, Deputy President. They want to go into the next election with this huge carbon tax, this huge price on carbon because that is not going to affect the price of electricity. As Senator Polley said, people have to go to bed in their electric blankets to keep warm. Those opposite would tax our electric blankets; that is their plan. Haven't they learnt? Who is running their tactics? It is probably Senator Conroy running the tactics for the opposition, hence the pathetic attack and the scaremongering they are going on with.

Senator Polley talked about these huge cuts on health spending by the government. It is quite amazing that when the opposition were in government and they knew they were going to lose the election, they made this enormous promise about all this spending on health and education knowing full well they were going to lose the election. They brought back Kevin Rudd to try and save the furniture when they sacked Prime Minister Julia Gillard. They went into this huge promise knowing full well they would never have to budget for it and never have to deliver it.

I am on a health inquiry with Senator Deb O'Neill at the moment. I was in Sydney last week. We just gave a 12.7 per cent increase this financial year to New South Wales for hospital spending. With 7.5 per cent next year, that is over 20 per cent in two years, and those opposite are saying we are cutting the spending in health. It is quite amazing that we are actually delivering it.

When you talk about the scaremongering of raising the GST, there is only one person in Australia who has said we should raise the GST and that is Mr Jay Weatherill, the Premier of South Australia. The Labor Premier of South Australia said, 'Let's raise it to 15 per cent.'

Opposition senators interjecting—

Senator WILLIAMS: I say to those opposite—when I can get a word in from Senator Conroy—if only you understood business. This is what happens in business: if you are running a business and you have got a debt, the best way to pay for that debt or decrease it is to grow your business.

Senator Conroy interjecting—

Senator WILLIAMS: You would not understand about business, Senator Conroy, because you have probably just been around the union movement most of your life like all your colleagues over there. They are all out of the union movement. The only thing you ever sold in your life was a union ticket.

Senator Conroy: No wonder you hate unions.

Senator WILLIAMS: I do not hate unions.
The DEPUTY PRESIDENT: Senator Williams, ignore the interjections as I am also trying to.

Senator WILLIAMS: I will do my best but it is very difficult to ignore them. I do not hate unions. I was once a member of the Australian Workers' Union, when I was shearing in 1978 in the Flinders Ranges. I had a choice: buy a union ticket or get out of the shed. They held a gun at my head—buy a union ticket or get out of the shed or you will lose your job. Those opposite, if only you had some business experience. When you have a debt, you grow your business and that is what we are aiming to do.

Those opposite should stand up and say, 'Our tax system is perfect. We have the most perfect tax system in the world. No need to look at it. No need to adjust it. No need to discuss it with the Australian people or with the business sector or with the various interest parties throughout our nation. Don't talk about it; it is perfect.' You are saying our tax system is perfect. I will tell you what is wrong with our tax system. The states have a payroll tax and I think it is a disgusting tax. As John Laws always says, 'The more you tax something the less you have of it.' What do we say when a business grows from, say, the threshold in New South Wales of around 14 to 15 employees? We say, 'We are going to tax you.' For what reason? You naughty business—you grew and you employed people. What a terrible thing to do. This is why we say, 'Don't have the discussion.'

I talk to businesses as I travel around and the payroll tax costs them, but let's not discuss that because the tax system is perfect. Ask those union reps on the other side. They have never run a business. They know all about growing business and handling tax—with no experience! They just do what the unions tell them to do. That is all they do. All they are worried about is who writes their cheques—the CFMEU. They just do as they are told by the union movement. It is amazing that they simply do not understand that we must grow our businesses.

When they were in government they had the best terms of trade our country has ever seen and record prices for iron ore, coal and all the exports. Of course, those prices have collapsed dramatically now, which is a terrible shame for those businesses and for the country as a whole. So they had all this money coming in and of course they just blew it. Now they are experts on taxation. Let us have the discussion. Let us see what we can do better to make our economy stronger, to employ more people, to grow businesses and to help to get Labor's debt under control. You just cannot believe how quickly they could have grown such debt and wasted so much money. (Time expired)

Senator McALLISTER (New South Wales) (15:23): If I was confused at the end of question time about the government's position on the GST, I am afraid I am no more enlightened at this point because I have heard from the other side that there are no plans. I have also heard that everything is on the table. I have heard from Senator Nash that what is required is a balanced, mature, sensible and responsible conversation about tax and I have heard perhaps similar sentiments from others, as they move to have an entirely unbalanced, entirely silly conversation about the sensible measures proposed by the Labor Party to reasonably deal with the very real threat of climate change and the sensible measures proposed by us to rein in smoking rates and to start to address the very horrible costs, both personnel and economic, that smoking inflicts on families in this nation.
The only thing that senators opposite do not want to talk about is the GST because we all know that the GST is on the table. The Prime Minister has told us that everything is on the table, that the GST should be on the table, and we know that people opposite do not want to talk about it because an increase in the GST is not in any way in the interests of Australian people. The Australian people do not want GST extended to fresh fruit and vegetables and to products like Tasmanian apples and Tasmanian salmon. The Australian people do not want and nor is it in their interests for the GST to be extended to health services or to education services. Nor is it in the interests of the Australian people for the GST to be increased from the current 10 per cent to 15 per cent. All of these things are on the table because, despite the denials from those opposite or sometimes the endorsement that everything is on the table, it is very clear that at the heart of the government's agenda on taxation is a reduction in corporate tax at the expense of ordinary people by increasing the GST they currently pay. For those people that will mean that every single time they walk into a supermarket, every time they walk into a shop to get the gear ready for a return to school, every time you go shopping for Christmas presents, every time they go to see a medical officer, changes to the GST of the kind imagined and hoped for by those opposite will be very bad news for Australian families. We can understand it at that visceral level. We can imagine what it means to households but, thanks to ACOSS, we also have the modelling which tells us what it will mean at a national level. The ACOSS modelling tells us that, even in its current form, the GST is regressive, raising almost twice the share of GST from the lowest 20 per cent of household incomes compared to the top 20 per cent. Although high-income earners pay more in dollar terms, the GST has a much bigger impact on low-income households because they have much less income to spend.

So what would happen if we changed the GST along the lines advocated by those opposite? Extending the GST to fresh food would cost an additional two per cent of income for the lowest 20 per cent of households but only the 0.6 per cent of income for those with the highest income. How shameful! This is a measure which absolutely targets the living standards of the lowest 20 per cent of households.

Senator Conroy: That is the plan, though.

Senator McALLISTER: What would happen, Senator Conroy, if we extended the GST to health? It would cost an additional 1.6 per cent of income for the lowest 20 per cent of households but only 0.6 per cent for the highest 20 per cent. And what would happen overall if all these changes were put into place? We would see the lowest 20 per cent paying 4.6 per cent more of their income in tax compared to just 1.7 per cent for the top 20 per cent. This tells us that this is deliberately designed to increase inequality in this country. It is a tax that reaches into the families who people on this side of the chamber will never ever abandon because we did not come here to increase inequality, we did not come here to punish low-income families and middle-income families and we did not come here to support the GST. So people on the other side of the chamber can vacillate about whether it is on or off the table, but we know that, if it comes before this chamber, senators on this side will be voting against it.

Question agreed to.

Renewable Energy

Senator RICE (Victoria) (15:28): I move:
That the Senate take note of the answer given by the Attorney General (Senator Brandis) to a question without notice asked by the Leader of the Australian Greens (Senator Di Natale) today relating to renewable energy.

It was very disappointing to hear the response by Senator Brandis to Senator Di Natale's reasonable questions about the future of the Clean Energy Finance Corporation and the Australian Renewable Energy Agency and the need to end the subsidising of fossil fuels in Australia. It was sad because it is reflective of the lack of commitment, the lack of urgency and the lack of seriousness that our government gives to the incredibly urgent problems we face of global warming. And it was particularly sad and particularly poignant given the Prime Minister is in Paris at the moment really showing what a disappointment Australia is on the global stage, how we are not pulling our weight in recognising the importance of taking action on global warming and being willing to say, yes we are up to the challenge of reducing our carbon emissions in the amount that they need to be reduced and doing the equivalent increase in production of renewable energy. It is clear that the government is still considering those options, which would be a complete disaster in terms of future investment and the future health of the renewable energy industry in Australia.

In terms of our energy future, renewables are where it is at. We know that if we are going to have a future as humanity and as societies around the world, and if we are not going to lose so many people and have so much suffering, we need to be drastically reducing our carbon pollution as quickly as possible. Yet we have Prime Minister Turnbull in Paris basically talking the same agenda as the climate denialist, our former Prime Minister Tony Abbott. Mr Turnbull might speak in more eloquent words and longer sentences, but his message is the same. It is a climate denialist message—not acknowledging what needs to occur in order to reduce our carbon pollution. It is reflective of the position that we now find ourselves in in Australia. I remember when I was travelling the world as a young adult and going to Europe in 1980. There was that sense of pride that Australia was leading the world on environmental and social issues. Now we are completely backwards. It is not in the interests of the world, but it is also not in the interests of Australia. What is in the interests of Australia is acknowledging the potential for jobs and the potential for our economy, as well as the potential for our future, of seriously embracing the opportunities of clean energy.

Beyond Zero Emissions recently released a report that showed the potential for Australia to be a renewable energy superpower and outlined the potential of the renewable energy resource that we have here in Australia. It is now even cheaper to be developing those clean energy resources than it is for new fossil fuels, but instead we are continuing to subsidise fossil fuels. Not only is our Prime Minister running the agenda of former Prime Minister Tony Abbott but he is also running the agenda of the National Party politicians here, who are addicted to their old, polluting, dirty ways of doing business when we could be helping people throughout Australia, throughout regional communities, throughout country areas, to embrace the opportunities of renewable energy. We could be encouraging the rollout of solar energy on every dairy farm across the country. For intensive energy users like that, there is so much potential for them to be able to change their energy usage to clean energy.

The Greens commitment of 90 per cent renewable energy by 2030, if adopted, would unleash an absolute avalanche of investment in renewables. It would mean that we would have massive growth in renewable energy, massive growth in jobs and massive growth in working with the rest of the world, instead of being a laggard. We are not adopting serious
targets and not signing on to reducing subsidies for fossil fuels. It means that we are being left behind. So I really look forward to the day that we have a change of government and change of leadership so that we can have a commitment to clean energy and to a clean future for us all.

Question agreed to.

**BILLS**

**Australian Citizenship Amendment (Allegiance to Australia) Bill 2015**

Explanatory Memorandum

Senator RYAN (Victoria—Assistant Cabinet Secretary) (15:33): I table a revised explanatory memorandum relating to the Australian Citizenship Amendment (Allegiance to Australia) Bill 2015.

**NOTICES**

Presentation

Senator Scullion to move:

That the following bill be introduced: A Bill for an Act to amend the law relating to social security, and for related purposes. *Social Security Legislation Amendment (Community Development Program) Bill 2015*.

Senator Rhiannon to move:

That the Senate—

(a) notes that, in Australia:

(i) Marie Stopes International, a not-for-profit healthcare organisation, is improving access to sexual and reproductive health services for women in Australia,

(ii) a new telehealth model provides women in regional and rural areas with a new way of accessing these important services, and

(iii) the organisation has registered a world first early medical termination of pregnancy product, giving women the opportunity of choosing a medical termination for up to 63 days’ gestation (9 weeks);

(b) further notes that, internationally:

(i) more than 225 million women want effective contraception, but are unable to access it, with over half of this unmet need occurring for women in the Asia Pacific,

(ii) every day 800 women die from pregnancy and childbirth, and that this number would fall by two-thirds if every woman who wanted contraception could access it,

(iii) over 18 million people worldwide were using contraception provided by Marie Stopes International last year—preventing over 5 million unintended pregnancies and nearly 4 million unsafe abortions, and

(iv) Marie Stopes International has pledged to provide services to 12 million new users of contraception as part of the global Family Planning 2020 initiative; and

(c) calls on the Government to meet the commitment made by Australia at the 2012 Family Planning Summit, for an annual contribution of $53 million to family planning by 2016.

Senators Lines and Peris to move:

That the Senate notes that:

(a) support to 'Close the Gap' on health has been a bipartisan commitment;
(b) the World Health Organization has declared incidents of ear disease in communities in Western Australia and the Northern Territory to be a 'massive health problem', with the number of Aboriginal and Torres Strait Islander children in remote community suffering with middle ear infections to be as high as 93 per cent;

(c) the relationship between hearing loss and early interaction with the justice system has been recognised by Indigenous health experts;

(d) the Western Australian Minister for Health, Mr Hames, has, during the week beginning 29 November 2015, cancelled the Government funding of the Telethon Speech and Hearing's Ear Health program, an Aboriginal children's ear clinic based in Perth, despite its rating of 'outstanding' in an independent review; and

(e) to achieve progress toward closing the gap across Australia, governments at all levels must recognise the importance of adequate funding for ear health services for Aboriginal and Torres Strait Islander children.

Senator McKim to move:

That the government business order of the day relating to the consideration of the Tax and Superannuation Laws Amendment (2015 Measures No. 3) Bill 2015 be discharged from the Notice Paper.

Senator Leyonhjelm to move:

That the following bill be introduced: A Bill for an Act to amend certain Acts relating to the territories, and for other purposes. Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015.

Senator Brandis to move:

That the following bill be introduced: A Bill for an Act to amend the law relating to the administration of courts, and for other purposes. Courts Administration Legislation Amendment Bill 2015.

Senator Wang to move:

That the Senate—

(a) notes that about one in ten teaching graduates failed to meet benchmark literacy and numeracy standards in an exam trialled by the Federal Government to ensure universities are providing teaching graduates of the highest possible standard; and

(b) calls on the Government, through its focus on research and innovation, to:

(i) keep its sights on the quality of our teachers, who are incubating the next generation of Australian researchers and innovators, and

(ii) ensure universities are accountable for all graduates meeting benchmark literacy and numeracy standards.

Senator Conroy to move:

That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 30 April 2016:

Operations of Defence Housing Australia, with particular reference to:

(a) senior management arrangements and board composition;

(b) whether the requirements of the Defence Housing Australia Act 1987 have been met;

(c) how the review announced by the Minister for Finance on 11 May 2015 will affect the accounting, information technology and business reporting systems;
(d) what role land sales will play in future business planning, and what implications there are for current residents if existing housing stock is sold; and
(e) any other related matter.

Senator Siewert to move:

That the Senate—

(a) notes:
   (i) the report from the Change the Record Coalition, Blueprint for change: Changing the record on the disproportionate imprisonment rates, and rates of violence experienced by Aboriginal and Torres Strait Islander people, and
   (ii) that the Change the Record Coalition is a significant group of leading Aboriginal and Torres Strait Islander, human rights, legal and community organisations;
(b) acknowledges that:
   (i) in the past 10 years we have seen an 88 per cent increase in the number of Aboriginal and Torres Strait Islander people in prison,
   (ii) Aboriginal and Torres Strait Islander people are 13 times more likely to be in prison than non-Indigenous Australians, and
   (iii) Aboriginal and Torres Strait Islander women are 34 times more likely to be hospitalised as a result of family violence than non-Indigenous women; and
(c) calls for
   (i) Commonwealth, state and territory governments to work together to close the gap in imprisonment rates of Aboriginal and Torres Strait Islander people, and cut disproportionate rates of violence experienced by Aboriginal and Torres Strait Islander people, particularly women and children, and
   (ii) urgent and coordinated national action to close the gap in imprisonment rates of Aboriginal and Torres Strait Islander people and cut disproportionate rates of violence experienced by Aboriginal and Torres Strait Islander people, particularly women and children.

Senators Wang and Whish-Wilson to move:

That the Senate—

(a) notes that:
   (i) in 1979 Australia adopted an anti-whaling policy, permanently ending whaling in Australian waters,
   (ii) in 1986, the International Whaling Commission moratorium on commercial whaling came into place,
   (iii) in March 2014, Australia won its case against Japan in the International Court of Justice in regards to whaling in Antarctic waters,
   (iv) in November 2014, Japan lodged a new whaling plan with the International Whaling Commission to slaughter 3 333 minke whales in Antarctic water,
   (v) in April 2015, the Scientific Committee rejected the need for lethal whale sampling in order for Japan to achieve its scientific objectives,
   (vi) on 19 November 2015 the Federal Court of Australia fined the Japanese whaling company Kyodo $1 million for hunting whales within an Australian whale sanctuary, and
   (vii) in the week beginning 29 November 2015, the Japanese Government gave notice that the whaling fleet will be leaving port to carry out their commercial whaling; and
(b) calls on the Government and the Prime Minister (Mr Turnbull) to:

(i) uphold their election commitment and send a customs patrol vessel to monitor any Japanese whaling activity, and collect evidence for future legal actions,

(ii) raise the issue, and express the disappointment of the Australian people, directly with the Japanese Prime Minister, Shinzo Abe, during discussions on bilateral relations, and

(iii) consider the option put forward by the Second Sydney Panel of Independent Experts to pursue United Nations Convention on the Law of the Sea dispute resolution mechanisms to hold Japan accountable for their continued commercial whaling.

Senator Lazarus to move:

That the Senate—

(a) recognises the important work of the Australian Federal Police, the Queensland Police Service, Australian Border Force and other government agencies in protecting Australia's northern coastline, borders and communities;

(b) acknowledges the growing need to increase Australia's policing capacity in, and monitoring of, our northern waters in view of:

(i) the strategic importance of the region,

(ii) its proximity to the Papua New Guinea coastline,

(iii) the large area to cover and growing number of incidents, for example, authorities monitor an estimated 250 000 boat trips per year and conducted 68 search and rescue operations in 2014, and

(iv) the need for nearby communities to feel safe;

(c) notes the Queensland State Government and the Queensland Police Union's calls for the Federal Government to help fund the build of a multi-jurisdictional government facility, Australia's northernmost police station, on Sabai Island, located in the Torres Strait of Queensland, to service the northern region; and

(d) calls on the Federal Government to consider contributing to the funding of the facility to increase Australia's police presence and border protection and management activities in the northern region.

Senators Bullock and Back to move:

(1) That the Senate notes that:

(a) in today's culture, children's use of smart phones, tablets and computers has increased markedly;

(b) online pornography is easily accessed, and a growing number of children are viewing it at an early age;

(c) recent studies have shown that exposure to pornography has measurable negative effects on brain development and behavioural outcomes;

(d) online pornography is increasingly violent in its content, particularly against women, and exposure correlates with children's acceptance of violent attitudes and beliefs;

(e) violence against women is often linked back to early and repeated exposure to pornography;

(f) violence towards, and abuse of, children is often linked to early and repeated exposure to pornography;

(g) children increasingly access the Internet outside their home environment; and

(h) previous inquiries in Australia have not adequately addressed the question of children's (those under 18 years-of-age) exposure to online pornography and the harm caused because of that access.

(2) That the following matter be referred to the Environment and Communications Legislation Committee for inquiry and report by the first sitting day in December 2016:
Harm being done to Australian children through access to pornography on the Internet, with particular reference to:

(a) trends of online consumption of pornography by children and their impact on the development of healthy and respectful relationships;
(b) current methods taken towards harm minimisation in other jurisdictions, and the effectiveness of those methods;
(c) the identification of any measures with the potential for implementation in Australia; and
(d) any other related matters.

Senator Siewert to move:
(1) That the following matter be referred to the Community Affairs References Committee for inquiry and report by 30 July 2016:

The indefinite detention of people with cognitive and psychiatric impairment in Australia, with particular reference to:

(a) the prevalence of imprisonment and indefinite detention of individuals with cognitive and psychiatric impairment within Australia;
(b) the experiences of individuals with cognitive and psychiatric impairment who are imprisoned or detained indefinitely;
(c) the differing needs of individuals with various types of cognitive and psychiatric impairments such as foetal alcohol syndrome, intellectual disability or acquired brain injury and mental health disorders;
(d) the impact of relevant Commonwealth, state and territory legislative and regulatory frameworks, including legislation enabling the detention of individuals who have been declared mentally-impaired or unfit to plead;
(e) compliance with Australia's human rights obligations;
(f) the capacity of various Commonwealth, state and territory systems, including assessment and early intervention, appropriate accommodation, treatment evaluation, training and personnel and specialist support and programs;
(g) the interface between disability services, support systems, the courts and corrections systems, in relation to the management of cognitive and psychiatric impairment;
(h) access to justice for people with cognitive and psychiatric impairment, including the availability of assistance and advocacy support for defendants;
(i) the role and nature, accessibility and efficacy of programs that divert people with cognitive and psychiatric impairment from the criminal justice system;
(j) the availability of pathways out of the criminal justice system for individuals with cognitive and psychiatric impairment;
(k) accessibility and efficacy of treatment for people who are a risk of harm to others;
(l) the use and regulation of restrictive practices and their impact on individuals with cognitive and psychiatric impairment;
(m) the impact of the introduction and application of the National Disability Insurance Scheme, including the ability of individuals with cognitive and psychiatric impairment to receive support under the National Disability Insurance Scheme while in detention; and
(n) the prevalence and impact of indefinite detention of individuals with cognitive and psychiatric impairment from Aboriginal and Torres Strait Islander and culturally and linguistically diverse backgrounds, including the use of culturally appropriate responses.
(2) That for the purposes of this inquiry:
   (a) indefinite detention includes all forms of secure accommodation of a person without a specific date of release; and
   (b) this includes, but is not limited to, detention orders by a court, tribunal or under a disability or mental health act and detention orders that may be time limited but capable of extension by a court, tribunal or under a disability or mental health act prior to the end of the order.

Postponement

The following items of business were postponed:

General business notice of motion no. 929 standing in the name of Senator Siewert for today, relating to the New South Wales Custody Notification Service, postponed till 2 December 2015.

General business notice of motion no. 969 standing in the name of Senator Xenophon for today, proposing an order for the production of documents by the Minister for Education and Training, postponed till 2 December 2015.

General business notice of motion no. 979 standing in the name of Senator Madigan for today, proposing a variation to the resolution of appointment of the Joint Standing Committee on Electoral Matters, postponed till 2 December 2015.

COMMITTEES

Community Affairs References Committee

Reference

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:35): I, and also on behalf of Senator Polley, move:

That the following matter be referred to the Community Affairs References Committee for inquiry and report by 30 June 2016:

(a) the current composition of the aged care workforce;
(b) future aged care workforce requirements, including the impacts of sector growth, changes in how care is delivered, and increasing competition for workers;
(c) the interaction of aged care workforce needs with employment by the broader community services sector, including workforce needs in disability, health and other areas, and increased employment as the National Disability Insurance Scheme rolls out;
(d) challenges in attracting and retaining aged care workers;
(e) factors impacting aged care workers, including remuneration, working environment, staffing ratios, education and training, skills development and career paths;
(f) the role and regulation of registered training organisations, including work placements, and the quality and consistency of qualifications awarded;
(g) government policies at the state, territory and Commonwealth level which have a significant impact on the aged care workforce;
(h) relevant parallels or strategies in an international context;
(i) the role of government in providing a coordinated strategic approach for the sector;
(j) challenges of creating a culturally competent and inclusive aged care workforce to cater for the different care needs of Aboriginal and Torres Strait Islander peoples, culturally and linguistically diverse groups and lesbian, gay, bisexual, transgender and intersex people;
(k) the particular aged care workforce challenges in regional towns and remote communities;
(l) impact of the Government's cuts to the Aged Care Workforce Fund; and
(m) any other related matters.

Question agreed to.

MOTIONS

Pregnancy and Infant Loss Remembrance Day

Senator POLLEY (Tasmania) (15:35): I, and also on behalf of Senator Bilyk, move:

That the Senate—

(a) recognises:
   (i) the successful campaigning of Maria Bond from Bears Of Hope, whose efforts have prompted the Tasmanian Government move to provide official recognition for babies lost during early pregnancy, and
   (ii) the importance of this initiative, which allows Tasmanian parents who lose a baby before 20 weeks gestation, or a baby that weighs less than 400 grams, to apply for a commemorative certificate;

(b) notes that:
   (i) 15 October is recognised as Pregnancy and Infant Loss Remembrance Day in the United States of America, Canada, the United Kingdom, New South Wales and Western Australia, and
   (ii) the campaign for Pregnancy and Infant Loss Remembrance Day in Australia began in 2008; and

(c) calls for 15 October to be recognised in Australia as Pregnancy and Infant Loss Remembrance Day—a day for parents and families who experience the loss of their baby.

Question agreed to.

World AIDS Day

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (15:36): I, and also on behalf of Senators McAllister, Singh and Simms, move:

That the Senate—

(a) notes that:
   (i) 1 December marks World AIDS Day, which is held every year to raise awareness about the issues surrounding HIV and AIDS, and is a day for people to show their support for people living with HIV and to remember those who have died,
   (ii) the aim of World AIDS Day is to encourage all Australians to be aware of HIV, to take action to reduce the transmission of HIV by promoting safe sexual practices, and to ensure that people living with HIV can participate fully in the life of the community, free from stigma and discrimination, and
   (iii) while significant advancements in treatment and diagnosis have been made, 30 years after the discovery of the HIV virus the HIV epidemic remains one of the greatest public health challenges facing Australia, its region and the world;

(b) reaffirms the commitment made by all Australian Health Ministers in 2014 in signing the AIDS 2014 Legacy Statement, which commits to:
   (i) a rejuvenated response to HIV and ensuring that the HIV responses of all jurisdictions reflect new scientific advances and the vision of ending HIV and AIDS,
   (ii) continue measures to ensure Aboriginal and Torres Strait Islander people remain a high priority area for Australia's HIV response and to achieving HIV prevention and treatment targets, with a particular focus on research and health literacy,
(iii) taking necessary actions, in partnership with key affected communities and sector partners, to remove barriers to accessing HIV testing, treatment, prevention, care and support across legal, regulatory, policy, social, political and economic domains,

(iv) continuing to support high quality, multi-disciplinary, collaborative research that incorporates basic science, clinical research, social and behavioural science and operational research to inform local and international action to eliminate HIV,

(v) advancing actions to ensure an appropriately trained and supported HIV workforce, including in clinical, community, research and policy and program areas, and

(vi) continuing to demonstrate global leadership in the response to HIV; and

(c) acknowledges the role played by people living with HIV, their friends, family and supporters, AIDS activists and researchers, past and present, in making HIV a disease people can live with.

Question agreed to.

**BILLS**

**Australian Broadcasting Corporation Amendment (Rural and Regional Advocacy) Bill 2015**

**First Reading**

**Senator McKENZIE (Victoria) (15:37):** I move:

That the following bill be introduced: A Bill for an Act to amend the Charter and board composition in the *Australian Broadcasting Corporation Act 1983*, and for related purposes. *Australian Broadcasting Corporation Amendment (Rural and Regional Advocacy) Bill 2015*.

Question agreed to.

**Senator McKENZIE:** 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 McKENZIE (Victoria) (15:37):** I move:

That this bill be now read a second time.

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

Leave granted.

**Senator McKENZIE:** I table an explanatory memorandum and I seek leave to have a second reading speech incorporated in *Hansard*.

Leave granted.

*The speech read as follows*—

The Australian Broadcasting Corporation Amendment (Rural and Regional Advocacy) Bill 2015 seeks to clarify the Australian Broadcasting Corporation's (ABC) mandate in its role as a public broadcaster.

In particular, the Bill implements guiding principles, reporting requirements and practical mechanisms for the Corporation to be able uphold this mandate.

The ABC is a public broadcaster and in turn, is expected to provide services to certain areas and to certain community groups with reference to community service and local relevance. To be more
explicit, as a public broadcaster, it is expected to pay greater attention to market-failure principles and serve the areas and demographics where commercial companies would fear to tread.

As ABC Managing Director, Mark Scott, noted in late November this year, “the key to success in the digital era is to be true to your audience.” Sadly, regional Australia is losing its ABC voice and the ABC is not looking to project regional ideas, culture or journalism.

Over the course of many years, we have witnessed a systemic de-resourcing of our regional services and our regional communities and the art of journalism itself is suffering as a result. These include communities where the ABC is the only comprehensive provider of news, weather forecasts and entertainment.

We are told that cuts mean they have to pick on the regions first, whilst Ultimo balloons to over one thousand staff. It is perplexing that the digital age is not exponentially improving regional media services, but that management choices are focusing on an already competitive format in the form 24 hour news and also iview. Wonderful ventures in their own rights, but whose launches collectively required the plucking of $20 million from other ABC endeavours. This is about priorities.

Not only do regional communities feel short-changed with the consolidation of resources toward east coast capitals, but regional journalists, producers and other media staff cannot comprehend why the ABC has chosen to centralise in this way. In the digital age this simply does not have to be the case.

In the context of the ABC being trusted and polling well, Australians have responded overwhelmingly in Newspoll after Newspoll (recently 84%) that the ABC performs a valuable role in society.

However, the overall trust and respect the ABC enjoys with regional residents cannot be taken for granted, particularly when there are fewer local media providers to begin with in the bush. Rural and regional Australians want media services that add value to their daily lives and which assure them of their connectedness with their local communities, weather forecasts and greater surrounds.

What many people have noticed is that the ABC’s funding is being used to help it compete in commercial territory. Territory that once entered and conquered could help the ABC generate its own existence on its own two feet. Is this what we expect of a public broadcaster? No. We expect that a public broadcaster will go where no commercial broadcaster would see a business case, simply to ensure that those communities receive vital social and public benefits.

This Bill seeks to provide the ABC Board with the appropriate tools to govern the organisation in a manner which reflects the expectation the community has of public broadcasters. This Bill seeks to call the ABC to account and states in unambiguous terms what the ABC needs to aspire to when servicing our regions. This includes a physical presence and embeddedness that allows journalists to facilitate discussion and well-connected and informed rural and regional communities.

Mr Scott also recently said, "there's no commercial model that could sustain a Radio National, or that would make the kinds of investments in dramas that we are doing, or have the regional footprint full of local voices and local news the way we invest." Well, Mr Scott, regional and rural Australians would beg to differ on your claims of investment in their backyards.

We see the reduction of bulletins under the guise of allowing journalists more time to gather local stories. However, with two-thirds fewer bulletins within which to fit all that supposed extra content and the plan to broadcast them only in the early morning, of course regional Australians are suspicious and disappointed. Regional journalists affected by the changes were asking for more resources to cover the news, not more time to find it and dramatically less time to broadcast it.

Rural and regional Australians have an expectation of regular and relevant news. Not yesterday's news. Stories break, local emergencies occur – local content is more than just telling stories. The ABC is the organisation that provides rural and regional families, businesses and communities with the information they need and trust.
Given the diminished physical footprint of the ABC in regional Australia in recent years, this Bill will provide the Board with a clear mandate and impetus to direct greater investment towards rural and regional Australia. This investment would facilitate the local physical presence, training and knowledge required to support and sustain a regional media culture that is reflective of and enriching to its audience.

This Bill removes ambiguity as to ABC’s mandate in regional Australia and reinforces the expectation that as a public broadcaster, its mandate is not to compete for breakfast news ratings, but rather to prioritise service to our regions with a civic purpose in mind, not a commercial one. As a public broadcaster, no economic rationalist need be brought to the table when arguing about the provision of basic services to our regions. The digital age should be expanding horizons and narrative choice, not creating local media black spots.

Senator McKENZIE: I seek leave to continue my remarks.

Leave granted; debate adjourned.

COMMITTEES

Law Enforcement Committee

Meeting

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:37): At the request of Senator Singh, I move:

That the Parliamentary Joint Committee on Law Enforcement be authorised to hold private meetings otherwise than in accordance with standing order 33(1), during the sittings of the Senate, from 5 pm, as follows:

(a) Wednesday, 3 February 2016, followed by a public meeting;
(b) Wednesday, 24 February 2016, followed by a public meeting; and
(c) Wednesday, 16 March 2016.

Question agreed to.

MOTIONS

West Papua

Senator DI NATALE (Victoria—Leader of the Australian Greens) (15:38): I ask that general business notice of motion No. 960 standing in my name for today relating to West Papua be taken as a formal motion.

The PRESIDENT: Is there any objection to this motion being taken as formal? Formality has been denied.

Senator DI NATALE: I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator DI NATALE: I find it remarkable that formality would be denied on a motion that simply notes that this is the 54th anniversary of the raising of the Morning Star flag, that celebrates the long overdue release of a political prisoner, namely, Filep Karma, and that calls on the Australian government to engage in constructive dialogue with its Indonesian counterparts to call for an amnesty of further political prisoners. We are not asking for much here; we are just asking for some transparency to grant access to foreign journalists and human rights monitors as well as foreign researchers to West Papua.
It must be remembered that the suffering of the West Papuan people is seldom reported, we have an Indonesian government that has banned journalists and other human rights monitors, and here we have a new Indonesian head. We now have the opportunity, through our negotiations with Indonesia, to ensure that the plight of the West Papuan people is brought to light. (Time expired)

Senator RYAN (Victoria—Assistant Cabinet Secretary) (15:40): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator RYAN: The Australian government unreservedly recognises Indonesia’s sovereignty over the Papua provinces as underlined by the 2006 Lombok treaty between Australia and Indonesia. This is a bipartisan position in Australia. Indonesian sovereignty over the Papua provinces is also widely recognised by the international community. The Australian government's assessment is that the human rights situation in the Papua provinces has improved in recent years. However, we recognise there are still challenges to be addressed. We condemn all violence in the Papua provinces affecting civilians and security personnel alike. Our consistent position has been that the rights of all citizens in Indonesia, including those in the Papua provinces, should be upheld and that credible allegations of human rights abuses should be investigated. The Australian government welcomes President Widodo's decision on 9 May this year to grant clemency and release five Papuan prisoners and the release of Mr Filep Karma on 19 November this year.

Central Coast: Australian Taxation Office

Senator O’NEILL (New South Wales) (15:41): I move:

That the Senate—

(a) notes:

(i) the importance of jobs on the Central Coast, and the vital role that governments can play in delivering those opportunities, stimulating the local economy, and stimulating quality infrastructure that benefits business, workers, and the broader community,

(ii) the broad community opposition to the Federal Government's announced intention to build a Commonwealth government building on prime waterfront land already earmarked for other projects, including a Regional Performing Arts Centre,

(iii) the Federal Government's decision to do a deal with the New South Wales Government wherein the New South Wales Department of Education will sell off at least one-third of the site of the now demolished Gosford Public School, thus breaking with community expectations,

(iv) the lack of clarity around the cost of the land, and how developers and/or the owners of the site will recoup lost income from only constructing a four-storey building on a site zoned for up to 16 storeys,

(v) the serious concerns around the tender process wherein some applicants appeared to be given additional information about the proposal, creating unfair advantages, and

(vi) the lack of transparency with which this site was chosen, with no community consultation, local tenderers overlooked, and other potential sites ignored; and

(b) calls on the Federal Government to:

(i) abandon its decision to locate its new building on the Gosford Waterfront, and for a new location to be determined,
(ii) immediately halt all proceedings in regard to the proposed Gosford Australian Taxation Office development on the Old Gosford Public School site,
(iii) broadly consult with the community in their planning for any infrastructure investment on the Central Coast,
(iv) apply procurement principles that advantage local developers and builders for the project to ensure better local job opportunities, and
(v) honour its commitment to provide $10 million to match equal funds from the local council and the New South Wales State Government to advance a centre for performing arts on the Gosford Waterfront as an integrated iconic element of the revitalisation of the Old Gosford Public School site.

Senator RYAN (Victoria—Assistant Cabinet Secretary) (15:41): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator RYAN: I am advised that the Australian government is not purchasing land in Gosford and is not constructing an office building in Gosford. The government will lease premises for 600 employees, the majority being Australian Taxation Office staff. The ATO released an expression of interest in October 2014 to commence the procurement process. The EOI specified required dimensions for commercial offices premises within a 1.5 kilometre radius of Gosford city centre. The EOI noted the ATO would consider premises to be constructed or refurbished or in existing condition. The Doma Group, the preferred tenderer, will construct a new building on a site that Doma Group has secured from the New South Wales government. Doma Group will seek a development application approval from the local council.

Senator O’NEILL (New South Wales) (15:42): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator O’NEILL: What we have going on here is a government that has engaged in a very, very obscure process of putting an ATO building in Gosford without consulting the community, and putting it on a site that belonged to the Gosford school community. That site has long been understood by the community to be an iconic space in which the redevelopment of Gosford would happen, in particular a performing arts centre, with community participation. Instead, what we have is a dodgy deal done in darkness by this government with the state government. They have put in the Doma Group to do it—from Canberra, not from the Central Coast—and they are going to pay them $70 million over the next 10 years in rent. This is a shameful use of taxpayers dollars, against the will of the community. I call on the government to halt this process and consult the community before they waste that money. They need to put the ATO in the middle of Gosford not on that site. (Time expired)

The PRESIDENT: The question is that the motion moved by Senator O'Neill be agreed to.

The Senate divided. [15:47]

(The President—Senator Parry)

Ayes ....................37
Noes ....................28
Majority.................9
Question agreed to.

East Timor

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (15:49): I seek leave to add Senator Xenophon’s name to general business notice of motion No. 976 before we proceed.
Leave granted.

**Senator LUDLAM**: I, and also on behalf of Senator Xenophon, ask that general business notice of motion No. 976, which relates to the alleged ASIS bugging of the Timor-Leste cabinet rooms, be taken as a formal motion.

**The PRESIDENT**: Is there any objection to this motion being taken as formal?

**Senator Ryan**: Yes.

**The PRESIDENT**: There is an objection.

**Suspension of Standing Orders**

**Senator LUDLAM** (Western Australia—Co-Deputy Leader of the Australian Greens) (15:50): Pursuant to contingent notice and at the request of the Leader of the Australian Greens, I move:

That so much of the standing orders be suspended as would prevent Senator Di Natale moving a motion relating to the conduct of the business of the Senate, namely a motion to give precedence to general business notice of motion no. 976.

There is no reason why the government should have denied formality on this important motion. But if it is a debate that the government seeks to avoid we are going to bring the debate to this parliament nonetheless.

Last week, on 25 November, on the *Lateline* program, very important pieces of the puzzle around very serious allegations were put into the public domain, and that is what this motion concerns. The senior leadership of Timor-Leste are alleging that Australian ASIS agents planted listening devices inside the cabinet rooms in Dili in the middle of negotiations over the Timor gas fields. They allege that under the guise of an Australian foreign aid project, if we can believe that, helping to renovate the Palace of Government in Dili—

*Honourable senators interjecting—*

**The PRESIDENT**: Excuse me, Senator Ludlam—can I ask you to pause there for a moment? If senators do not wish to participate and listen to the debate then they may leave.

**Senator LUDLAM**: Thanks, President. I thank you for your assistance. The allegations are very serious: that ASIS agents installed bugging equipment inside the cabinet rooms. Former Prime Minister Xanana Gusmao said on *Lateline*: 'They knew our weakness. They knew—they already knew us. We were not able to look very deeply in these very complex issues of agreements, oil and treaties. But they wanted to know our weakness, and they took advantage of our weakness.' These are among the most serious allegations that one state can bring against another: under cover of a foreign aid donation, industrial espionage carried out by the richest country in the region targeting the poorest country in the region in order to prejudice natural gas negotiations. What an extraordinary misuse of Australian intelligence capabilities.

In 2008, a senior intelligence veteran approached lawyer Bernard Collaery over a workplace grievance. Mr Collaery, who was acting as a legal adviser for the Timorese government at the time, realised that he was talking to the person who it was alleged had conducted the bugging operation. On *Lateline*, Mr Collaery said:

When you have such dedicated veterans involved—

and he is referring to the intelligence agencies in this case—
who might see the relative priorities of following up on the Bali bombing, the Marriott Hotel issues and
find themselves taken off duties and organising to bug this poverty-stricken state's cabinet room so a
trade deal can get over the line, one, if you were part of that staff, might wonder about priorities.
And I must say on behalf of the Australian Greens that I could not have put it better than Mr Collaery.
What were the priorities of former ASIO director-general David Irvine when he authorised
the seizure of the passport of the same individual, known as Witness K, and raided Mr
Collaery's offices? Mr Irvine, by pure coincidence, was the head of ASIS in 2004, when these
activities alleged to have targeted the Timorese were taking place. Senator Brandis told this
chamber, not that long ago:
The search warrants were issued, on the advice and at the request of ASIO, to protect Australia's
national security.
The Timorese authorities have recommenced legal action against Australia in the Permanent
Court of Arbitration in The Hague, and they will argue that the maritime treaty should be
terminated. This motion seeks to have the passport returned to Witness K so that he can give
evidence in the permanent court.
Maybe Senator Brandis is right, and this is really all about national security—there is some
arcane backstory here that we are not aware of. Let us have that view tested in the permanent
court. Let us have those arguments out, because to many of us it seems as though this stinks,
and the truth will not be hidden for very much longer—spying carried out under cover of a
foreign aid project, justifying it and then covering it up and attempting to hide it behind a veil
of national security. Maybe we are wrong, but let us test these arguments.
I would have thought it was incumbent on the government—I do not know where the
opposition falls on this—to let this debate be had in this parliament. Release that individual's
passport so that these arguments can be tested in an open court. Until the truth is put into the
public domain, it will seem to many of us following these issues, from the former senior
leadership of the Timorese to those in Australia who support them, that this simply stinks.
Senator RYAN (Victoria—Assistant Cabinet Secretary) (15:55): It has been a
longstanding position of the government, both in government and in opposition—and, I might
say the opposition—that complex matters of Australia's international relations should not be
dealt with by a formal motion in the Senate, which does not allow debate. Timor-Leste has
not recommenced the arbitration challenging the validity of the treaty on certain maritime
arrangements in the Timor Sea, though it has signalled its intention to do so.
The Australian government's position remains that CMATS is valid and enforced. Australia
has always conducted itself in a professional manner in diplomatic negotiations, undertook
the CMATS treaty negotiations in good faith and will defend the arbitration if it is resumed.
During the course of the last 14 months, the government has tried to resolve differences
between our two countries through consultations rather than litigation.
The government does not comment on individual passport matters. Neither will the
government comment on intelligence matters. Witness K has not been prevented from giving
evidence in the arbitration, and that evidence may be furnished without a person being
physically present before the tribunal.
I might add, as I said at the outset of this, that these matters are not appropriately dealt with through a formal motion in the Senate, which does not allow debate. I note that Senator Ludlam, in his contribution seeking to suspend Senate standing orders to consider this, talked about the need for these issues to be debated. The format in which he presented this to the Senate did not allow debate. For reasons that go back many years, the government does not concede that this should be dealt with by a formal motion.

These matters relate to Australia's relations with the region. The Greens' need for a bumper sticker campaign in the last sitting week, where they seek attention, is not appropriately dealt with and does not reflect Australia's national interest in this manner. Senator Ludlam did not seek for this motion to be debated. Senator Ludlam sought to have this motion put to the Senate and to have a vote without debate.

Mr President, the government opposes the attempt to suspend standing orders. The government has a significant legislative program over the remainder of this week, the last sitting week of this year. We have significant legislation to be dealt with, particularly the Australian citizenship bill, and I would urge the Greens to allow the Senate to get on with its business rather than seek stunts just because it is the last week before Christmas.

Senator MOORE (Queensland) (15:57): As the Greens well know and people in this chamber know, Labor has the same longstanding position that important, complex and contested issues of foreign policy should not be taken up as the matter of a formal motion. Senator Ludlam has actually attempted to turn the notice-of-motion process into a debate. That is not a full debate, and we should not use this mechanism to have such an important issue discussed and debated in this place. In view of our longstanding position, Mr President, we support the government's position on this. This is not the way to treat such an issue.

Senator XENOPHON (South Australia) (15:58): I will very briefly say this. I co-sponsored the motion with Senator Ludlam. I support his move to suspend standing orders. I understand the practice of the major parties in respect of this, but may I suggest that we are meant to vote on issues. We are meant to consider issues, and an issue involving one of our closest neighbours and the biggest intelligence scandal that has faced Australia in the last generation ought to be dealt with. I suggest that we need to look at this longstanding practice.

I also say in relation to the issue of East Timor that this issue will not go away. I believe it will end up in the international court of arbitration, and there may be—there will be; there ought to be—other opportunities next year to debate this issue. But I support the suspension of standing orders because I think this longstanding convention between the major parties on issues of international significance ought to be subject to a vote. If members were able to give a one-minute statement to set out their position, I thought that would deal with it adequately. But what has occurred in East Timor, the allegations involving Witness K, is nothing short of scandalous.

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

The Senate divided [16:03]
(The President—Senator Parry)

Ayes ......................12
Noes ......................36
Tuesday, 1 December 2015

SENATE 9431

Majority.............24

AYES

Di Natale, R
Leyonhjelm, DE
Madigan, JJ
Rhiannon, L
Siewert, R (teller)
Whish-Wilson, PS

Hanson-Young, SC
Ludlam, S
McKim, NJ
Rice, J
Simms, RA
Xenophon, N

NOES

Back, CJ
Bilyk, CL
Bushby, DC
Carr, KJ
Day, RJ
Fawcett, DJ
Gallacher, AM
Johnston, D
Lazarus, GP
Ludwig, JW
McEwen, A (teller)
McLucas, J
McEniill, DM
Peris, N
Reynolds, L
Ryan, SM
Singh, LM
Wang, Z

Bernardi, C
Bullock, JW
Canavan, MJ
Dustyari, S
Edwards, S
Fifield, MP
Heffernan, W
Ketter, CR
Lindgren, JM
Marshall, GM
McKenzie, B
Moore, CM
Parry, S
Polley, H
Ronaldson, M
Seselja, Z
Smith, D
Williams, JR

Question negatived.

DOCUMENTS

Consideration

The government documents tabled today and general business orders of the day Nos 1, 2, 3, 4 relating to government documents were called on but no motion was moved.

PETITIONS

Medicinal Cannabis

Senator DI NATALE (Victoria—Leader of the Australian Greens) (16:06): by leave—I table two documents that are in the form of nonconforming petitions relating to medicinal cannabis.

COMMITTEES

Economics References Committee

Report

Senator KIM CARR (Victoria) (16:07): At the request of the Chair of the Senate Economics References Committee, I present the report Future of Australia's automotive
I would like to say a few words about this report. Australia's automotive industry is undergoing fundamental transformation, and I use the word 'transformation' deliberately. I am not one of the doomsayers who believe that the industry will die when the last locally produced car rolls off the production line at the end of 2017. Labor remains confident that with the right policy settings Australia can attract new automotive manufacturing investment and, beyond manufacturing, the automotive industry involves much more than the production of passenger cars. These other activities will include the aftermarket manufacturing; engineering and design; the manufacture and adaption of large trucks and other heavy vehicles; retailing, servicing and smash repairs; sales support; automotive dealerships; and training.

There is no doubt that beyond 2017 the automotive industry will continue and will include manufacturing in some form. The real question is what will be the scope and the extent of manufacturing activity, and the answer to that question will depend upon government policy. That is why 12 months ago the Senate referred this matter to the Economics References Committee. The committee's interim report, tabled in August, made recommendations intended to support the component manufacturers, the section of the industry most vulnerable to the departure of car markers. It is vital that the industry capabilities they possess are maintained.

The automotive industry has always been the great repository of skills and knowledge in advanced manufacturing in Australia, and preserving those skills will be the key to attracting new investment. It will be the people that attract the investment. We have got to have the right trained people to maintain the capacities to attract that investment.

The main recommendations of the interim report concern the provision of co-investment through the Automotive Transformation Scheme. The inquiry called on the government to maintain funding under the scheme through to 2021 as the ATS Act provides. The inquiry also recommended that eligibility for ATS be broadened and that it be reconfigured as an advanced manufacturing, engineering and design scheme. It would still be automotive related but it would be able to assist supply chain firms in diversification and entering new markets.

The final report expressed the committee's conviction that the government should set in place policies that encourage diversification, growth and innovation in automotive manufacturing in Australia. It calls for a whole-of-government approach, with the allocation of resources from a range of departments to ensure that the processes of transformation continue. To facilitate this and to develop a coordinated national framework for automotive policy, the committee calls on the government to establish an automotive industry task force. The task force, with representatives from industry, from unions and from governments, would build on the work of the AutoCRC and the Automotive Australia 2020 road map project. This was an integral part of the New Car Plan, which, of course, provided for the opportunities to
be identified for future investment and future growth in the automotive industry in this country.

The final report also makes recommendations intended to avoid a social and economic catastrophe in the regions most directly affected by the shutdown in car-making, particularly in Victoria and in South Australia. I might add that there is not a state in the Commonwealth that will not be directly affected with massive job losses as a consequence of the government's actions in driving General Motors and Toyota out of Australia. No-one pretends that the impact will be anything other than severe.

This should be seen not just as a time of challenge but as a time of new opportunities. If we develop policy wisely and we preserve our skills and knowledge base, the automotive industry will survive—and not just survive; it will flourish. There are international precedents for this kind of revival. At the end of the 1980s, the United Kingdom automotive industry was predicted to die in much the same way as some of the smarties in this town have suggested about the Australian automotive industry. Of course, that was a direct result of the devastation of Margaret Thatcher.

But in the United Kingdom the automotive industry did not die.

Senator Bernardi interjecting—

Senator KIM CARR: No, the automotive manufacturer Holden was driven out of this country by the actions of Mr Hockey and the acting Prime Minister at the time, who goaded General Motors to leave, and now we have a consequence where it will cost considerably more—I mean many, many times more—in social security payments and other disaster relief as a consequence of the actions of this government than will ever be spent in terms of co-investment for this industry.

I put to you that in the United Kingdom a similar experience was seen to happen but both sides in politics came to realise how important the automotive industry was to the United Kingdom. In the United Kingdom now the Conservative government is investing heavily in co-investment so that the British automotive industry is amongst the most prosperous in the world. The United Kingdom probably has the largest export sector in Europe and it has come a long way from the devastation of Margaret Thatcher. The United Kingdom automotive industry is now a world leader and that is because it has become a bipartisan issue, yet again, as support for the automotive industry once was in this country.

There is no reason in my mind why this could not happen here. The two reports of this inquiry show the necessary policy work has already begun. But what is really needed here is political will. I urge senators on all sides of the chamber to study the committee's report carefully, to adopt its recommendations and to help build the future of the Australian automotive industry.

Senator CANAVAN (Queensland—Nationals Whip in the Senate) (16:15): I do not question Senator Carr's commitment to see a strong automotive sector in this country and I do not question his prognosis either that there is a bright future still there for the automotive sector in this country. I do, however, take some issue with Senator Carr's proposed remedy because he is proposing to continue doing what we have been doing for years. Colours of both political sides have, for years, been investing in this sector through the Strategic Investment Program, through the Automotive Transformation Scheme but, of course, none of that
investment has been able to maintain the commitments of major international car manufacturers like Ford, Holden or Toyota to this nation. Indeed, Senator Carr likes to mention General Motors Holden but he also likes to ignore the fact that Ford made a decision to leave this nation under the former Labor government.

I do not attribute blame to a particular government for that decision. Those decisions have been made due to trends affecting the entire globe. But to think that more investment, more government money, more spending on this industry is going to massively transform the underlying economics simply defies the history here because that is what the history has been over the last decade. It cannot stop that transition. What we need to do is support our automotive sector into a different type of manufacturing. I agree with Senator Carr that there is a bright future for those manufacturers who can do that. It will be a different industry than what we had in the past, but it is a different world today from what it was in the past.

That is why the government is continuing to support the automotive supply chain through the Automotive Diversification Program. I note this committee has suggested that there needs to be more support for automotive manufacturers to diversify and find new markets. The government already has a program for that. It has already announced $12.4 million in funding for that. I am keen to ensure that that program continues and keen to monitor it over time if there is a need for more investment in that way, but we should let that program work first.

Of course, not all areas of the automotive supply chain will stay in that business. That is why we have a $60 million Next Generation Manufacturing Investment Program—to provide some leverage or some support for those manufacturers, those businesses that would seek to diversify into non-automotive manufacturing sectors. Again, already 11 Victorian companies have shared in $27.4 million of support, which is expected to leverage $75 million in total investment. In South Australia, 15 businesses have received $28.3 million in government support—hoping to end up with a total private and public sector investment of $72.5 million.

Of course, the government has also signed three new free-trade agreements and, recently, the Trans-Pacific Partnership Agreement, which will provide greater access for our component manufacturing sector, in particular, to overseas markets. Those agreements will play an integral role in seeing a brighter future for our automotive sector, because that future probably will not involve the end-to-end manufacture of complete vehicles. But there certainly can be a role for our sector to be part of supply chains in our region and to be part of those supply chains they need market access.

I also note the report makes some comment on the vibrancy of our truck manufacturing sector, a sector which, traditionally, has not received substantial government support, which confirms coalition senators' overall view on these matters—that we do not need a government teat to help wean a strong automotive sector in this country. We have a strong automotive sector in truck manufacturing. It has not received substantial government support but it has done that by being competitive, by being innovative and by serving domestic needs in a very professional way.

I note that the committee's majority report has recommended that there be some changes to the fuel tax credit system for trucks manufactured before 1996. The report recommends that older trucks no longer be able to claim fuel tax credits. We disagree with that particular recommendation. We feel it would be particularly harmful to owner-operators in our country, who often rely on using older trucks—my father-in-law being one—and we do not see any
real policy rationale for denying fuel tax credits to certain operators simply because of the age of their truck. Obviously, trucks—

Senator Kim Carr: The pollution level of their truck!

Senator CANAVAN: need to meet pollution levels, Senator Carr, and they obviously need to meet those standards. They obviously need to meet safety standards on roads as well. Providing that they can do that and are updated in a way commensurate with those obligations, there seems no real reason to deny them fuel tax credits, which is an integral part of the way we pay for road investment in this country.

I note that there are some other recommendations from the committee.

Senator Heffernan: And tractors!

Senator CANAVAN: Yes, Senator Heffernan, we are actually speaking about fuel tax credits. You are right to raise the importance of a fuel tax rebate as well but that is a slightly different issue than what is before the chair. The committee has made a number of other recommendations, which, I think, the government could usefully examine, particularly with regard to: the franchising code of conduct; the service and smash repair industries, which have been under review for some years; training and re-employment initiatives; specialist and enthusiast vehicles; and regulatory arrangements for aftermarket modifications.

I do want to credit the Senate Standing Committee on Economics for its work in this area. Again, I recognise Senator Carr's passion and that of some of my coalition members. We did have extensive hearings on this particular issue. As with most committees, it is a bit like the curate's egg: there are some very good parts of this report, some we disagree with, but it is still a very useful exercise to investigate and inquire into an extremely important industry in our nation and one that I hope and believe will continue to be so.

Senator RICE (Victoria) (16:22): The Australian Greens recognise that there are significant challenges facing the industries and the workforces of Australia's automotive manufacturing sector. This Senate inquiry into the future of the automotive industry has brought to light very important evidence demonstrating how these challenges are impacting the various businesses, workers and communities engaged with automotive manufacturing currently in Australia. There are so many people and businesses who stand to be directly and significantly impacted by the changes ahead in our auto industry. There are a lot of people who are worried about what lies ahead.

The committee report provides a set of strong recommendations following the inquiry into the issues faced by the automotive industry. The Greens support these recommendations, but we submitted additional comments because we want to highlight a number of areas where the majority report fails to emphasise timely action in order to insulate against the collapse of key industries.

We need to move fast. The automotive components industry is in crisis and, without prompt action, there is a real prospect that most of the components industry will not survive the transition. Successive governments' lack of action to support transition in the industry could see the components sector collapse and the big car makers leave even earlier than they are intending to, with potentially devastating consequences for hundreds of thousands of workers and their families.
Electric mobility is the future. There is such potential to join the shift to electric and alternative fuel vehicles, which will enable us to reap enormous benefits in both the economy and the environment. Electric vehicles are cleaner and can be powered by renewable energy. They can contribute to electricity demand management by providing battery storage to the grid. Over the coming decades, electric vehicles are going to join the internet, mobile communications and distributed energy in transforming our economy and society. It is clear that the government can play a role in creating a domestic market for electric vehicles.

We agree with the majority recommendation in the report tabled today, which is to redefine the Automotive Transformation Scheme into a broader automotive related advanced manufacturing, engineering and design program that is intended to maintain skills and industrial capabilities and to stop the loss of jobs by supporting supply chain diversification, new manufacturing investment and jobs growth. But, critically, we believe there should be a time frame placed on this recommendation to ensure this occurs as a matter of urgency, given the imminent exit of the big three car manufacturers.

Opportunities are going to be missed if a new plan is not put in place soon. Ford's planned exit in 2016, together with shrinking forward orders in the components sector, frees up what is estimated to be $800 million in savings in the Automotive Transformation Scheme, which can be redirected and spent on a longer term jobs plan. We support the recommendation to broaden the object of the Automotive Transformation Scheme to drive diversification and transformation activities. We think that electric or alternative fuel vehicles and renewable energy technologies should be priorities for this transformed scheme.

We note the majority recommendation for government to urgently develop and implement a coordinated strategy to avoid a social and economic catastrophe associated with the closure of vehicle manufacturing. But we would like to see some meat on the bones of this recommendation in order to ensure that such a strategy has a level of guidance based on the evidence that was presented to our committee. For example, we would see value in highlighting issues such as skills and job transitions, community support and services and appropriately targeted industry investment.

We also note the recommendation in the majority report to conduct a review of the Voluntary Code of Practice for Access to Service and Repair Information for Motor Vehicles. We believe that the voluntary nature of this code, as it is at the moment, should be a central aspect of that review, because the committee heard compelling evidence that so far this code has had very poor take-up and impact in its first year. We believe there is a very strong case that this review should be short and sharp and be undertaken as soon as possible and that there is a very strong case that the code should be mandatory.

We have only seen one of the car brands fully meeting the requirements of the code. That is one out of 68 car brands supplying to the Australian market. This means that car owners are being duded, because they do not have real choice of car repairer. They are forced to go to the specialist dealerships because small businesses and independent car repairers are being locked out and cannot get the info they need about repairing specific systems brand by brand. That means that independent car repairers do not have the ability to see whether cars are being tuned properly and minimising their pollution, and it allows scandals like the VW emissions fraud to happen again and again, because there is no independent tailpipe testing of emissions, which could happen when cars are being serviced.
The United States has got mandatory sharing of information, so there is no reason why we should not have that here. And it is urgent that this occur, because independent family-owned businesses are going to the wall while it does not occur. This is such an important thing—to support small businesses and to give people choice of who should repair their cars. Every month we delay is a month of businesses struggling to survive and of more polluting cars.

In summary, the Greens do not oppose the intent of the recommendations in the committee's report but we believe they are not sufficiently forward thinking. We recommend adopting the recommendations but modifying them to incorporate stronger recommendations to drive change sooner. Our additional recommendations put forward a concrete way forward.

We recommend that the ATS and its governing legislation be amended to continue support to currently eligible ATS recipients and to redirect the estimated $800 million ATS underspend towards a green and electric car scheme. We want to broaden the eligibility for new entrants to the scheme and promote the car technologies of the future.

Amongst other key issues, we want to focus assistance on auto parts makers that are seeking to be part of the local or global supply chain for electric vehicles or vehicles not powered by fossil fuels. We have also put forward a recommendation to support incentives and infrastructure support to encourage the purchase and rollout of electric vehicles in Australia. We want to see this on COAG's agenda, because we should be developing a policy framework for electric and alternative fuel vehicles and committing to a near-term target for the take-up of electric vehicles in Australia.

There is such potential in the auto industry in Australia, and it is just going to require some vision, some political will from government, to take up that potential and really transform our car industry into a growth industry and an industry that will be supporting a clean environment and supporting jobs in advanced manufacturing.

**Senator XENOPHON** (South Australia) (16:30): The report of the Senate Economics References Committee on Australia's automotive industry is an important report and it has a clear message: we cannot give up on automotive manufacturing in this nation. The recommendations in the report are clear and unambiguous. They set out a template to save many of the jobs that potentially will be lost as a result of Ford, Holden and Toyota leaving at the end of 2017. In fact, Ford is due to leave in less than 12 months as a car maker in this country. Let me put this in perspective. It will involve up to 200,000 jobs being lost, according the Bracks review on the auto sector and according to work carried out by the University of Adelaide. It will involve a massive $29 billion hit to our GDP. It will mean that, as far as manufacturing as a percentage of GDP, Australia will slip behind countries like Botswana and Rwanda. Currently manufacturing has slipped to something like 6.8 per cent of GDP—compared with Rwanda at five per cent and Botswana at six per cent. We will go below those countries. Compare this with Germany, which has an active program of encouraging advanced manufacturing and of encouraging its auto sector. Twenty-two per cent of Germany's GDP is based on manufacturing.

We must do everything we can to arrest the tsunami of job losses we are facing as a result of the departure of these three car makers from our shores. I think we need to take the attitude that we must not give up on auto manufacturing in this country. Senator Bernardi is shaking his head. I am not sure whether he is agreeing or disagreeing.

**Senator Bernardi:** I'm agreeing with you. It is a big hole to be filled.
Senator XENOPHON: It is a big hole to be filled, but I believe that it is a massive challenge and we are up to it. With political will and working together with industry, we can do this because the consequence of not doing this will be massive to our economy around the country, as Senator Carr indicated.

Let us say that 100,000 jobs will be lost in net terms. I think it will be worse than that because we are looking at 200,000 jobs. The welfare bill alone would be in the order of $2 billion a year, and yet we have an automotive diversification program in the tens of millions—about $60 million—which is hopelessly oversubscribed. It is not enough. The government is holding back on the Automotive Transformation Scheme, and that is something that must be addressed as a matter of urgency.

The reason we need to deal with this urgently is that we are running out of time. The next six months will be critical for the future of this industry and the future of jobs in this sector. Ethan Automotive has already spent, as I understand it, several million dollars drawing up plans, seeking designers from around the world and getting the supply chain in order for their proposal to build a locally-made, Australian owned car. Punch Group is looking at building a car here in Australia by taking over the General Motors plant. That will, of course, involve negotiations with Holden locally and with the Detroit head office but it will also see the government being involved in a positive and proactive way. If that plant can be taken over by Punch Group or any other entity that has the capacity to do so, it will save those jobs. It will save supply chain jobs.

We also need to be very active in terms of working with the aftermarket sector that Senator Muir has been a champion of. Stuart Charity and his team, and the Motor Trades Association with Richard Dudley as CEO are doing a great job. We need to look at that as well. We need to have a relationship between the automotive sector, advanced manufacturing and our defence sectors so that there can be a transition there. But I do not believe we should give up on the automotive sector in this country in terms of the capacity, the ability and the potential to build cars in this country. After all, if we look at just 10 per cent of the 1.1 million cars that are sold in this country every year, that will be enough to keep the supply chain going.

I want to commend the work that Senator Carr has done on this. Indeed, I commend the work of all committee members but in particular Senator Carr. I also commend Senator Muir for his interest and Senator Madigan for his longstanding and passionate interest in automotive manufacturing and manufacturing generally.

I want to finish with a quote from Thomas Edison. He hit the nail on the head when he said, 'Our greatest weakness lies in giving up. The most certain way to succeed is always to try just one more time.' I believe we need to try just one more time to revive automotive manufacturing in this country because there are serious players with a real interest in reviving it. If that does not succeed, then we ought to look at the supply chain, at diversification and at a whole range of measures to stem the tsunami of job losses we are facing as a nation if we do not get this right.

Senator EDWARDS (South Australia) (16:35): I would like to speak on the report of Senate Economics References Committee on Australia's automotive industry. I acknowledge the work of the economics committee and say that this government has a profound level of support for the Automotive Transformation Scheme—ever since Mitsubishi left Adelaide in 2007, and then Ford and Holden subsequently decided at the 2013 election that they would
leave. The fact is that over 1.1 million vehicles are sold in this country and, sadly, only 130,000 of those are manufactured in this country, and it is declining.

This government did not shut down the automotive industry, as those opposite would try to frame it—in the same way that we could say that they closed Mitsubishi in 2007 on their watch. It is simply not the case. It is world economics. It is the way things happen. The industry has been supported and will draw down another $175 million from the automotive transformation package that the government has on offer—and we will not resile from that. I have been working with industries in South Australia, and one company, Cutler Brands, has been awarded over $1 million to transition to other industries. This government shall not and will not resile from trying to protect the jobs in this space.

Senator MUIR (Victoria) (16:37): I am pleased to be standing here to speak on the tabling of this report. As many of my colleagues before me have said, it is an important report. My colleagues have covered a lot of what could be said about this report and have done a very good job in summing up this report.

The Australian Motoring Enthusiasts Party was formed to represent the views of the motoring enthusiast culture. This is a vast culture with many different aspects and is deeply entrenched in Australian history. It does not matter what your sex, race, religion or social background is, there is always somebody in just about any crowd who can relate to being an enthusiast in some way or another. Further, there are whole industries that are supported by the automotive sector and by motoring enthusiasts.

There is a perception at the moment that the whole sector could well be in trouble. As vehicle manufacturing scales down in Australia, we need to prepare ourselves to find ways to soak up the job losses—which, as Senator Xenophon said, are predicted to be up to 200,000—within the automotive sector and the flow-on industries that could well become redundant. What better option than to create more jobs in the auto sector or similar industries to utilise the skills set that many people currently working in the industry have? They are already thoroughly trained and have great experience and relevant qualifications. So it makes sense to try to utilise the skills which are already current in the automotive sector in jobs of a similar nature.

There is a lot of talk about the auto industry being dead, but that is far from the truth. Automotive manufacturing makes up 20 per cent of jobs in the auto sector. The other 80 per cent is still here and there is a lot of room for improvement. One of the recommendations that the Australian Motoring Enthusiasts Party suggested in our additional notes to the report is that a PR campaign be undertaken for automotive vocations to encourage careers in the automotive sector. It is not a very attractive prospective career path if your political leaders are running around preaching that the industry is dead. It is not dead; the other 80 per cent is still here and it can still grow.

I am delighted that the interim report, tabled some time back, had a strong focus on the Automotive Transformation Scheme—which has been spoken about by colleagues before me. I do believe there is a need to change the eligibility criteria, so that the scope of the scheme will not die a natural death in 2017 when automotive manufacturing ceases. Having a legislated scheme with dedicated funds available only to eligible manufacturers of components for locally built new vehicles makes no sense once manufacturing ceases. It also makes no sense to take the legislated funds from that scheme instead of using them to assist
the other 80 per cent of the industry grow and diversify. Witnesses who appeared before the inquiry spoke about diversifying into new areas—for example, renewable technology. People are looking into different areas to utilise the skills they have.

The Australian Motoring Enthusiasts Party generally agrees with the report of the inquiry and is very happy with many aspects of it. I really do congratulate the committee staff and everybody involved with this very important report. The Australian Motoring Enthusiasts Party has, however, provided additional notes in areas where we think there could be a bit of improvement.

I agree with Senator Xenophon when he said that the Automotive Diversification Fund is heavily oversubscribed. It is not only oversubscribed but also underfunded. That is definitely an issue, and that is why I think changing the eligibility criteria for the Automotive Transformation Scheme is so important. There is about a half-a-billion underspend there which could be utilised to help industries—for example, the after-market industries or tier 2 or 3 parts manufacturers—diversify into different areas. Having said that, recommendation 7 of the report is that the 'government support the establishment of an automotive industry task force, with representatives from industry, unions and governments'. I completely agree with this. This is a brilliant idea. What better way to help the industry move forward than have the industry involved? So I strongly support that recommendation. In question time today I asked a question in relation to service data and independent repairers and having the right to choose repairers, and there was a bit of talk afterwards about competition. In my additional notes I have noted that the review of the agreement needs to be immediate—it needs to happen now.

I thank everyone who put in a submission to the committee. I will just pinpoint a couple: the Confederation of Australian Motor Sport, Tomcar Australia and Applidyne Australia. Tomcar Australia is actually manufacturing vehicles here in Australia, and Applidyne is trying to manufacture vehicles here in Australia. That is proof that there is scope for manufacturing to continue here in Australia. I thank the Federation of Automotive Products Manufacturers, the Motor Trades Association of Australia, the Motoring Advisory Council and Auto Services Group.

Auto Services Group actually focuses on imports—and that seems to be a dirty word in this place. But we are about to lose manufacturing, and I just mentioned competition in relation to service data, and I think this is something that could well apply a bit of pressure on the manufacturers as there will not be many Australian manufacturers after 2017. There have been a lot of scare campaigns in relation to proper policy around the importation of vehicles, whether it be under the Specialist and Enthusiast Vehicle Scheme or just parallel imports altogether. I will not go into great detail about it. Again, it is in my additional notes. I really do encourage the government to consider this and I would love to continue conversations. I could speak a lot about the rest of the submissions but I will not go into it.

I would like to go a little bit further to thank the Australian Motoring Enthusiast Party for their support in the background and thank them for encouraging people to put submissions into the inquiry because it is very important that that happens. I have already thanked the committee staff but I will do that again because I am really bad at getting back to emails on time. They did a really good job dealing with me. I commend all the work done from everybody else in the background. This is an important report. I hope the government takes it seriously and I look forward to seeing some results.
I also briefly want to comment on this report and, as a South Australian, put on the record my support for ensuring that we do what we can to support our automotive industry during this period of transition. In my home state of South Australia, we face an economy that is experiencing transition at the moment, transitioning away from coal and carbon within the economy more broadly, but we are also seeing the decline of the manufacturing industry. In that context, it is really critical that we do all that we can to harness the skills of our manufacturing industry and to create new green jobs for the future.

In South Australia, we have Holden due to close from 2017. That is going to have an enormous impact on jobs in South Australia, so we need to ensure that we have a plan in place to move people from employment within existing manufacturing industries into new jobs of the future. Members would be aware Senator Rice and myself have introduced a bill looking at green cars and how we can provide support for that transition in South Australia and in Victoria. I certainly look forward to working with my colleagues here in the Senate to progress that agenda.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

### Joint Statutory Committee on Public Works

**Report**

**Senator SMITH** (Western Australia—Deputy Government Whip in the Senate) (16:47):

On behalf of the Parliamentary Standing Committee on Public Works, I present report no. 10 of 2015, referrals made August and September 2015 and I seek leave to incorporate a tabling statement in *Hansard*.

Leave granted.

The statement read as follows—

**Public Works Committee: Report 10 of 2015**

Mr President

On behalf of the Parliamentary Standing Committee on Public Works, I present the Committee's tenth and final report for 2015. This report deals with three projects for the Department of Defence, referred to the Committee in August and September.

The first project concerns facilities required to support ten new C-27J Battlefield Airlifter aircraft. RAAF Base Amberley is Defence's preferred operating base. However, the current layout is not conducive to managing the new fleet. Defence have developed a plan to facilitate the efficient use of space at RAAF Base Amberley.

Proposed works will include Training System Facilities such as classrooms and a flight simulator and Operational Facilities including hangars, workshops and an aircraft apron. In order to construct the new facilities in the most efficient layout, some existing facilities will be removed or relocated. This includes the fire station, court house, transit accommodation and Air Force Cadet buildings. The estimated cost of the project is $307.4 million.

The Committee conducted an inspection at RAAF Base Amberley followed by hearings at Ipswich on 3 November. At the public hearing, the Committee noted that some of the facilities marked for removal or relocation are heritage-listed. Representatives for Defence told the Committee that, in
managing heritage-listed items, they would abide by all conditions set out by the Department of the Environment.

The Committee sought assurances that the works would provide value for money. Defence responded that the minimum life-expectancy of the proposed facilities would be 40 years.

The Committee is satisfied that the project has merit in terms of need, scope and cost and recommends that it proceed.

Mr President, the next project concerns facilities to support twelve new Growler aircraft, to be operated from RAAF Base Amberley. Works will include an aircraft apron, storage and refuelling facilities, as well as a flight simulator. Upgrades to base services and infrastructure are also proposed, along with constructing a multi-storey carpark.

Facilities to support a mobile threat training emitter system are also required at the Army Aviation Centre in Oakey, Queensland and the Delamere Air Weapons Range in the Northern Territory. This system will allow the Growler aircraft to detect and classify communication signals sent by Defence personnel. The project will be delivered in two phases and is expected to cost $348.6 million.

The Committee conducted an inspection at RAAF Base Amberley on 3 November, followed by hearings at Ipswich the following day. The Committee expressed some concern that the new purpose-built carpark might be under-utilised. At the public hearing, Defence noted that the lack of public transport options to the base and the 24 hour shift cycle will ensure the multi-storey carpark will be fully utilised.

Defence's submission noted that two threatened bird species, the Gouldian Finch and the Crested Shrike-tit, have been identified at Delamere Air Weapons Range. To avoid disturbing the birds' habitat, some works were moved to alternate sites. At the public hearing, the Committee heard that bird spotters would be engaged during construction, to ensure the birds' continued safety.

Due to the scale and phased approach of the project, the Committee requires that Defence provide it with a status report, on completion of the design phase. The Committee is satisfied that the project has merit in terms of need, scope and cost and recommends that it proceed.

Mr President, the final project I will speak about today concerns redevelopment works at Delamere Air Weapons Range. These are separate to the works associated with the previous project. Delamere is the primary weapons range for the Royal Australian Air Force. It has been in service since 1988, with most of the facilities dating back to that time. It is currently used for air weapons, special operations and ground defence training for Australian Defence Force units and foreign forces.

A review in 2012 identified major deficiencies in the site's boundary fences, infrastructure and roads. It also noted that existing facilities are located within weapons danger areas, thus limiting the space available for training activities. Therefore, the proposed works will include improving boundary security, upgrading infrastructure and relocating facilities to increase space for target and weapons training. The estimated cost of the project is $74.4 million.

The Committee received a briefing from Defence and conducted public and in-camera hearings on 4 November 2015. The Committee conducted the hearings for this project in Ipswich, while it was there in relation to the two Defence projects I have just reported on.

Defence's submission noted that Delamere includes a number of sites significant to the Wardaman people. As such, it is subject to an Indigenous Land Use Agreement. Under this agreement, Defence has requested a capability statement from the traditional owners, to ensure that those with relevant skills are aware of contractual opportunities.

At the public hearing, the Committee heard that Defence are also operating under a new Indigenous procurement policy and have been liaising with the Economic Development Committee in Katherine. Mr President, all of these measures are in place to ensure Indigenous participation.
Mr Bill Harney, a member of the Wardaman people, attended the public hearing. Having participated in previous construction works himself, Mr Harney told the Committee that the Air Forces’ presence in the Northern Territory has been beneficial for the local community.

The Committee is satisfied that the project has merit in terms of need, scope and cost and recommends that it proceed.

Mr President, I commend this report to the Senate.

In concluding, I would note that 2015 has been an extremely busy year for the Public Works Committee. During the year, the Committee has reported on 22 separate projects, tabling 10 reports and an annual report. Eleven of the projects, with a combined value of over $2.6 billion, have been for Defence involving works at various Defence bases across the country. Therefore, I would like to take this opportunity to thank Brigadier Noel Beutel and Mrs Andrea Barrett from Defence's Capital Infrastructure Division for their cooperation and efforts to facilitate the work of the Committee.

I will report on the Committee's activities for 2015 in greater detail early next year, when I present the Committee's annual report.

Senator SMITH: by leave—I move:
That the Senate take note of the report.

Question agreed to.

Foreign Affairs, Defence and Trade Joint Committee Report

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (16:47): On behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade, I present two reports as listed at item 13 on today's order of business. I move:

That the Senate take note of the reports.

I seek leave to incorporate two tabling statements in Hansard.

Leave granted.

The statements read as follows—

Joint Standing Committee on Foreign Affairs, Defence and Trade

Tabling Statement

Principles and Practice: Australian Defence Industry and Exports

Mr President—on behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade, I have the pleasure of presenting the Committee's report on the inquiry into Australian Government support for Australian defence industry exports, entitled Principles and Practice: Australian Defence Industry and Exports.

The inquiry was focussed on:

- Identifying barriers and impediments to the growth of Australia's Defence exports;
- How Government can better engage and assist Australian Defence industry to export its products;
- The operations of the Defence Export Control Office; and
- Assessing export support given to Defence industry by governments of comparable nations.

The Committee's starting point when preparing the report and its recommendations was accepting the evidence provided during this inquiry—and validated by recommendations of the First Principles Review—that there are elements of defence industry essential to Australian Defence Force capability.
Defence therefore has an obligation to identify elements within the defence industry that constitute fundamental inputs to capability, known as FICs.

Defence must then use available means to enhance and sustain the FIC-related elements of the defence industry that affect ADF capability, including through domestic procurement programs and enhanced support for exports.

Where exporting would assist to sustain or develop industry elements that are identified as FIC, support for defence exports should be viewed as a core Defence responsibility, in the same way as the Service Chiefs manage other FIC elements, which include training, personnel plans, facilities and doctrine development.

In the Committee's view, this would fundamentally change how the assessment of value-for-money should be approached within Defence's procurement process, particularly by establishing long-term partnerships with industry, rather than trying to achieve value for money through open competition as a default position. Many projects could deliver better value for money with long term partnering agreements.

The UK Government's management of complex weapons procurement and ship building which have been designed to establish ongoing relationships with suppliers, has demonstrated how partnering with industry can deliver savings to government, improved capability, innovation, unique products with export potential whilst maintaining UK sovereign capability.

The report contains 19 detailed recommendations. In summary, Mr President, the Committee has recommended:

- Recognising the defence industry as the ninth fundamental input to capability and identifying the relevant elements of industrial competence and capability;
- Reforming Defence's procurement approach such that long-term partnerships with industry which drive innovation become more common;
- Increasing the level of support for defence exports where such exports will help sustain or develop a fundamental input to capability;
- Providing assistance for Australian defence exports based on a distinction between core and secondary export focus.
- Core export focus would apply to elements of industry output recognised as a FIC, where defence exports can help sustain or spread production costs. This support should extend to funding for research and development that supports exports that will have an impact on the associated FIC.
- Secondary export focus would apply to those elements of industry output not recognised as a FIC. In such cases, Defence and other related agencies should provide assistance, where practicable.

Lastly, subject to acceptance of the Committee's core proposals, the Committee has recommended that Defence discontinue the Priority Industry Capability and Strategic Industry Capability programs, retain the Australian Industry Capability targets for procurement activity that do not involve an identified fundamental input to capability and continue to promote the Global Supply Chain scheme wherever possible.

Other recommendations included:
- Revising the role of defence attaches;
- Enhancing the role for the Australian Military Sales Office;
- Tasking ADF personnel to attend trade shows and events alongside industry;
- Having active ministerial advocacy on behalf of the Australian defence industry; and
- Improving processes within the Defence Export Control Office.
In conclusion, I would like to thank the many witnesses who gave their time to meet with the Committee and those who made submissions to the inquiry.

Mr President—I commend the report to the Senate.

Joint Standing Committee on Foreign Affairs, Defence and Trade
Tabling Statement


Mr Speaker—on behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade, I have the pleasure of presenting two reports:

• The report on the inquiry into Australian Government support for Australian defence industry exports, entitled Principles and Practice: Australian Defence Industry and Exports; and

I will give an overview of each report, beginning with the report on the inquiry into Australian defence exports.

The Committee accepts evidence presented—and validated by recommendations of the First Principles Review—that there are elements of defence industry essential to Australian Defence Force capability. Defence therefore has an obligation to identify elements within the defence industry that constitute fundamental inputs to capability, known as 'FICs'.

In the Committee's view, Defence must use available means to enhance and sustain the FIC-related elements of the defence industry that affect ADF capability, including through domestic procurement programs and enhanced support for exports.

Where exporting would assist to sustain or develop industry elements that are identified as FIC, support for defence exports should be viewed as a core Defence responsibility, in the same way as the Service Chiefs manage other FIC elements.

This would fundamentally change how the assessment of value-for-money should be approached within Defence's procurement process, particularly by establishing long-term partnerships with industry, rather than trying to achieve value for money through open competition as a default position. Many projects could deliver better value for money with long term partnering agreements, as shown by the UK experience.

The report contains 19 detailed recommendations. In particular, Mr Speaker, the Committee has recommended providing assistance for Australian defence exports based on a distinction between core and secondary export focus:

• Core export focus would apply to elements of industry output recognised as a fundamental input to capability, where defence exports can help sustain or spread production costs. This support should extend to funding for research and development that supports exports that will have an impact on the associated FIC.

• Secondary export focus would apply to those elements of industry output not recognised as a fundamental input to capability. In such cases, Defence and other related agencies should provide assistance, where practicable.

Lastly, subject to acceptance of the Committee's core proposals, the Committee has recommended that Defence discontinue the Priority Industry Capability and Strategic Industry Capability programs, retain the Australian Industry Capability targets for procurement activity that do not involve an identified fundamental input to capability, and continue to promote the Global Supply Chain scheme wherever possible.
Mr Speaker—today I also present the Committee's report on the *Review of the Defence Annual Report 2013-14*. I will discuss in turn the key issues that arose during the Committee's review.

The Committee considered personnel matters, including Defence's critical categories of employment, Project Suakin and Reserve Policy. Defence needs to ensure employees have task-specific competence for their role and the relevant experience. The Job Families Project, an approach used to monitor APS gaps in critical capabilities, needs to be further developed. The Committee has recommended that Defence collate and publish figures on Project Suakin.

The Committee examined a range of mental health issues in the ADF. The Committee recommends the Departments of Defence and Veterans' Affairs report on the progress and results of their mental health programs.

The Committee is concerned about the extent of unfunded liabilities in Defence estate and infrastructure and believes it is important to have visibility on the cumulative effects. Although the Committee does not expect Defence to include unfunded liabilities in its annual financial statements, the Committee recommends that Defence report more details of its unfunded liabilities.

The Committee is pleased by Defence's efforts on fuel farms and fuel management. To further this progress, the Committee believes Defence should actively explore options to engage and collaborate with industry. In addition, the Committee recommends enhanced reporting in future Defence Annual Reports on the Fuel Services Branch.

The Committee is also pleased with the long term improvements to Defence Housing and the quality of housing options available to ADF families. However, the Committee recommends Defence, in partnership with Defence Housing, prepare an effective community consultation and communication framework for future housing redevelopments.

More generally, the Committee found that reporting of performance could be more transparent. For example, reporting to Parliament on the Joint Strike Fighter needs to be more comprehensive and equivalent to that made available to the US Congress.

In conclusion, the Committee acknowledges the dedication and commitment of the men and women of the ADF and commends them on the outstanding service they provide to the nation. The Committee also recognises the work of the APS in supporting ADF personnel on operations. It should also be recognised that ADF personnel are supported by a strong network of family and friends, and the Committee expresses its appreciation for their sacrifice.

Lastly, I would like to thank the witnesses who gave their time to appear at hearings and those who made submissions to the inquiries.

Mr Speaker, I commend the reports to the House.

Question agreed to.

**Economics References Committee Report**

**Senator DASTYARI** (New South Wales) (16:48): I present the report of the Economics References Committee on Australian food certification schemes and certifiers together with the *Hansard* record of proceedings and documents presented to the committee.

Ordered that the report be printed.

**Senator DASTYARI**: Before I get to some of the content of the report, I want to begin by acknowledging the opportunity that I was afforded, as chair of this inquiry for almost all of its duration, to work with Senator Bernardi. Senator Bernardi and I worked, I think, quite well together. I want to acknowledge and thank Senator Bernardi's staff, who are an outstanding team. There is not much that Senator Bernardi and I necessarily agree on what it comes to
policy but rarely do I find Senator Bernardi disagreeable. While people in this chamber can come to some very different views, it was an opportunity to be able to work well with someone from whom I have a very different world view.

I am going to say nice things about him to kind of ruin his reputation, which is a hard thing to do. We had the opportunity to travel around the country. We spent some time together. A couple of journalists pointed out that you and I together was a bit like that 1988 classic, *Twins*, with Arnold Schwarzenegger and Danny DeVito. I thought that was very mean to Senator Bernardi because while the physical resemblance between myself and Arnold Schwarzenegger is clear, I think it is also clear that Senator Bernardi looks nothing like Danny DeVito, and I think the references were misplaced.

There is a lot of agreement on some of the substance around how you can improve the domestic certification scheme. To put it quite simply, as the report says, firstly the government should consider taking a more active role in the monitoring and compliance of halal certification to ensure that goods in the domestic market comply with the same standard as the export market. Secondly, that the halal certification industry should consider establishing a single halal certification authority and a single national registered trademark. And thirdly, that all food products should be clearly labelled.

Obviously, there is a lot more detail in the report that I will not have the opportunity to go to now. Really what there is this great gap between what is a well regulated, well-run export market and a domestic market in which there has been the opportunity for a handful of scammers to take advantage of well-meaning businesses. There was a real disappointment for me that at the heart of this inquiry there was an incredible amount of Islamophobic hate and race mongering that, I think, comes at the heart of some of the views that were presented here, barely disguised or concealed under the guise of freedom of choice and freedom of religion.

My staff and my team put up with all sorts of abuse during the inquiry. I am sure I speak for all senators and their staff when I reiterate that we do not appreciate being directly confronted by those types of extreme views. I note that the Food and Grocery Council also advised the inquiry that their members had been subjected to abusive mail and to abusive phone calls.

That being said, I want to extend my sincere thanks to the incredible staff who were co-opted onto the Senate Economics Committee for this work. Mark Fitt, who was the secretary, is an incredible man. He is incredibly talented and it was a pleasure to work with him. Not only have they done an excellent job drafting this report but also they waded through almost 1,500 different submissions. The committee would have preferred to publish all submissions but a regrettable large number were simply anti-Islamic and some will remain confidential largely as a result of that. The committee welcomed the input from all witnesses at its hearings but it is careful to dispel the assertion that the views expressed by any individuals necessarily represented the views held by the senators.

I briefly want to touch on the issue of terrorism. A significant number of submitters speculated that a link might exist between halal certification in Australia and terrorist activity. The committee considered the serious allegations very closely and sought the clarification of a number of government agencies with expertise in anti-money-laundering and in counter-terrorism financing. AUSTRAC stated that, despite these allegations, such a link does not exist. Representatives of the Australian Crime Commission confirmed that no direct link
exists, in their opinion, between halal certification in Australia and the funding of terrorism. That being said, however, and while I strongly hold the view that the evidence provided made it clear that not only does that link no longer exist but it does not say that there are not simple, practical reforms that can be undertaken to improve the halal certification industry.

It is an inescapable fact that halal certification is poorly understood and, arguably, under regulated certainly in the domestic market. This compromises the integrity of the system and has allowed questionable conduct by certifiers of questionable expertise and questionable intent. They are certifiers out there, particularly in the domestic market, who are nothing more than scammers. This has undermined public confidence and, in the view of this report, amplified be perceived seriousness of any shortcomings which may exist. But, improvements can be made and there are reforms that can happen. For this to happen, Australian businesses, halal certifiers and government agencies should work together to design, implement and oversee an authoritative, consistent and transparent standard and an authoritative, consistent and transparent system of certification. The committee hopes and I certainly hope that this opportunity will not be missed. I commend this report to the Senate and move:

That the Senate take note of the Report.

Senator BERNARDI (South Australia) (16:55): In speaking to this report, may I extend my thanks to the Economics Committee. I understand the workload they had was extraordinary and almost unprecedented for them to accommodate this inquiry and this report is gratefully received. I also thank Senator Dastyari. This is not a mutual admiration society today, but I know he did not want this reference and he did not agree with it. We certainly had battles during the committee but I have to say he was very cooperative. We reached mutual agreement in many areas of this report. That is not to say we reached agreement in all areas of the report and that is why I have provided additional comments. There are interpretations in some of the evidence put forward where clearly Senator Dastyari and I disagreed.

I want to put on the record my motivations by going through the process of having a food certification inquiry. The purpose was to contrast and compare the different food certification schemes operating in Australia in an attempt to lay fears and concerns which are widespread about, principally, halal certification in this country. The reference itself was welcomed by many in the grocery industry, in the kosher certification industry, in the organic certification industry and, allegedly, by those in the halal certification industry, too, on the basis of clearing up misconceptions. This report goes some way to doing that but I regret that the lack of cooperation from many in the halal certification industry means that this report does not answer all the questions which are important. Let me give you some examples of this.

With respect to the appearance of halal certifiers, AFIC appeared and we also had an independent consultant to the certification industry appear. They gave interesting evidence and I thank them very much for their appearance. However, many of the other certifiers—and we do not know how many there are in this country—refused to appear. People like Mr El-Mouelhy, who boasts on Facebook and Twitter about how much money he is making and all those sorts of things that are going on and how dominant he is in the practice and how 'infidels' were being coned by Mr El-Mouelhy and his gang, yet he refused to appear to give evidence to clear up any misconceptions. I have had something to say about this man in this place before because he has told out and out lies about me which were defamatory. He is a very litigious person but it is not up to me to pursue him. I do not care what he says about me,
basically, but for a bloke who purports to be a serious businessman to refuse the opportunity to attend and to tell lies about senators is really quite extraordinary.

In the absence of that cooperation, there are three key areas on which I think that the report needed to be a bit stronger. First of all, the evidence provided on the level of corruption in this industry appeared to be quite strong. We had acknowledgement that money has been sent overseas to Indonesia. We have had acknowledgement from people like Mr El-Mouelhy, through his social media and through some interviews he has done, that he effectively has paid bribes for international certification. We have had allegations of bribery and corruption taking place in the domestic market as well is in the international market. We have had effective cartel arrangements being operated by sovereign nations saying, 'Unless you use this certifier, which costs more than other certifiers, you will not be able to export to our nation.' That is a reverse tariff, if you will, on the basis of certification. For the sake of the industry and for the sake of our meat exporting industry and, quite frankly, to ensure there are no rorts in this area, we need to make sure there is a single, coherent, reliable process which cannot be taken advantage of.

The second point I would make—and this is where Senator Dastyari and I principally disagreed—was in regard to what happens to the money. We did have AUSTRAC there, and AUSTRAC said that there is no direct link between halal certification and the financing of terrorism, but AUSTRAC also said they had never investigated whether there was a link or not, so they are making a statement about something they have not even investigated. But what we do know about international terrorism financing and financing of proscribed organisations is that, by AUSTRAC's own words, a major means of funnelling money out of the country is through charitable organisations, particularly Islamic charities. We have a circumstance where we have a halal certifier, Mr El-Mouelhy, who has admitted to funding an organisation called Human Appeal International. Human Appeal International is quite proudly sending money overseas to fund and sponsor extremist groups like Hamas. Hamas organise rallies with a Human Appeal International logo there, and we have an Australian certifier openly admitting to giving them large amounts of money. If I can get that information through a Google search, I wonder why AUSTRAC, with all their concerns about international financing of terrorism, cannot be bothered to put it together themselves. So I agree with Senator Dastyari about what AUSTRAC said, but I do not agree with the conclusion that AUSTRAC have reached as a result of it.

There is also the issue of domestic funding. A lot of money is made by halal certifiers in this country, and the evidence from their own financial reports provides that AFIC made somewhere between $600,000 and $800,000 or $900,000 from halal certification each and every year over the last four years. They have since backtracked from that, but that is not what their financial reports say. They then maintain that that money does not find its way into mosques, does not find its way into schools and does not find its way into the dawahs and the proselytisation of Islamic causes—some of which the extremists have been capturing. For example, we have seen AFIC schools captured by extremists where they are segregating boys and girls in the corridors, where girls are not allowed to play sport because apparently they are going to lose their virginity, and all sorts of things like this. It beggars belief that AFIC tell us that the money they make—the $900,000 or $800,000 a year—out of halal certification does not go to funding the sorts of activities that they are directly involved in. Of course it
does. They are taking us for a ride if they expect us to believe anything else. If we want to cut
the head off the hydra that is extremism in this country, we have to identify where the funding
for it comes from. Believe it or not, there is a lot of domestic funding that is channelled into
extremist organisations in this country and internationally. I can find the links.

The other aspect of it is that we have to, I think, be a bit stronger about the legitimisation of
certification schemes. Senator Dastyari said our export certification schemes are much more
robust than the domestic ones. As it stands now, I can set up an organisation called the Halal
Authority. I can come up with a fancy logo and go around to any shop in the country and say:
'You know what? You should be paying me $500 to use my logo. Here's the rubber stamp for
it.' That is effectively how it is regulated at the moment—it is not regulated. Of course it is
very easy to use coercive tactics in those sorts of environments by saying, 'Unless you take
my stamp I am going to call you an Islamophobe or a racist or a bigot,' or anything else that
wants to come along with that. We are seeing areas where there should be no certification but
people are having to pay for certification. We have even got evidence that red wine spare ribs
produced in Australia had halal certification on them. It is absurd. Compare and contrast that
with, say, the kosher certification schemes, where if it is water or something like that they do
it for free—it is not a money-making enterprise. In 1982 we had a royal commission into this
halal certification stuff, and they said that it should be operating as a not-for-profit entity. I
agree with that 100 per cent.

I want to finish on this: Senator Dastyari made, I think, a very valid point. There were
fourteen hundred and something submissions made to this inquiry—it is a matter of
importance to many Australians. I regret that some of those submissions were inopportune. I
thought they were out-and-out wrong, and it did not befit a Senate committee to publish some
of them. But it does highlight that we have an issue in this country and that we have to deal
with it. One of the best ways to deal with stuff is to shine some light on it and gain some
clarity. I regret the fact that Senator Dastyari came under personal abuse with this—though
not from me; I abused him to his face when I disagreed with him. There was a lot of email
traffic through which he suffered a lot of personal abuse simply because he was chairing the
inquiry and he did not agree with it. I know there are many people listening to this, and I will
stand here and say that Senator Dastyari did not agree with the premise of this inquiry, but
after reaching an accommodation and an understanding he came along with the inquiry and
participated as cooperatively as he could, and as I would expect as an interested senator. So
for him to be abused because of his ethnic background or his historical ancestry is, I think,
outrageous, and it is absolutely wrong. So I will stand with him in that.

I thank the Senate for this inquiry. It has opened up a whole new line of inquiry that I think
needs to be undertaken—that is, the use of charitable organisations to fund extremists and
proscribed organisations right around the world.

Senator CANAVAN (Queensland—Nationals Whip in the Senate) (17:05): On the same
topic, I want to commend the work of my colleague Senator Bernardi in this area. I have not
had an opportunity to read all of his additional comments on this report and, while I myself
am a member of this committee, I was unable to attend the public hearings on this inquiry.
But I do want to commend his work, because halal certification is an area I have some
personal experience with and it is certainly an area that requires some degree of reform and
greater transparency in the accreditation of the accreditation of certain providers and halal
certification bodies is certainly an area that requires some degree of reform and greater transparency.

It is an extremely important area for our red meat industry in particular, which I have been involved in in past careers. It is important for our market access. Obviously, our red meat industry is sometimes on the front line of diplomatic efforts through the world because it sells meat. The companies I have been involved with have sold meat to pretty much every country in the world bar Cuba and, in that respect, they probably have more contact with different countries around the world than some of our diplomatic corps would in any one year. So they understand the need to respect local practices and the need to modify what they do to get access to other markets. The frustration they have in that attempt to do that—a good-faith attempt—is that there are often bottlenecks in the system that require certain Australian red meat operators to deal with individual halal certifiers. There are a range of certifiers that are accredited by the Australian government for export, but sometimes—given market, customer or national preference—there are only a limited number of certifiers in this area.

I credit the work of the Economics References Committee in exposing some of what can only be described, at the very least, as anticompetitive practices. The committee has recommended greater transparency and oversight of these areas. That is something that could not only bring greater competition and transparency to this industry but also be of great help and assistance to our red meat industry in gaining access in a cost-effective and competitive way to overseas markets. I seek leave to continue my remarks.

Leave granted; debate adjourned.

MINISTERIAL STATEMENTS

Centenary of Anzac

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:08): I table a ministerial statement relating to the Centenary of Anzac national program.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (17:08): I move:

That the Senate take note of the document.

I rise to respond to the ministerial statement tabled on behalf of the Minister for Veterans' Affairs, the Hon. Stuart Robert, and to reiterate the sentiment expressed by the shadow minister for veterans' affairs, the Hon. David Feeney in the other place. I also take this opportunity to formally congratulate Mr Robert on his appointment to the role as Minister for Veterans' Affairs.

The Minister for Veterans' Affairs is always an important role but in 2015, 100 years after the dawn landings at Gallipoli, it is even more significant. It is this hundredth year that we, as Australians, can reflect on the Anzac values, described most aptly by World War I historian Charles Bean in his book, *Anzac to Amiens*, of resourcefulness, fidelity, comradeship and endurance—values that have become an enduring part of the Australian psyche. Although the Anzac Day dawn service in Gallipoli this year was central to the commemorative events, there will be many important days to commemorate over the four-year period of the centenary.
For Australia, the great war was tragic, profound and transformational. For a nation of some four million to five million, over 400,000 Australians volunteered for that war and more than 330,000 of them served overseas. Of those, more than 60,000 never came home. To echo the point made by the Minister for Veterans’ Affairs in the other place, one of the most redeeming qualities of our commemoration of Gallipoli, in particular, is the tribute we pay to the bravery of troops who fought on both sides of the struggle. During the Anzac Centenary, we have the opportunity to honour the service and sacrifice of those Australians who permanently linked those values and qualities with the name Anzac. The Centenary of Anzac national program to date has achieved just that. The service and sacrifice by Australian service men and women in all wars, conflicts and peacekeeping operations in which Australia has participated, and continues to participate, have been commemorated this year.

This is also a good time to think of the men and women of the ADF currently serving overseas and their families at home supporting them. These personnel are working in places like the Middle East, Africa and the Indian Ocean on behalf of us. The best qualities of our military and community are demonstrated by these people. They operate under challenging circumstances with dignity, compassion and professionalism. As they uphold the honourable values that we associate with the Anzac spirit, their families at home bear the heavy burden of an absent loved one.

In conclusion, the centenary is one of the most significant periods of commemoration in our nation's history. It is a time to reflect on the Anzac values of mateship, courage, sacrifice, loyalty and resilience, and on how these values are upheld by Australian service men and women today. It is a time to reflect upon the impact that these struggles and conflicts, these failures and successes, have had in shaping modern Australia. I thank the minister for his update and reaffirm Labor's strong bipartisan support for the Centenary of Anzac national problem.

Question agreed to.

Infrastructure

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:11): I table the annual ministerial infrastructure statement.

Senator RICE (Victoria) (17:11): I move:

That the Senate take note of the document.

I rise to respond to the annual ministerial infrastructure statement. We really appreciate the minister providing this update on the government's infrastructure agenda and, indeed, the recognition from the government that infrastructure investment is sorely needed in Australia. Given the importance of that, I really did want to take the opportunity to respond and I respond because it is critically important that we get infrastructure right, especially transport infrastructure.

Currently, our regions and our suburbs are very poorly served by smart, integrated transport. We have cities across the country that are car dependent, where almost 90 per cent of all trips are undertaken by car. Successive governments have had a backward-looking mentality that has favoured roads much more than public and integrated transport modes. There is a critical, valuable and important role that roads play, and will continue to play,
across the country, but we need to get the balance right. Currently, it is completely out of balance and out of whack.

The Greens welcome the government's new-found appreciation of transport modes other than massive urban motorways and that is reflected in the government's funding of the Gold Coast light rail to the tune of $95 million, and which is noted in the minister's statement. It is good to see that he is committed to not discriminating against one mode of transport over another. However, the minister also says that it is important that we make careful decisions on what transport modes are being funded to ensure that people can get around more quickly, more easily and more safely. The Greens feel that there is a disconnect between these statements in the minister's statement.

If we are committed to people being able to get around more quickly, more easily and more safely, if we are committed to spending our transport money more wisely, then we have to be investing much more in public transport. In our cities, in particular, where we have congestion, the only way we are going to be able to get out of that congestion is not to try to build our way out of that congestion by building motorways but by investing in public transport, which is the most efficient mode of shifting large numbers of people around our cities.

The minister stated that there is no 'magic pudding' of funds, which is why it is critically important that we put the money in the best possible place. Currently, if you look at our transport systems, particularly in our cities, where we have the gap is in public transport. We need to close that gap.

The minister talked about fixing the worst bottlenecks in our cities. The only hope that we are going to fix those bottlenecks is to give people the choice of getting out of their cars and onto public transport. Cars have been favoured for far too long, so we need to proactively and systematically fix public transport. That means buses, trains, trams, healthy cycling and walking options. They are the answer in our regional cities and centres.

The minister also said:

If we are to have the infrastructure we need to meet present and future demand, then we need to encourage the private sector also to increase investment in infrastructure.

We feel that the minister's insistence on private sector involvement must not come at the expense of transparency, accountability and public scrutiny.

My home state of Victoria has a pretty sorry history when it comes to public-private partnerships because of the lack of transparency. We had the situation, well-known to this house, of the East West Link, where we had no transparency and no accountability. The business case was not made public and that enabled the public-private development that was occurring to hide the fact that we only got a 45c return for every dollar that was being spent on that project.

So we have to get away from doing business like that. If we are going to have public-private partnerships we have to have transparency and we have to have accountability. Public infrastructure must be built in the public interest, not to line the pockets of private toll road providers.

The minister said in his statement:
We are looking dispassionately at funding and financing options across all infrastructure, by exploring concessional loans, equity and value capture. Where appropriate, we are also pursuing a more equitable user charging system.

We feel that it is good that the minister is considering different ways to finance the infrastructure that Australia needs. But we urge the government to consider the smart use of increased government debt. Money has never been cheaper than it is at the moment. We know that borrowing money for infrastructure is a good investment. We know it will give such a solid return and that it will repay the investment in that infrastructure over and over again in the decades to come. So we have to take action now to make investments in the future.

The minister spoke of not favouring one mode over another but then went on to list a whole list of infrastructure projects. I counted them up: I think there were 15 road projects that were listed in the minister’s statement versus only one passenger rail project. This is not getting the balance right. The minister spoke of the fact that there is an infrastructure package of $9.7 billion being rolled out over the next year. The Gold Coast Light Rail at $95 million is less than one per cent of that $9.7 billion. That is not getting the balance right; that is not redressing the gap. That is not providing the priority that is needed for the public transport infrastructure that will be the answer to solving the congestion problems in our cities.

Finally, we were very pleased to see the commitment to freight rail. There was a lot of talk about the need to invest in freight rail and we are completely in support of that as the direction to go in, because by having freight rail we can get trucks off our roads both across the country and in our inner cities. Particularly as someone who comes from the inner western suburbs of Melbourne, where we have roads and residential streets that have huge port-related freight vehicles—B-doubles and B-triples—plying those roads, the need to get freight off those roads and onto rail is absolutely critical, as well as reducing the pollution levels in our cities and reducing our carbon emissions.

But we have to make sure that we have a level playing field when it comes to rail versus road, that we are not subsidising the road operators. Otherwise, it is going to be difficult to make freight rail economically viable. So we are really pleased to see the direction of investment in freight rail, but the proof is going to be in the pudding as to whether the money is actually put into it to make it work.

We urge the government to continue to apply pressure to the Victorian government, because there is an investment of $38 million that is sitting there. It has just been put aside; all work is suspended at the moment on the Melbourne Port-Rail Shuttle. It is a $58 million project that would get those trucks off the residential streets of Footscray and Yarraville, and get trucks off roads in the northern suburbs and the south-eastern suburbs as well. At the moment, the Victorian government has put that project on hold while they consider what to do—whether to privatise and how to privatise the port.

Our view is that we are not in favour of privatising the port. But regardless of that, this should not depend on privatising the port. We need to have that port-rail shuttle in operation. We need to have that money being spent so that those trucks can be removed from our roads and so that freight can be put on efficient rail to get it out of the port and into the suburban intermodal hubs—to make our transport systems operate so much more efficiently in that way and really deliver benefits to local residents, to our environment and to the economy of our city as well.
In conclusion, I think it is terrific to see an infrastructure statement from the government, and I commend the government on that commitment to have an annual infrastructure statement. But I hope that in future statements we are going to see a much better balance and see priority given to public transport, walking and cycling, and to investment—not just rhetoric—in terms of investment in freight rail. Then we will really be on track for a fairer, better, cleaner and greener future. Thank you.

Senator CAMERON (New South Wales) (17:21): I rise to speak on this issue. I just want to quote the shadow minister for infrastructure, Mr Albanese, in the other place. He said:

ABS figures show that between the September quarter of 2013, Labor's last quarter in office—

marking the Abbott government's election—

and the June quarter of 2015, the latest figures, public infrastructure investment fell by 20 per cent …

Mr Albanese went on to say:

Remember the former prime minister saying he wanted to be the infrastructure prime minister? Well, he's had a bit to say over the past few days and in the highlights of his achievements, he ignores infrastructure …

… And no wonder, because we were told that under a Coalition government there would be cranes on the skyline within one year of their election and bulldozers at work …

He went on to say:

There are no cranes on new projects. There are no bulldozers … Just clouds of bulldust from a government that has not had the ability to put its words into action.

That is the reality of what we have seen with this government on infrastructure. We have seen it arguing that it is doing these big infrastructure projects. All the projects actually commenced or were determined under the former Labor government.

You see, the Labor government understood the importance of infrastructure, and the Labor government understood, despite what has just been said by the Australian Greens, that there is a need for balance between public transport and road building. You cannot ignore road building, because of the historic position that many of our cities find themselves in. Roads that are more efficient, more effective and more well thought through are important, along with public transport.

It has been an absolute disgrace over the period of the Abbott-Turnbull government that they have ignored the need for public transport. I live in the lower Blue Mountains. I have lived in the western suburbs of Sydney. Public transport—apart from trains that are intermittent and trains that are packed—is almost nonexistent. You rely on private transport in the western suburbs of Sydney if you do not use the train services that people find very difficult under the bad stewardship of the Baird New South Wales coalition government.

So there is an issue in terms of infrastructure. We need to ensure that we get a proper analysis done, a proper approach to infrastructure, that prioritises the balance between public transport and road building. Road building, as I have said, is required in some areas. We cannot all run to work. We cannot all cycle to work. That is the reality for many people. Even if they might want to be able to run to work, for many of the residents in my local area, in Blaxland, in the lower Blue Mountains, they would be running 80 kilometres to the city in the morning and 80 kilometres back at night, so running to work is not an option for them. It just would not be. We might have the fittest residents in the world, and we might win a few
marathons along the way, but they certainly would not be able to run to work. They certainly would not be able to cycle to work. It is almost like being a kamikaze pilot on the roads at the moment on a bicycle in peak hour. So these are not options for many people.

We really have to get to a position where this government moves away from its austerity approach, which was pioneered in that first horrible, terrible budget of former Prime Minister Abbott, and is spending money on properly thought through infrastructure projects. I have to tell you that simply saying, 'We've done a great job in infrastructure,' when you have not done a great job just cements the issue in people's minds that this government cannot be trusted on promises. It cannot be trusted.

And one of the areas it cannot be trusted on is the GST. We have seen a situation where it is clear that, if you get public transport and you use public transport, if you are lucky enough to have access to decent public transport, a GST of 15 per cent is going to make it harder for you, on a modest income, to access that public transport. Not only has this government let this country down on infrastructure projects; it has let this country down because it is planning to implement a 15 per cent GST on the cost of public transport, when the Abbott-Turnbull government has ignored public transport in its term. These are issues that the public will look at in relation to this government.

A lot of people see this government at the moment as that big shiny peach that looks so delightful. It looks so tempting. But it is like one of those peaches in the middle of summer that you bite into, and there is the grub in there that has eaten the middle out of that peach. That is what this government is like. This is because right at the core of this government the extremists are still in control. They are in control on infrastructure projects. They are in control when it comes to race based politics. They are in control when it comes to trying to knock off effective trade unionism in this country. They are still there.

The current Prime Minister is simply there at the beck and call of the extremists. He had to give up on what were supposed to be his long-held principles to become Prime Minister. On climate change, we could certainly be looking at improving the infrastructure in this country in power utility through renewable energy. We could be doing that, but not under this government, which is led by Prime Minister Turnbull, because he is still a captive to those who deny that climate change is an issue, who deny that they are going to implement a GST, who deny all of the issues that they put through that first dirty, rotten, horrible budget that they implemented.

This is a government that cannot be trusted. It cannot be trusted on a GST. It cannot be trusted on infrastructure. It cannot be trusted on workplace relations. It is an untrustworthy government. It does not matter if you have that nice shiny peach there at the moment; people will soon realise that it is rotten at the core, that the grub is in there and the grub has eaten away at that peach.

So we are in a position where we have a government now that over the period that it has been in government has reduced infrastructure spending and has simply tried to claim the major projects that Labor introduced in its time of government as its own projects. It has been completely disingenuous in relation to those projects. It is a government that would say anything and do anything, and we have a Prime Minister who would say anything and do anything to get to power.
We have a government that is about to implement a GST, regardless of all the arguments that it puts up. It will argue that it is fearmongering. You only have to look at what is being said by individuals in the coalition on the GST. The GST will push up infrastructure costs. The GST will push up the cost of living for ordinary Australians. The GST is a regressive tax that will harm investment in infrastructure projects in this country because it will push back, in my view, the capacity for people to spend in this country. At a time when we want to try to expand the economy by getting people to spend more, we are going to have this dirty, rotten GST in place, where small business will not invest. It will hit confidence, it will hit investment and it will hit infrastructure in this country. The GST is the most regressive thing we could do in the current situation that this country is in. It is the most regressive thing you could do at any time, because it hits the poorest in this country. We have the economic ideologues on the other side, the former Productivity Commission tsars, out here telling us what is good for us. I will tell you what is not good for us, and that is an increase in the GST and a continuation of this government that cannot be trusted, a bad government, in the future.

(Time expired)

Question agreed to.

COMMITTEES

Economics References Committee

Foreign Affairs, Defence and Trade References Committee

Membership

The ACTING DEPUTY PRESIDENT (Senator Bernardi) (17:31): The President has received letters requesting changes in the membership of committees.

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:31): by leave—I move:

That senators be discharged from and appointed to committees as follows:

Economics References Committee—

Appointed—

Substitute member: Senator Cameron to replace Senator McAllister for the committee's inquiry into insolvency in the Australian construction industry

Participating member: Senator McAllister

Foreign Affairs, Defence and Trade References Committee—

Appointed—

Substitute member: Senator Rhiannon to replace Senator Ludlam for the committee's inquiries into contamination caused by firefighting foams at RAAF Base Williamtown and Australian Defence Force facilities and at government sites

Participating member: Senator Ludlam.

Question agreed to.
BILLS

Australian Institute of Aboriginal and Torres Strait Islander Studies Amendment Bill 2015

First Reading

Bill received from the House of Representatives.

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:32): I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:32): I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

AUSTRALIAN INSTITUTE OF ABORIGINAL AND TORRES STRAIT ISLANDER STUDIES AMENDMENT BILL 2015

Today I introduce the Australian Institute of Aboriginal and Torres Strait Islander Studies Amendment Bill 2015.

The Bill will allow for amendments to be made to the Australian Institute of Aboriginal and Torres Strait Islander Studies Act 1989. These amendments will strengthen the Australian Institute of Aboriginal and Torres Strait Islander Studies' (AIATSIS) governance arrangements and refocus it on its core activities of collection and preservation of Indigenous culture and heritage.

AIATSIS’ work involves curating, researching and preserving our internationally significant collection of Aboriginal and Torres Strait Islander culture and heritage.

AIATSIS holds over a million items of historical and cultural significance. According to a recent independent analysis, AIATSIS holds the most extensive and best contextualized collection of Indigenous Australia in the world.

These items come in all manner of media and formats, some of which cannot be replaced. The national collection includes more than 175,680 titles of printed material, 5000 manuscripts, 2600 rare books, and 650,000 photographs relating to Indigenous Australia dating from the late 1800s.

It also includes the Australian Indigenous Languages Collection, which contains over 4300 titles, and more than 40,000 hours of audio.

The language collection is of such international significance that it is now part of the UNESCO Australian Memory of the World Register.

AIATSIS is proud that its collection grows at a rate of some 1400 items per year. Importantly, or perhaps sadly, AIATSIS holds audio visual recordings of some Indigenous communities and languages which no longer exist.

Maintaining a collection of such breadth, cultural significance and value is not without enormous challenges.
This Bill is part of a reform agenda that will assist AIATSIS to position itself for the future so that this is achievable.

It is an agenda that has been developed through consensus – that recognises the national importance of AIATSIS and acknowledges there must be change to ensure its sustainability.

In addition, in May this year, the former Minister for Education and Training, the Hon Christopher Pyne, worked with the AIATSIS Council on the establishment of the AIATSIS Foundation. The Governor-General, His Excellency General the Honourable Sir Peter Cosgrove AK MC, launched it.

The AIATSIS Foundation will make it possible for the broader community and philanthropists to support and contribute to the critical work of AIATSIS.

This follows steps taken in the 2014–15 and 2015–16 Budgets, when $8.3 million in additional funding was provided over those two years, so that the most immediate risks to the preservation of the national collection of Indigenous cultural materials could be addressed.

This Bill now takes important steps to reform the appointment process for the AIATSIS Council and refocus the functions of AIATSIS towards the purposes it is uniquely placed to achieve.

This includes that the national collection is maintained as a major research resource and the largest of its kind in the world.

More and more of this information is being used by Aboriginal and Torres Strait Islander peoples to reconnect with their culture. It is also increasingly being used to enable cultural revival, including access to lost languages.

The amendments in the Bill reflect the contemporary environment for the heritage and culture of Aboriginal and Torres Strait Islander peoples. It affirms AIATSIS' national leadership role in preserving, understanding and communicating this heritage and culture for future generations.

The Bill will refresh the appointment process for the AIATSIS Council.

In making appointments in the future, consideration will need to be given to the overall skill set of the Council so that effective and contemporary governance practices guides the work of AIATSIS. The principle of diversity will be embedded, and importantly so will the requirement to maintain an Indigenous majority on the Council.

In the future, the Council will be refreshed on a rolling basis by limiting membership to a maximum of two consecutive terms.

These changes will provide AIATSIS with a dynamic and strategic Council to oversee and guide the activities of the Institute into the future.

AIATSIS currently has a wide range of legislated responsibilities which include: promoting, publishing and undertaking relevant research; assisting in training people, particularly Aboriginal and Torres Strait Islander peoples, as research workers in relevant fields; establishing and maintaining a cultural resource collection; and encouraging understanding, in the general community, of Aboriginal and Torres Strait Islander culture and heritage.

Streamlining the number of legislated functions that AIATSIS is required to undertake, from eight to five, will better target available resources to ensure that maximum effort is directed towards preserving the national collection.

Since the AIATSIS Act was enacted in 1989, the landscape for preserving, understanding, communicating and developing Aboriginal and Torres Strait Islander culture and heritage has changed and grown, with many more academic, cultural and community organisations and institutions involved.

AIATSIS will be better positioned to focus on preserving, maintaining and reviving Aboriginal and Torres Strait Islander knowledge, languages, cultures and histories and traditions passed on from one generation to another, now and into the future.
This Bill is an important next step in ensuring the preservation of this important national collection.

Ordered that further consideration of the second reading of this bill be adjourned to the first sitting day of the next period of sittings, in accordance with standing order 111.

**Export Control Amendment (Quotas) Bill 2015**

**First Reading**

Bill received from the House of Representatives.

**Senator SCULLION** (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:33): I move:

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

Question agreed to.

Bill read a first time.

**Senator SCULLION**: I move:

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

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

Leave granted.

*The statement read as follows—*

**STATEMENT OF REASONS FOR INTRODUCTION AND PASSAGE IN THE 2015 SPRING SITTINGS**

**EXPORT CONTROL AMENDMENT (QUOTAS) BILL 2015**

**Purpose of the Bill**

The bill consolidates four Acts that govern export tariff rate quotas into one Act that governs all commodities.

**Reasons for Urgency**

Introduction and passage in 2015 Spring sittings is required to enable an orderly transition to the new arrangements for the commencement of the Japanese quota year on 1 April 2016. Urgent consideration by the Senate will enable sufficient time for subordinate instruments to be drafted and considered by the Federal Executive Council, and quota certificates to be issued for shipments that will enter Japan on the first day of the quota year.

Question agreed to.

**Second Reading**

**Senator SCULLION** (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:34): I move:

That this bill be now read a second time.

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

Leave granted.

*The speech read as follows—*

**EXPORT CONTROL AMENDMENT (QUOTAS) BILL 2015**
Where export tariff rate quotas are established by trade agreements Australia seeks to manage the quotas in order to offer exporters the maximum concessions possible on agricultural products.

Australia currently administers 33 quotas that save exporters millions of dollars in tariffs each year. For example, the eight new quotas introduced under the Japan Australia Economic Partnership Agreement saved exporters approximately $3 million in tariffs between January and May 2015.

Current arrangements provide for quota to be managed under four separate Acts.

Consultation with industry has determined that a comprehensive quota regime is preferred to the current arrangements.

Today the government brings forward the Export Control Amendment (Quotas) Bill so that all quota export certification arrangements for agriculture can be carried out under a common set of powers.

This would be achieved by abolishing one Act in its entirety, parts or divisions of two other Acts and consolidating provisions within the Export Control Act 1982.

This Bill proposes amendments that would provide the Secretary with powers to make orders providing for, or in relation to, the establishment and administration of a system or systems of tariff rate quotas.

Orders are proposed to be made to cover goods currently subject to quota regulation but could cover any other goods that quotas may apply to in the future.

The Bill will provide the ability for the Secretary to make directions in relation to matters covered by an order.

The proposed amendments will also enable the directions to override the order. These powers are similar to powers regulating existing meat quotas under the Australian Meat and Livestock Industry Act 1997.

This Bill would also introduce new powers consistent with contemporary, flexible and efficient legislation. These include the use of registers and computer systems to make decisions in relation to tariff rate quotas.

The Bill facilitates a reduction in red tape in accordance with the Government’s election commitments.

Bringing regulation of quotas under the same legislation as other export controls of the same commodities will offer opportunities for synergies in deployment of resources.

It will also enable a consistent approach to appointment of third parties as authorised officers where they are permitted by importing countries.

The Bill will commence on Royal Assent except for repeals of existing regulation of quotas. This allows for all existing quotas to run their course under current legislative arrangements before being phased out and orders under the new powers to commence. The existing legislation governing quotas is repealed later on 1 January 2017.

The Bill complements the government’s strategic approach for capturing premium markets outlined in the Agricultural Competitiveness White Paper and builds on the gains from recent free trade agreements with our major trading partners.

Debate adjourned.

Higher Education Support Amendment (VET FEE-HELP Reform) Bill 2015

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.
to which the following amendment was moved:
At the end of the motion, add:
"but the Senate calls on the Government to:

(a) appoint a National Vocational Education and Training Ombudsman who would have the power to investigate consumer complaints and order the refund of course fees where Registered Training Organisations (RTOs) have been found to act unscrupulously, either to the student directly or the Government, whichever is applicable, resulting in the student discharging any related VET FEE-HELP debt;

(b) support the call for the Auditor General to conduct an audit on the use of VET FEE-HELP;

(c) amend the Higher Education Support Act 2003 to impose caps on tuition fee amount similar to the student contribution caps for HECS-HELP;

(d) reduce the lifetime loan limit for VET FEE-HELP to half the current amount;

(e) ban or directly regulate brokers or marketing agents; and

(f) provide the Department and the Minister with the necessary statutory powers to suspend VET FEE-HELP payments to providers which are under investigation".

Senator O'NEILL (New South Wales) (17:34): This is a continuation of my speech. I had a few minutes earlier today just before question time, and for those who might be listening and paying attention to this debate at the moment I would just like to lay out the land a little of where we got to just before question time. At one o'clock, when I was sitting in the chair, let me tell you that there was a flurry of activity and a whole lot of amendments that had just landed in this chamber as a result of the government's hasty response to an even more hasty lodgement of a report from the Senate Education and Employment Legislation Committee, which just yesterday put forth a document—quite a detailed document, I will say, but nonetheless fairly rushed at the end so that this government could finally do something about a problem it has been sitting on for two years.

This government is so incompetent and so out of control and so full of hubris. Granted, it does have a new leader with a nice suit and wonderful elocution lessons clearly, but there is a problem with this government and it is a failure to actually attend to the things that matter to Australians. What it wants to do with this piece of legislation just shows how out of touch it is with reality and it just shows where it puts education on its list of priorities. This is the government that wants to put a 15 per cent tax, a 15 per cent GST, on education. Families sending their kids to school under this government come next year would end up having to pay 15 per cent more.

This is the reality of what they think about education, and you see it revealed at every turn in what they have done with regard to the VET sector. The VET sector, for those who do not know, is not to do with veterinarians—horses or small animals et cetera. The VET sector we are talking about is the vocational education and training sector. That VET sector is a critical part of enabling Australians to learn in a skills based way the things that they need to participate in the economy and to get jobs. It is the place where many kids decide that they want to continue their learning. School might not have been a great place for them, but I can tell you I know hundreds—thousands—of tradies on the Central Coast and right across the state of New South Wales and, indeed, the nation who have benefited from the opportunity to go to a high-quality technical and further education college and learn the skills of their trade.
It has given them a lifetime of opportunity, great skills and in many cases the chance to grow their own businesses and employ other Australians.

TAFE is a critical part of Australia's history. We have a growing population. We have changed somewhat and we now have some private providers, but there is a bit of a problem that has been going on since 2013, when this government was elected. They have not been watching. They have not been paying attention to what was going on. I will let you know how much they were not paying attention. The report indicates that in 2012 there were 55,000 VET students across the country. Those are students who were engaged in vocational education and training. The cost of the investment in those young people and mature-age people whose careers may have hit a juncture where they either did not like the work they were doing before, had an injury and needed to retrain for another profession or might have just decided that they might choose another career for the rest of their life to meet their community, family or personal monetary needs—the investment in those people—was costing the Commonwealth $235 million.

I do not begrudge investment in education. Those opposite do at every turn. They generally begrudge it. The average cost there was $5,800 per student for the delivery of this retraining opportunity. By 2014, while this government was on watch, the number of people in the VET sector had grown at the most phenomenal rate of 367 per cent. That scale of an expansion of the sector while this government was not looking ended up costing the country $1.8 billion. This was going on while they were in government.

Senator Canavan: It was your decision.

Senator O'Neill: You can hear the senator over there. He is doing everything he can to avoid any scrutiny or accept any blame. This is what children do before they realise they have to accept responsibility for their actions. This is a childlike government that wants to come in here and pretend that they have arrived and everything will sort itself out. They were on their watch and failed to do anything to prevent that blow-out.

The average debt went up to $10,000 from $5,800, nearly doubling. That is 124 per cent growth in the cost to those students of the debt that they have acquired in going in to do these sorts of courses. That is what has been going on. There is lots of evidence that there is a huge number of problems in this area. We have been hearing it all over the country. Some of the stories that we have heard nearly break your heart. They reveal the ugly side of human beings: greedy, selfish, self-interested people who have chosen to exploit others for whatever short-term personal gain they can get for themselves. The evidence we heard in Sydney related to companies that decided to set themselves up as training organisations and went out to the area of Waterloo. They targeted an underprivileged community. They walked through there, doorknocking and saying: 'Would you like a free laptop or a free iPad? Just sign this form and we'll give you the course that you've always dreamed of.' One of them was hairdressing management. The problem was you did not get to learn how to do hairdressing before you got to be the hairdressing manager, but those are the sorts of courses they were offering.

People signed up. The evidence we heard was that, when people signed up to this, they did not realise that, in doing so, they had incurred a debt. People who are on a low or fixed income and do not engage with the Taxation Office might not ever know that they have got that debt until such time as they earn enough to participate in communicating with the taxation office. Or perhaps in their demise their family finds out that this is a debt that has
been sitting there and accruing over a period of time. These are the stories that the committee has been hearing. That is what has been happening while this government was in and took its eye off the ball. It was not paying attention, and that has happened to thousands of Australians.

Finally they got onto it. They figured out that it was a problem and they had better do something about it, so on 1 April we had the minister, representing himself as ‘The Fixer’, who came in and said: ‘Oh, we can fix it. I’ll tell you what we’ll do. We’ll sort it out, and this is how we’re going to fix it.’ They banned VET providers from offering inducements such as free laptops, cash and vouchers. It is good that they did that. They said that VET providers and their markets could no longer market VET FEE-HELP supported training as free or government funded. They were no longer allowed to mislead students into in any way believing that VET FEE-HELP is not a loan and not expected to be paid back. It goes on.

They came in here and said: ‘We fixed it. Everything’s fine.’ Except here it is, the last week of parliament, and they have rushed in this report. They have rushed in amendments close to the end of this sitting period. While the debate is on here they have rushed in these amendments because they are trying to fix up what they already said they had fixed. The problem is they are doing this is in haste. They are not allowing fulsome and careful consideration of this piece of legislation. It has implications for thousands and thousands of Australians across this country. I tell you what: the 10,000 or 12,000 people in Victoria who have lost their qualifications while dodgy operators were operating under the scheme that the government oversaw will not be real happy with this government that says it is going to be all things to all people and then breaks every promise that it makes anyway.

I am very concerned about this dodgy piece of legislation that has come in. It is half-cooked. It is not properly considered. As Senator Xenophon said in his remarks earlier today, it is a mess. What can we do about a government that acts in this way? We can bring in some amendments to try to fix up the mess that they are offering here—fix the inadequate response which I fear may lead to the same sort of outcomes we have seen since April.

In his second reading speech, Senator Carr indicated a number of amendments that call on the government to do a few very important things. One of those was to appoint a national VET ombudsman with the power to investigate consumer complaints, because one of the things we were finding was that when people had problems they could not actually go and get those problems dealt with in a quick way. There were delays and delays and delays. There was nowhere easy for them to access. That is a critical thing that needs to happen, as we have suggested in our amendments. We also call for a national VET ombudsman to have the power to investigate consumer complaints and order registered training organisations that have been found to act unscrupulously to refund course fees to the student. We believe that the ombudsman should also be able to order RTOs to refund the course fee to the government and have the students’ VET FEE-HELP fees waived in cases where the course fees are being paid by the government and the student has accrued a VET FEE-HELP debt.

As Senator Xenophon says, the mechanisms around that, which look like they are going to be by regulation, are critical to making sure that we are not back here on 1 April next year trying to fix up the next lot of mess that they are implementing in this area. They told us they had fixed it in April, but we have testimony after testimony, not only in our committee but also on the public record in a range of newspapers, citing what is going on still because they
failed in their legislative reform the first time. Fairfax Media reported that one of the nation's biggest private colleges, Careers Australia, enrolled 2,762 students using VET FEE-HELP. Guess how many they graduated? Of 2,762 students, how many do you reckon they graduated?

Senator Carol Brown interjecting—

Senator O'NEILL: Senator Brown, it was 300. These figures were disputed by Careers Australia. We had a hearing in Melbourne. We were told that a broker had targeted Vietnamese students studying English at a community centre by offering inducements. This is after they said they had fixed it—in the member for Sturt's model of 'the fixer'. The Age investigation revealed that brokers operating for the Phoenix Institute of Australia—and you would have heard about that last week in the paper—offered free laptops for disabled public housing tenants in rural Euroa. So much for the disincentive of the legislative reform that the government undertook on 1 April this year, when the minister stood up and said he had fixed it and sorted it.

The Australian Competition and Consumer Commission have got involved. It is so bad that they have commenced court action against Unique International College in Sydney. They are alleging that the college sent sales people into Aboriginal communities and handed out free laptops in return for their signatures on applications for online diplomas. There are pages and pages of these sorts of stories. Cornerstone Investment paid $46 million for VET FEE-HELP in 2014 for 4,000 students. Guess how many they graduated?

Senator Carol Brown: Five?

Senator O'NEILL: You are right, Senator, it was five.

The ACTING DEPUTY PRESIDENT (Senator Bernardi): Ignore Senator Brown's interjections.

Senator O'NEILL: Senator Brown is an extremely wise woman and was absolutely knowledgeable about the fact that there were only five students who graduated from the course. These examples that I have just referred to indicate that this happened after they had 'fixed it' on 1 April. If that was their fix on 1 April, you can understand why I am sceptical about their fix on 1 December. On 1 December they have come in here to fix it, and the fix that they are offering, as I said, is extremely late in arriving and really does not allow the Senate to properly consider, in careful detail, the implications of what they are proposing.

We know that there are a number of issues that will, hopefully, get some consideration as we move to the consideration of this bill in detail. I see that the minister has come in here in the last few minutes, and he will have some remarks to make here. Whatever the minister might say, let us just get it on the record that when it comes to education there is only one party in this country, the Labor Party, that has advanced the interests of public education consistently for decades. There is only one party, the Labor Party, that is going to stand up to make sure that the lot on the other side does not put a 15 per cent GST hike on all elements of education. The Labor Party will hold this government to account.

We will consider the amendments that are coming forward, but we have to note that this has been a shoddy process. It is a mess, as Senator Xenophon said. It is an inadequate piece of legislation, as Senator Lines said. This is sloppy work in a policy area that this government has sought to destroy from the minute it has come in: $30 billion taken out of school
education; who cares less about what happens in the VET sector; and let us see if we can take out the higher education sector and put $100,000 degrees on students. Today they have had a go at every single way they could break education in this country. This piece of legislation and the shoddy amendments they have brought in here at the last minute reveal yet again the contempt that they really have for education, their ineptitude as a government and their failure to take seriously the terrible implications of not looking after this on their watch. That is a characteristic of this government every single day.

Senator CAROL BROWN (Tasmania) (17:50): I rise to speak also on the Higher Education Support Amendment (VET FEE-HELP Reform) Bill 2015. I concur with Senator O'Neill's comments in her contribution here today. Over two years, we have had three different ministers in the Abbott-Turnbull government who have tinkered around the edges with the VET FEE-HELP loans, and the loans have skyrocketed from $699 million in 2013—

Government senators interjecting—

Senator CAROL BROWN: You have had two years. Maybe not you, Minister—

The ACTING DEPUTY PRESIDENT (Senator Bernardi): Order! Address your remarks to the chair, Senator Brown.

Senator CAROL BROWN: Thank you, Mr Acting Deputy President, I will endeavour to do so. The VET FEE-HELP loans have skyrocketed from $699 million in 2013 to $1.7 billion in 2014. In 2014 there were 202,776 students, an increase of 367 per cent, and fees had shot up to $8,666 per student, an increase of 147 per cent. The bill before us seeks to introduce changes in addition to those that were introduced in April this year to address the rising debts and inappropriate enrolments that have been spoken about in the many contributions that we have heard today on this bill. Labor will support the measures in the bill but the bill is not strong enough and we call on the government to do more to address what has become a major national scandal impacting on students and the Commonwealth budget and threatening the reputation of our vocational education sector.

It seems that not a week goes by without media revelations about dodgy providers, exploitative practices and large debts. Last month, it was reported that Cornerstone Investments was paid $46 million for VET FEE-HELP in 2014 for 4,000 students. But, as has already been articulated by Senator O'Neill in her contribution, only five of those 4,000 students graduated. Last week, it was reported that one private college is going into voluntary administration, four have been deregistered by the industry regulator and the Australian Competition and Consumer Commission is launching legal action against a further two colleges. Many of these stories were raised in this place earlier this week in the context of the debate on the education services for overseas students amendment bills.

While I stress that not all, or even a majority, of providers in this sector are dodgy, it is clear that we have recently seen escalating problems with shonky providers that have brought the sector to a crisis point. With the collapse of Vocation Ltd, a private college that has been placed in voluntary administration, up to 12,000 students across Australia are in limbo. It is time that those opposite took action to protect students and quality providers rather than removing protections. It is clear that Australia's international reputation as a quality education provider is now in jeopardy after two years of reports of shonky colleges taking advantage of students and abusing the system and with little action from the government.
We have also seen the ACCC launch legal action in the Federal Court against Phoenix Institute for false, misleading and unconscionable conduct, and it is seeking the repayment of $106 million in Commonwealth funding provided through VET FEE-HELP. At the time, the ACCC stated that it was investigating nine or 10 vocational colleges. But, yet again, we have seen no action from the government. The shonks and the sharks are destroying the reputation of the whole vocational education sector. The Turnbull government is determined to bury its head in the sand, tinker at the edges and just hope that the shonks and sharks will magically disappear. The unprecedented crisis in this sector has escalated over the last two years and, in my view, those opposite are really only offering a weak response. While this bill is a belated start, the measures in it are simply insufficient to stop the dodgy providers and protect vulnerable students. TAFE Directors Australia said in their submission to the Senate inquiry into the bill:

Put simply, there is a culture of private 'for-profit' providers who have exploited—and without stricter legislation will continue to exploit—any and every loop hole or weakness in the VET FEE-HELP guidelines and legislation.

TDA cautions that current legislation and policy settings appear to be insufficient, and that far stronger control and governance of the VET FEE-HELP loan scheme is warranted in the face of incontrovertible evidence of abuse.

Rather than tinkering around the edges, the government needs to turn off the tap of government VET FEE-HELP assistance for the dodgy providers who are suspected of unconscionable conduct. For this reason the Senate Education and Employment Legislation Committee inquiry into the Higher Education Support Amendment (VET FEE-HELP Reform) Bill 2015, which we are discussing here today, has proposed tougher amendments to deal with this issue. Labor senators on the committee have recommended that the Senate support tougher amendments to deal with the issue such as capping tuition fees, reducing lifetime VET FEE-HELP loan limits and improving measures to strengthen student protection when entering into a VET FEE-HELP loan scheme. In line with this, Labor will move amendments which will strengthen this bill by capping tuition fees for VET courses eligible for VET FEE-HELP; lowering the lifetime limit for VET FEE-HELP loans, halving the limit from just over $97,000 to $48,864; and ensuring loan applications for students are handled by the Department of Education and Training rather than by a private college or broker.

Strong action is needed to address the growing crisis in the VET sector. For this reason, I urge those opposite to support Labor's common-sense proposals that will protect students, taxpayers, the economy and the reputation of the sector. In addition to the amendments that Labor will move, we also call on the government to implement a number of other measures which will help ensure the integrity and quality of our VET sector. Specifically, Labor is calling on the Turnbull Liberal government to ban or restrict the use of brokers to recruit students to courses funded by VET FEE-HELP, give the minister the power to suspend payments to a private college under investigation and establish an industry funded VET ombudsman to help protect vulnerable students from exploitation by shonky training colleges.

So far, this government has failed to stop dodgy training colleges from targeting vulnerable students, and taxpayers are paying the price. In spite of clear evidence that dodgy providers are targeting people with intellectual disabilities, people in Aboriginal communities and people in low socioeconomic areas, according to recent media reports shonky brokers and
training companies are going from door to door in Queensland targeting vulnerable Australians with offers of free laptops.

Earlier this year it was reported that brokers were targeting elderly people and people with disabilities, in public housing in the suburb of Prahran, with inducements like iPads. Taxpayers and students are being left to foot the bill for the government's inaction. Other reports have revealed that jobactive clients are being referred to brokers to sell diplomas, with a sales target of one diploma per day. Unemployed Australians who are jobactive clients of the Department of Employment can lose their benefits if they refuse work or are fired from their employment. This places them in a very difficult position, when they are asked to do such work.

These reports prove why the government should be supporting Labor's proposals for a VET ombudsman and a requirement for a stricter opt-in application system for students taking out a VET FEE-HELP loan. The VET stakeholders, including the Australian Council for Private Education and Training, have been calling for a VET ombudsman to help protect students and restore the reputation of the sector. Yet the Liberals have refused to support these common-sense amendments.

Under this government, hundreds of millions of dollars have been wasted on training, with low completion rates and low quality, and the reputation of the sector has suffered. The minister must take action—urgently—so students signing up for courses in the new study year can have the confidence that they are receiving good quality training for their future employment. This bill is a belated but still inadequate step to address a crisis in our VET sector.

As Labor senators' additional comments to the Senate committee report on this bill state:

1.1 The Higher Education Support Amendment (VET FEE-HELP Reform) Bill 2015 seeks to play catch-up in terms of regulating the operation of VET FEE-HELP and providing some measure of redress for the victims of the shonks and shysters who have been perpetuating a scam on students and the Australian people.

1.2 This Bill—

while welcomed—

is expressly inadequate. It continues this Government's practice of addressing the symptoms, but not fixing the underlying problems, that plague the VET FEE-HELP system and vocational education across the country.

Apparently, now even the government recognise this and are seeking to make a number of amendments to their own bill at this late stage. It is time the minister started to work with Labor to put in place strong measures to protect students and the sector. Students, the taxpayers and quality VET providers can no longer afford this government's inaction. Tough talk is not going to drive the shonks out of the sector. It is going to take real common-sense action—as proposed by Labor.

**Senator BIRMINGHAM** (South Australia—Minister for Education and Training) (18:02): I thank those who have contributed to this debate. I am disappointed that some of those contributors opposite did not start their contributions with an apology for getting the nation in this mess in the first place. Nonetheless, I thank them for their contributions and the indications of support for the legislation.
The approach of the Labor Party and their commentary on this matter is a little bit like arsonists who lit a fire and complained that the fire brigade came too late. The truth is, we have been working to put this fire out, for some time. We have been quite open and transparent about the problem, the need for us to confront the problem, the reforms we have been implementing and the time line within which those reforms are implemented. Some of the reasons for reforms taking a little longer to be brought to the table and to be brought to effect than might be ideal are that we have real students enrolled in real circumstances, right around the country, and we have to make sure their studies—which they are in legitimate areas of study—are not disrupted.

It is important for the chamber to remember that it was in 2012 that the previous Labor government opened up the VET FEE-HELP scheme. They changed it and, in their changes, there were insufficient controls or safeguards to protect students' or taxpayers' money. Let us have a quick look at some of the statements made during those 2012 debates and discussions, in the parliament, to open up the scheme. In the other place, Ms Bird, the then Parliamentary Secretary for Higher Education and Skills—now shadow minister for vocational education and training—said:

... improving access to VET FEE-HELP is just one of a range of reforms the Labor government is driving to help more people get the skills they need to improve their job prospects and get better pay, a more rewarding career and a better future.

Some people have benefited from the expansion of VET FEE-HELP but, sadly, many have been ripped off, including the taxpayer. Ms Bird went on to say:

This approach will further reduce the administrative and regulatory burden placed on applicants and providers and encourage increased uptake of the scheme by quality providers, and ultimately students.

She was damned right about the increased uptake; that certainly occurred. Sadly, it was not always by quality providers or students seeking the right outcome.

In this chamber we had similar contributions. Senator Bilyk said, during that 2012 debate:

By simplifying the administrative aspects of the VET FEE-HELP scheme, we will also see a further increase in the number of training organisations that will offer courses under the scheme.

What we heard from Senator O'Neill and others—

Senator Canavan: Did she apologise?

Senator BIRMINGHAM: You are right, Senator Canavan, I do not think Senator Bilyk has had the front to come in and contribute to this debate, given her comments previously. But what we have heard from Senator O'Neill and others is, indeed, about the very rapid growth that has seen an increase in the number of training organisations offering courses under the scheme—far too great an increase from far too many offering dubious programs and courses.

Senator Collins was the frontbencher handling the legislation for the then Labor government. She said:

The amendments also strengthen the government's ability to protect the integrity of the—

HELP—
schemes and minimise risk to student and public moneys.

Senator Collins, indeed! I certainly understand why she is too embarrassed to come in and recant that statement when quite the opposite has occurred.
Far from the protection of the integrity of the HELP schemes, the HELP schemes have been undermined. Far from minimising the risk to students and public money, the public has been ripped off and vulnerable students have been taken advantage of. So, yes, we are working to try to—as Labor likes to say—turn the tap off. We are trying to turn the tap off as quickly and rapidly as we can. I just wish that those opposite who created the leaks in the pipes had not done so in the first instance.

On 12 March this year, I announced a suite of eight reforms to the VET FEE-HELP scheme to protect students, taxpayers and the reputation of the VET sector. These reforms spanned areas such as marketing and inducements, consumer information, debt processes and provider standards. They were backed by $18.2 million for stronger compliance measures announced in the 2015-16 budget. The first of these changes, the banning of inducements such as free laptops, cash or vouchers, came into effect on 1 April this year. Contrary to the misleading remarks of Senator O'Neill and others, at no point in April did I say the situation was fixed. The situation was far from fixed and, at that stage, we had acknowledged that further reforms would be implemented come July and come January. It was a package of reforms and we brought into place those that could come in under the guidelines, without legislation, as quickly as possible, whilst trying to consult with TAFE directors, consumer representatives and others to make sure all the rest of the reforms were gotten right.

Since April this year, further reforms came into effect, on 1 July this year. Providers have been banned from charging a withdrawal fee, which could have been, and was indeed, as high as several thousand dollars in some areas and acted as a barrier to students withdrawing from a course before the census date, the date when the loan was levied—it is remarkable that nobody had thought of doing so previously. In addition, training providers and their agents can no longer market VET FEE-HELP supported training as free or government funded, nor mislead students into any way believing that VET FEE-HELP is not a loan that is expected to be paid back. Providers must now publish on their websites which agents and brokers they use and are responsible for the conduct of their agent or broker. Agents must now disclose to the student the name of the VET provider and course they are marketing, and must also disclose that they will receive a commission for any referral.

The government also announced that, from 1 January 2016, providers cannot levy the full debt load up-front and in one hit. It is remarkable that they could ever do so in the first place. Instead, students will have a number of opportunities during a course to confirm if they wish to continue to be enrolled, and their debt will be levied accordingly. The incentive for providers will shift from being one of just enrolling people for the sake of getting an enrolment payment to one of actually progressing a student through the course and, during the duration of the course, thereby receiving payments because of the student's progression, rather than simply because of the student's enrolment.

This bill now implements the remainder of the government's announced reforms. The bill introduces changes that will protect vulnerable students at the starting point, before they incur a debt, by requiring providers to establish minimum prerequisites for enrolment for each course. This will ensure that assessment of the student's capacity to actually complete the course, including assessment of language, literacy and numeracy proficiency, has properly occurred before they are enrolled and before they incur a debt. Of course, many good training organisations already have stringent admission requirements and assessments into these
higher level courses, but this bill will make sure that this good practice is a requirement for all VET FEE-HELP approved providers for courses for which students wish to access VET FEE-HELP.

The bill makes a number of technical amendments which will enact a two-day cooling-off period, ensuring students have time to make separate study and payment decisions. It is important to emphasise here that the census date process, which will allow students to withdraw without incurring a debt before the census date, remains and provides much more than the two days, but this measure—the cooling-off measure—separates the enrolment from the application for a loan. From 1 January 2016, students will have two days after enrolment before they will be allowed to submit a request for Commonwealth assistance—the VET FEE-HELP loan application form. No longer will course enrolment be confused with loan application, and the cooling-off period will ensure that, even with late enrolments close to the census date, students must submit separate enrolment processes and loan applications to the government.

The bill also increases protection for students under 18 years. I have to say it distressed me as minister to receive complaints and concerns from parents that their minor children had been signed up for loans about which they had no understanding and over which I, as minister, had no control because the legislation that the Labor Party put in place enabled 16- and 17-year-olds to be signed up for loans regardless of their age. We are putting in place an appropriate protection to ensure that young people, who may lack the necessary life experience and financial literacy, are not signed up to courses and debts they do not need. We are also making it easier to cancel debt. As well as preventing students from incurring unfair debts in the first place, this bill will help those who incur unfair debts after 31 December 2015. It broadens the circumstances in which students can have their loan cancelled where inappropriate behaviour has been used in their recruitment and acceptance into a course. Importantly, though, this is a cost that taxpayers should not have to bear, which is why the government will be requiring providers to repay the costs of any loans that are remitted in such circumstances and may impose additional penalties on providers, such as fines or conditions on approval, as well. We want to make sure that, in future, unfair debts are remitted but not at a cost to the taxpayer—instead, at a cost to the dodgy provider.

The bill introduces a scheme of infringement notices attached to civil penalties for VET FEE-HELP training providers that engage in improper conduct. The Department of Education and Training will now have a full suite of powers available to it to deal with inappropriate behaviour by providers or brokers. These range from cancelling student debt and forcing providers to repay the cost back to the Commonwealth, to administrative action such as suspension or revocation of approval, or civil penalties including infringement notices. The bill will also expand the department and the Australian Skills Quality Authority's powers for monitoring and enforcement action against providers and brokers doing the wrong thing.

As well as protecting students, the bill lifts the standards for those who are approved to offer VET FEE-HELP funded courses. The government believes such providers, who are benefiting from government and taxpayer subsidy and support of students, should meet a high benchmark of financial viability and training quality. The bill introduces a new minimum registration and trading history requirement for new VET FEE-HELP provider applicants.
This will ensure all new providers offering VET FEE-HELP have a proven track record in delivering high-level qualifications.

The government acknowledges the support of those opposite for the measures in the bill. We also acknowledge there are additional concerns about the fundamental design and operation of VET FEE-HELP. I have flagged for some time, as has Minister Hartsuyker, that the contents of this bill and the reforms we have announced to date may not, and probably would not, be the end of the story in relation to VET FEE-HELP reform. We are of the view that, if we are to continue to offer students loans for VET courses, we need a scheme that better reflects the unique nature and practice of the VET sector. The model needs to be fit for purpose. That is why as a government we will seek to introduce a new model for VET FEE-HELP in 2017.

In the interim, to assist with the transition to the new model and to ensure that we fix and plug some of the holes in Labor's original model, in addition to the proposals already underway, the government has tabled a number of amendments to this bill which are designed to further ensure the integrity of the scheme in the year ahead. We want to ensure the existing scheme is as robust as it can be while we transition to and develop a new model. We want to ensure that unscrupulous providers cannot find new ways of bleeding the taxpayer or bending the rules for their own benefit while hurting vulnerable students and damaging the broader reputation of the many quality providers in the VET sector—public, private and not-for-profit. These measures are about restoring the integrity of the scheme and better protecting students and taxpayers. Our amendments enhance the accountability and performance requirements of providers.

There are four substantive changes which we propose to take effect from 1 January 2016. The first change will freeze the growth in VET FEE-HELP loans for all existing providers at 2015 levels. This scheme is growing at an unsustainable rate—from $279 million of loans in 2012 to $1.8 billion in 2014. We have seen too many training providers pursue aggressive growth strategies at the cost of quality training and good student outcomes. We are doing this to ensure the scheme is sustainable for the taxpayer who underwrites these loans to students and to stop the targeting of vulnerable students. Under our amendment, training providers will only be able to offer VET FEE-HELP loans up to the maximum of their 2015 loan amounts. Existing students will have priority access under the loan cap so that they can continue and complete their studies. As these existing students complete their training, a provider can replace them, but only up to their total loan limit. The amendments achieve this by using a notional VET FEE-HELP account for each existing VET FEE-HELP approved provider. If the notional account is in deficit at the calendar year end, the VET FEE-HELP provider must pay the Commonwealth the deficit. Given the significant increase in the total value of the VET FEE-HELP loans in recent years, the government considers it essential to hold the scheme at the existing level while we work to bring it under control with a new model. It would not be fair to taxpayers to allow the scheme to continue to grow at the same rate it has since Labor introduced the new model in 2012.

In addition, there will be new entry criteria for registered training organisations seeking to become a VET FEE-HELP provider. The government is determined to ensure that organisations that come forward into the scheme have a solid track record of delivery. The new requirements are that the provider must have been delivering the course in which they are
seeking to offer a VET FEE-HELP loan for five years or more. And while the financial freeze is in place, any training provider that is newly approved must also operate within a financial cap. This cap will be the same as the provider's fee-for-service revenue in 2015 for the approved courses. This ensures that quality providers with long track records can still enter the system and can provide their students with VET FEE-HELP loans, but under very, very tight restrictions.

The government is also varying the manner and timing of payments to certain providers. VET FEE-HELP approved providers are currently paid monthly, in advance, on the basis of the forecasts agreed with the department. These payments are then reconciled on a half-yearly basis. Given the significant value of some of these payments in advance, the government believes it is more appropriate that payments are made on the basis of actual reported enrolments and paid quarterly in arrears for certain providers. The government believes it appropriate that the largest providers earning the largest amount of revenue carry some of the initial cost of tuition for students. In order to minimise the impact on smaller providers and those with lower growth forecasts, as well as to allow flexibility for public TAFEs or dual-sector universities in the scheme, the government will continue to pay these providers in advance on a monthly basis.

We are also proposing to give the Department of Education and Training the power to conduct audits of providers where there are grounds for concern about the veracity of their enrolments, the quality of their teaching, or student progression rates and outcomes amongst other things. Where there is concern, the department will be empowered to pause payments to these providers for any new enrolments until an agreed set of actions to lift performance is completed. This will ensure that poorly performing providers are not being paid for any new enrolments until they have addressed their performance issues and get their house in order.

The government notes that the Labor Party has also proposed a number of amendments. Our reforms address much of what Labor wants to do and in many areas eclipses them in terms of putting constraints on the growth of the scheme. We believe our amendments set out a proper course for reform, as well as our commitment to look at the scheme in a total reform model.

Even Senator Carr has said—and I acknowledge that he, unlike most of those opposite, has been willing to admit Labor's failures in this regard—the scheme contains 'fundamental weaknesses that need to be fixed'. That is why we have announced the move to develop a new model, and we will be very happy to work with all in terms of putting constraints on the growth of the scheme. We believe our amendments set out a proper course for reform, as well as our commitment to look at the scheme in a total reform model.

In terms of Labor's specific amendments, we want to look at making sure that VET courses are affordable for students. We do not believe it is appropriate to necessarily use a one size fits all approach to tuition fees, which is why we have sought to cap the amount of the loans that providers can undertake, rather than simply attempt to implement, with no proper research or study, caps in relation to tuition fees specifically.
In relation to the offers of assistance and the idea that the loan application be handled by the department rather than the provider, I would point the Senate to the fact that the cooling-off period we are proposing to set up will work in tandem with the Department of Education and Training's proposals and plans for a new electronic application system for VET FEE-HELP loans. We want to make sure that this new system then ensures that providers are in a position where they cannot in any way rort the cooling-off period, and that students do, in effect, have to undertake two separate processes: the lodgement of an enrolment and the application for a loan.

Our bill is necessary to address Labor's failure with regard to VET FEE-HELP and to put in place proper controls and safeguards that protect students, taxpayers and the reputation of the many quality vocational education and training providers. It is with profound disappointment that we find ourselves in this position today dealing with the mess that we have inherited as a government. But it is with absolute determination that we seek to confront that mess, that we are seeking to limit the impact of the VET FEE-HELP scheme on students, taxpayers and the VET sector in the future and that we are committed to developing a new model that makes sure that the mistakes of the VET FEE-HELP scheme are learnt and are never repeated in the future.

I look forward to the Senate over the next day or so returning to the debate on this legislation, to constructively dealing with the amendments that have been proposed and to ensuring that we move into 2016 with a much more solid VET FEE-HELP scheme that achieves the outcomes it was designed to achieve rather than the rorting we have seen.

Debate adjourned.

**Australian Citizenship Amendment (Allegiance to Australia) Bill 2015**

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

**Senator McKIM** (Tasmania) (18:23): Today the Senate is being presented with the Australian Citizenship Amendment (Allegiance to Australia) Bill 2015, a bill that provides for three new ways by which a person who is a dual national can cease to be a citizen of our country. This is a reactionary bill that seeks to provide the Minister for Immigration and Border Protection with the power to, in effect, remove Australian citizenship from dual nationals if they meet the criteria established in this legislation.

The Greens believe that citizenship is too precious a gift and confers too many important rights to be effectively stripped at the whim of a government or at the whim of a minister. We believe that this legislation runs counter to the rule of law, implies a lack of confidence in Australia's judicial system and does not provide natural justice to potentially impacted Australian citizens. It is worth pointing out that this is an Tony Abbott era bill being continued by the Turnbull government, as have so many other policy settings, such as emissions reduction targets, fossil fuel subsidies and the detention of women and children seeking asylum. This legislation owes far more to the government's desire to be seen to be doing something to respond to the domestic and international challenges of violent extremism than it does to a genuine desire to make Australia and Australians safer at home and overseas.
In fact, it is strongly arguable that it allows for the minister to make the world, and therefore Australia and Australians, less safe.

The Greens believe that the best place for Australian citizens who are violent extremists is in custody here in Australia. We have a duty to people from other nations and to our loved ones who are living and travelling overseas to ensure that any of our citizens who commit acts of violent extremism are dealt with by the justice system here in Australia. They should be charged, convicted and locked up in secure Australian prisons where they can do no further harm. This can be achieved under existing provisions of the Criminal Code Act 1995, including divisions 101 and 117. Amendments to the Foreign Evidence Act 1994 made in 2014 made it easier to obtain admissible evidence in regions that are in severe states of conflict and where there is no functioning government or where the legitimacy of the government is not recognised by Australia. This makes successful prosecutions more likely.

If this bill passes, Australia will be able to effectively export people labelled as terrorists to other countries that are less able to contain the threat they pose—to export violent extremists into a global marketplace of the displaced, the disenfranchised, the radicalised and the violent. This would make the world a less safe place for all its citizens, including Australians. It should be self-evident that we cannot make Australia safer by making other countries more dangerous, but that is exactly what this law provides for. Violent extremism does not respect or distinguish between national borders, and if there is one lesson we have learnt from the tragic events in Paris, Beirut and Bamako it is that making the world safer from violent extremism requires a high level of international cooperation. This bill is the antithesis of that and a prime example of Abbott-era unilateralism and the kind of machismo that Prime Minister Turnbull has committed to end.

Washing our hands of responsibility for Australian citizens who are violent extremists is grossly irresponsible in a period of what should be heightened international cooperation to meet the challenges of providing safety to our people in an often dangerous world. This legislation will erode rights, principles of law and natural justice that have existed for centuries. It has the potential to disrupt the lives of literally millions of dual nationals who risk losing their citizenship at a stroke of the minister's pen. It has been rightfully condemned by the Law Council of Australia, Australian Lawyers for Human Rights, the Federation of Ethnic Community Councils of Australia, Civil Liberties Australia, the Centre for Comparative Constitutional Studies and many other organisations and eminent legal minds.

This is an extreme and radical piece of legislation that does not contain necessary safeguards. It establishes a two-tiered citizenship system in which the consequences of the crimes or actions of a dual national are different from those faced by a sole Australian citizen who commits or carries out the same crimes or actions. This flies directly in the face of the long-cherished concept in this country that every Australian should be treated equally under the law.

Professor George Williams from the University of New South Wales wrote about this legislation in the wake of the recent Paris attacks and after confirmation that the government would accept the amendments moved by the Joint Committee on Intelligence and Security. He said:

We run the risk of taking action that undermines the very freedoms we are seeking to preserve from terrorism. In doing so, we may hand those who would harm us and our freedoms an undeserved victory.
He continued:
The re-drafted bill extends to people who commit a terrorist act or support terrorism, such as through financing, training or recruitment. It applies to these people without discriminating between a terrorist and a freedom fighter. This means—

Professor Williams continued:

… that citizenship could be revoked from dual nationals who support something like Nelson Mandela's fight against apartheid in South Africa, or the independence movement in East Timor.

He also said:

… the law will also apply to people who have been convicted of nothing more than entering an area declared by the government to be a no-go zone. The person may not have harmed anyone, and indeed may have entered the area against the wishes of the government merely to visit friends or to conduct business.

The Greens share the concerns outlined by Professor Williams.

Labor's promise to scrutinise this bill belies the fact that, as they so often are, they are in lock-step with the federal government on this issue, I might add, as they are on many other important issues in this country because they are desperately afraid of being painted as weak on national security. Labor's claim that they would scrutinise this bill disintegrated on Monday, when the so-called opposition waived through amendments after doing a backroom deal with the immigration minister rather than properly scrutinising the bill in the House of Representatives. The Greens will not succumb to the cheap fearmongering and lack of transparency of the old parties.

Certainly, the threat of violent extremism is very real, and governments and parliaments have an obligation to ensure that our laws protect our citizens to the highest possible degree. But while we are constantly being told that we need to trade away our hard-won civil rights and freedoms in order to increase our security, the unfortunate truth is that there is often little or no evidence that we are being made any safer despite losing rights that so many Australians have given their lives, in our country's history, to defend.

Since the most recent counter-terrorism white paper was handed down in February 2010, our legislative responses to the threat of violent extremism have become increasingly reactionary, ad hoc and politicised. Too little attention has been paid to the long-term strategic direction of our internal security and even less to the steady erosion of the freedoms so many of us cherish as Australians. New laws, which inevitably erode civil rights, have often been drafted in the aftermath of a one-off incident or a foiled plot and sold to the Australian people as necessary to deal with the latest emergency.

The net result is broader, sweeping powers for Australia's security, intelligence and police agencies but very little in the way of effective oversight, analysis of what works or fine-tuning. At the same time as counter-terrorism bodies are awash with new money, the office of the Independent National Security Legislation Monitor is running on a shoestring budget and is still analysing and reviewing laws that have already come into force.

Since 2002, Australians have faced an ever-changing landscape of laws that we have been told are designed to protect us against terrorism. In that time, many dozens of legislative changes have been made in the name of counter-terrorism and national security and these changes have almost all but whittled away hard-won rights and freedoms in this country.
These are unprecedented developments in Australia's peacetime history, and the Greens believe we owe it to our country and we owe it to our people to have a serious rethink.

We need to create better overall law in a more planned and strategic way, where security and safety are properly balanced with the deeply held Australian values of freedom and a fair go. In the same way that we have an established white paper processes for tax, agriculture, defence and Northern Australia policies, a white paper process would allow for the development of our response to violent extremism in a more transparent, evidence-based and strategic way. We could potentially call this a 'blue paper' process.

Just like defence strategy, this area of policy development calls for strategic thinking and planning rather than knee-jerk reactive law-mongering. Such a process would, of course, involve the input of our security agencies but it would also give experts from a number of other fields the chance to have a meaningful say. The 'blue paper' process could include an examination of the effectiveness of the dozens of legislative and administrative changes made since 2002. It could analyse what has worked and what has not, both in Australia and internationally. The first 'blue paper' could also examine the most effective strategies to prevent radicalisation in young people and put social cohesion front and centre in our response to this challenge. There should be an opportunity for public feedback to give Australians a meaningful opportunity to own the outcome. History shows that individual freedoms are very difficult to win back once they are lost. The Greens believe better planning of the difficult balance between safety and security on one hand and freedom and rights on the other would be much better served by a formal 'blue paper' process.

On 24 November 2015, the new Prime Minister Turnbull said the following about Australia's reaction to terrorism:

Our response must be as clear eyed and strategic as it is determined.
Calm, clinical, professional, effective.
That's how we defeat this menace.
The threat from ISIL is a global problem that must be addressed at its source, in the Middle East …
He also said about ISIL:
By most measures, however, ISIL is in a fundamentally weak position.
We must not be fooled by its hype. Its ideology is archaic, but its use of the Internet is very modern.
ISIL has many more smartphones than guns, more twitter accounts than fighters.
Compare that very sensible, very restrained language to the minister's second reading speech on this legislation:
We face a heightened and complex security environment. Regrettably, some of the most pressing threats to the security of the nation and the safety of the Australian community come from citizens engaged in terrorism. It is now appropriate to modernise provisions concerning loss of citizenship to respond to current terrorist threats. The world has changed, so our laws should change accordingly.
The Prime Minister's statement on national security is contradicted by the extreme measures contained in this bill. It is not 'calm' to drastically change our citizenship provisions based on a terrorist group which the PM himself says is in a 'fundamentally weak position'. It is not 'clinical' to create a two-tiered citizenship system, where the consequences of the crimes of a dual national are considered differently from those of a sole Australian citizen. It is not
'professional' to make punitive decisions outside of the courts and to apply such punishments retrospectively. But most of all there is no evidence whatsoever that any of these changes will be effective in their stated aim of making Australia and Australians safer.

The legislation has, thankfully, been heavily amended since it was first presented to this parliament. While the amendments make this law less bad, and most of them are welcomed by the Greens, the legislation is actually irredeemable. We welcome the fact that the amendments will improve notification requirements, narrow the range of prescribed offences and raise the age of children to which it could apply. But they do not go nearly far enough to address the massive flaws in this bill. It is clear that the Parliamentary Joint Committee on Intelligence and Security, which examined this bill and recommended that it be passed by this parliament, has ignored expert evidence and shirked its responsibilities, despite the amendments that it recommended.

One amendment which the Greens have concerns about is the amendment that will allow for the stripping of someone's citizenship for offences committed up to 10 years ago. This amounts to double punishment. Once someone has served their time for a crime, the government should not be able to come back and apply a secondary punishment. To do that is a breach of one of the fundamental principles of our legal system and could well prove to be unconstitutional. This bill relies on the legal fiction of automatic renunciation which will be based on intelligence and unable to be tested in court until after someone has lost their citizenship.

This week in the other place we saw Labor once again cave in to the government and support further amendment to this bill, purportedly made to improve its chances of surviving a High Court challenge, despite Labor admitting it had not seen the Solicitor-General's advice upon which that amendment was made. That was perhaps the final chapter in a process which has been utterly shambolic right from the very start. This legislation was first floated by extremist right-wing backbenchers from the coalition parties. It was debated in cabinet; it was uncourtoisely leaked from cabinet. It was introduced in the other place with apparent typographical errors and inconsistencies. It was heavily amended by the closed-shop Parliamentary Joint Committee on Intelligence and Security, on which neither the Greens nor the crossbenchers are represented. It was still found to be inadequate as recently as last week by the Solicitor-General. Despite all the above issues, it was waved through the Reps in the final week of parliament, with no scrutiny at all by the Labor Party.

The final point I want to make is this. If we are serious about tackling radicalisation and violent extremism, we have to address its causes. Building a cohesive, tolerant and inclusive community in Australia should be the government's top priority to protect Australia's much-loved multiculturalism and set the preconditions in Australia that minimise radicalisation. Any time the government are out telling the Australian people that they need to strip away more freedoms and engage in punitive actions and that this can make Australia safer—despite the fact that there is zero evidence that this legislation or laws like it will make Australia any safer—they are not focusing where their focus should be, which is on building a cohesive, tolerant and inclusive community in our country. Time will prevent me from speaking longer on that issue at this time, but that is where the government's focus should lie, rather than on pressing on with Tony Abbott-era legislation which unwinds yet more of the rights that so many Australians have fought, and at times died, to defend.
Senator LUDWIG (Queensland) (18:42): I rise to speak on the Australian Citizenship Amendment (Allegiance to Australia) Bill 2015. Labor has consistently supported updating the Australian Citizenship Act to provide for the loss of citizenship for dual citizens fighting with terrorist organisations such as Daesh. Labor has worked with the coalition on this bill in a bipartisan manner to seek to ensure that it has no unintended consequences. Labor recognises that citizenship is one of our most fundamental rights. Labor will not support any legislation that clearly would seek to erode the fundamental importance of citizenship in our nation or undermine the status of our country's many dual nationals.

This bill has been examined by the Parliamentary Joint Committee on Intelligence and Security, and what we now have is an amended bill that has been heavily scrutinised and revised. It is a much different bill than the one that was introduced. The parliamentary joint committee has certainly done its work. It made substantive recommendations to ensure that the bill had the proper outcome. Make no mistake, though; this is not a blank cheque that Labor is offering the coalition. On the issue of national security, Labor and Mr Bill Shorten have worked constructively with the government. There is nothing more important than keeping the Australian people safe, and this issue must be kept above politics.

The Australian Citizenship Act has always contained a provision for the automatic loss of citizenship for any dual citizen taking up arms against Australia. This provision is based on a very old traditional concept of serving in the military of another country. In addition to this, the Minister for Immigration and Border Protection has the discretion to cancel a dual national's Australian citizenship where they are convicted of fraud relating to their application for citizenship or of a serious offence which was committed before the person became a citizen.

This coalition bill in its original form sought to amend the Citizenship Act to provide for three new ways a dual citizen may automatically lose their Australian citizenship. The first is renunciation by conduct where a person engages in conduct inconsistent with their allegiance to Australia, specifically conduct relating to terrorism and foreign incursions. The second is renunciation due to fighting for, or being in the service of, a declared terrorist organisation outside Australia. The Minister for Immigration and Border Protection will make a declaration of terrorist organisations on the advice of security agencies based on which of these organisations would have a direct threat or issue affecting allegiance to Australia. The third is renunciation due to a conviction for a terrorism related offence.

The Citizenship Act currently provides for loss of a dual national's citizenship only in very limited circumstances. Labor believes that a carefully considered expansion of these circumstances is required to protect Australia's national interest. It is evident that there is a need to introduce additional measures to adapt to new and emerging security threats. A key concern for governments is the threat that home-grown foreign fighters pose to domestic security upon return to Australia. This bill seeks to address the challenges posed by dual citizens who participate in terrorism related activities and who represent a serious threat to Australia and our national interest.

The Parliamentary Joint Committee on Intelligence and Security handed down its report on this bill on 4 September. Labor supports the recommendations of the committee as they have substantially improved the bill put forward by the government. The government has ceded to the recommendations of the committee and, as a result of the 27 recommendations, Labor will
support the amended bill, which creates two scenarios under which a dual citizen may lose their Australian citizenship. The first is if they are convicted of a terrorism offence in Australia. The second is if they are currently overseas engaging in terrorist activities or collaborating with a declared terrorist organisation, like Daesh. The recommendations of the committee significantly narrow the set of circumstances under which a dual citizen may lose their citizenship and represent a far more targeted approach than that which was originally proposed by the government. It is there to ensure the fair and proper treatment of our citizens.

Renunciation of citizenship by conduct may occur only if a person is: engaging in international terrorist activities using explosive or lethal devices; engaging in a terrorist act; providing or receiving training connected with preparation for, engagement in, or assistance in a terrorist act; directing the activities of a terrorist organisation; recruiting for a terrorist organisation; financing terrorism; financing a terrorist; or engaging in foreign incursions and recruitment. The committee's recommendations ensure the bill represents an appropriate updating of the existing legislation.

The original provision in relation to 'conduct inconsistent with allegiance to Australia' will now apply only to dual citizens who have engaged in the conduct offshore or who engaged in the conduct onshore and are now located offshore. This amended provision seeks to ensure that our national security agencies have the means to prevent those who have been involved in terrorism-related conduct from returning to Australia. Further, the minister will be required to consider a set of criteria before declaring a terrorist organisation for the purposes of the act. The declaration of the organisations will be a disallowable instrument, so the Greens will be able to have their say on this issue as a disallowable instrument.

All of the provisions contained in the bill will apply only in the event that the minister receives an adverse security assessment in relation to the dual citizen. The bill will require the minister to provide, or make reasonable attempts to provide, the dual citizen with notice of the revocation unless the notification would compromise ongoing operations or national security. The citizenship of other family members of a person who has had their citizenship revoked will not be affected.

The bill includes several appropriate safeguards to ensure transparency and to give citizens avenues for redress. Due to the recommendations of the PJCIS, the bill will have limited retrospectivity. Dual citizens who have been convicted of a serious terrorism offence within the past 10 years, and who were sentenced by a judge to a minimum of 10 years in prison for that offence, may have their citizenship revoked under this bill. Revocation of citizenship in these limited circumstances will be subject to the minister's discretion, having regard to a number of criteria including current security threats. A person will have the right to appeal the loss or revocation of their citizenship to the Federal Court. This is an important safeguard that Labor believes is a fundamental right of our citizens. Further, the government will be required to publicly report, every six months, on the number of times the changes have been applied and to provide a brief statement on the reasons why they have been applied. No-one in Australia will lose their citizenship simply because of untested suspicions or concerns regarding their conduct.

There is no denying the significant concerns expressed in relation to this bill. One particular concern expressed by legal experts goes to the constitutionality of certain aspects of the bill. Despite repeated requests by Labor and PJCIS members, the government refused to
release the Solicitor-General's advice and has, I think, failed to adequately address these concerns. Instead, Senator Brandis, the Attorney-General, wrote to the PJCIS giving a very qualified assurance of constitutionality. In this instance, the Senate deserves greater accountability from the Attorney-General. However, it is not only the Attorney-General dragging his feet. In its 11th report of 2015, the Scrutiny of Bills Committee reported that the committee is still waiting for a response from the Minister for Immigration and Border Protection—requested for response by 27 August this year. Those opposite might want to provide that response. Three and a half months have passed, and the bill is now before this chamber, and the government has not bothered to address the committee's concerns that go directly to matters of fairness for Australian dual citizens. The government should answer why it has not responded to the report of the Scrutiny of Bills Committee and why it is withholding that information. The government should be mindful that, if these laws are tested in court, it will be a matter for them to defend and explain.

This legislation does not represent a significant change to the principles underpinning our country's citizenship laws. It simply seeks to update existing law to bring it up to speed with addressing an emerging threat to our national security. The law has not been updated since it was first written in 1948. The government must act to take into account non-state groups, like Daesh. While this bill may not sit well with all members of the Australian public, including the Greens, we must support these measures in order to take up the fight against terrorism.

I wish to acknowledge the considerable work of the PJCIS in examining this legislation. Without the work of the committee I think this Senate would be faced with a much poorer bill—a bill that would trouble many Labor senators a lot more than the amended bill does, with the assurances of the committee, with the work that the committee has done and, ultimately, with the government acquiescing to the amendments put forward by the committee itself.

In closing I would like to add a couple of the Q&As that come up that others will use in this place as a means to raise concerns. These are some of the myths that get thrown up in these debates. These laws do not risk making people stateless. They will only apply to someone who is a dual citizen. People always ask why we need to pass these laws, and I think I have explained that cogently. We have also passed a foreign fighters bill. These laws offer an important update of the law to reflect that those people who wish to harm Australia no longer wear an easily distinguishable uniform of another country. It remains illegal under Australian law for any person in Australia or any Australian citizen, including dual citizens, to provide any kind of support to any kind of armed group in Syria or Iraq today.

The issue of retrospectivity always concerns me in this place. It is limited. It has been circumscribed. The government has recognised that retrospectivity with a bill like this should be used very carefully. Those dual citizens who have been convicted of a serious terrorism offence within the past 10 years and who were sentenced by a judge to a minimum of 10 years in prison for that offence may have their citizenship revoked under the new laws. Under changes recommend by the intelligence committee, revocation of citizenship in these limited circumstances will be subject to the minister's discretion having regard to a number of criteria, including current security threats. It is always difficult for reliable intelligence to be gathered in this area for agencies to operate on. But, of course, we have some of the finest agencies in
the world—consisting of ASIS, ASIO and the AFP. The minister will rely, I am advised, on the advice of those security agencies. In conclusion, I commend the bill to the Senate.

Senator XENOPHON (South Australia) (18:57): I have some serious reservations about this bill, the Australian Citizenship Amendment (Allegiance to Australia) Bill 2015, but I want to make it absolutely clear that the state's most fundamental duty is to protect its people, that terrorist acts are abhorrent and that this is a real and present danger that we must deal with and grapple. My question is: what is the best way to grapple with this?

Let's look at the issue of citizenship revocation. There is no absolute prohibition against citizenship revocation. The state's most fundamental duty is to protect its people. If the best defence is to revoke the citizenship of people who would see Australia destroyed, the Australian government should be able to do so. But I ask the following questions. Is it the best possible deterrence? Is it the best defence to protect Australian citizens? What is the evidence that citizenship revocation will be a greater deterrent to a potential terrorist than the prospect of a criminal conviction and lengthy imprisonment or, say, that person being killed or executed in their foreign theatre of war or conflict?

Will citizenship revocation deter a potential terrorist? That is a question that we must ask. Would Jihadists care about losing citizenship status of a Western democracy that they detest? Of course, deterrence ought not to be the care argument. Deterrence may be an important reason to revoke citizenship but it is by no means the only reason to do so. We may revoke citizenship of offenders because they commit crimes and not only because the punishment would deter others. Offenders need to be dealt with appropriate due process. That is the hallmark of a civilised nation. That is a hallmark of the rule of law. More conventional protected measures should be used first. If more conventional measures are effective, we should use them.

There are arguments for citizenship revocation, and they may be grouped into three categories: protective, punitive and allegiance. The protective rationale holds that terrorists should not be allowed to make tactical use of their citizenship. If terrorists are using their Australian citizenship for unlimited entry and residence and unencumbered international travel, then restricting their freedom to move is a good idea. Of course, this can also be done by cancelling their passports without revoking their citizenship, so I wonder whether there are other mechanisms to prevent the unencumbered travel of an Australian citizen who is involved in terrorists acts. The cancellation of their passport would have the same effect without revoking their citizenship.

Let us not forget that terrible terrorist attack in Ottawa in 2014 where a would-be jihadist, who had been grounded by the Canadian government, is said to have killed an innocent guardsman in his rage about his passport cancellation. I think that is something that needs to be borne in mind. The punitive rationale holds that Australian citizenship is one of the great privileges of the modern era. I agree with former Prime Minister Abbott, who said, 'To be an Australian is to win the lottery of life.' But if you behave in a certain way then your punishment is banishment—political death in a sense.

Here we should note that if citizenship revocation is based on executive order rather than court judgement then it is seriously flawed because only the judiciary can mete out punishment. The Joint Committee on Intelligence and Security's work has been useful in clarifying that. I think there were serious issues in the potential legality of this bill in its
earlier form because there was a real issue that it may not have survived a High Court challenge. In its current form, dealing with revocation by conviction or renunciation by conduct, it is much safer legally and would more likely withstand a High Court challenge so that is welcome.

I want to make the point that the current oversight we have of our intelligence services and of security matters is woefully inadequate. We have the joint standing committee but that is a club for the major parties. The exception to that in recent years was when Andrew Wilkie MP, the member for Denison, was, unusually, a crossbench representative on that committee when there was a balance of power situation in the House of Representatives. That was the exception rather than the rule. I wonder what would be wrong with having members of the crossbench and a member of the Australian Greens being able to attend as participating members of the joint standing committee, because currently the degree of oversight is inadequate if you compare it with the United States, with Germany and with the United Kingdom. There is a much greater degree of oversight in those places, including judicial oversight with respect to the United States. They have a court that effectively does not have public hearings but is a court that does provide oversight of intelligence services and security operations. We simply do not have that level of oversight here in Australia.

The other argument is that citizenship revocation may be seen as a relatively weak punishment compared to certain heinous crimes and, therefore, cannot be justified as retribution because it is not proportionate to the monstrosity of the crime. Furthermore, it removes the revokee from the jurisdiction and, therefore, does not allow an opportunity for that person to be brought to justice here in Australia.

I forecast that I will be moving a second reading amendment. I am not sure it has been tabled yet but it is something that I can raise in the committee stages of this bill. It is unambiguously my view that, before the cancellation of a citizenship is considered, by revocation or by renunciation, the government ought to consider the risk posed to Australian citizens overseas or indeed to other innocent citizens who live overseas. If we revoke citizenship with this bill, will it mean those Australians that live overseas will be less safe? Will it mean that innocents abroad will have to deal with a terrorist who will spend the rest of their miserable twisted lives working out how they can kill Australians or other innocents abroad when there may have been an option to bring that person back to this country to face trial and face a very length jail term? I have no difficulty in throwing away the key for those individuals who are engaged in terrorist acts and who are a threat to the community. My concern is: are we taking the easy way out by simply revoking their citizenship and allowing them to free-range in the rest of the world with their murderous intent? And that murderous intent may include targeting Australian citizens who are either holidaying or living overseas.

I think that there is an interesting contrast with the foreign fighters bill. My understanding is that the government said that we should not let people go overseas to be involved in terrorist acts and we should keep them here. We should prevent them from leaving the country. But this bill is saying that if you are overseas, we do not want you back in the country. There seems to be an uneasy dichotomy there between the two. I cannot reconcile that inconsistency between the two. To me, the priority must absolutely be the safety of Australians either here or abroad and other innocents abroad. If we have a person with evil, murderous terrorist intent and if we can in any way drag them back to Australia and lock them
up for a very length period and throw away the key if need be, I would have thought that would make it safer rather than these people free-ranging. I move the following second reading amendment:

At the end of the motion, add "but the Senate calls on the Government to investigate the option of having dual nationals arrested and incarcerated in Australia, before the revocation or renunciation of their Australian citizenship, and consider the risk those persons might pose to Australians and other innocent people outside of Australia".

This amendment encapsulates the concerns in relation to this. I think it is important that we have that debate.

If I can go to the allegiance rationale in terms of the whole issue of revocation, this refers to what former Canadian immigration minister Chris Alexander referred to as 'loyalty and allegiance' when he introduced the 2014 Strengthening Canadian Citizenship Act in this Canadian parliament. That act allows for the stripping of citizenship in the case of treason, spying, taking up arms against Canadian forces and terrorism, even if the latter is committed outside Canada and sentenced by foreign courts, should the action in question constitute a terrorism offence also under Canadian law. My understanding is that that part of it, being sentenced by a foreign court, does not apply here and that can be clarified in the committee stages.

The 'foreign court' bit in the Canadian legislation should give us all pause. If we rely for citizenship revocation on a conviction for terrorist offences in another country, then what if the conviction has been obtained after an unfair trial, with torture and the like? I think that stripping terrorist subjects of their citizenship is a strongly visible policy and for that reason possibly also a strongly symbolic one. I can understand why the government has gone down this path. It is precisely the symbolic nature of the revocation that justifies the application of this measure on one argument—that citizenship revocation strengthens citizenship by reaffirming the conditions on which it is based. But what if the target is not Australia?

A person who wants to destroy the state that guarantees his or her citizenship can hardly complain when that state in self-defence revokes the citizenship. I get that, but in such circumstances, Australia is merely returning the favour. But what if the individual is not trying to destroy Australia but is trying to defend 'his or her people' overseas? We have seen that previously when Australians went overseas to be involved in foreign conflicts because of their familial links to those countries and to those conflicts. What if the individual is not trying to destroy Australia but is trying to provide material assistance to, say, the Kurds who are fighting against ISIS? What happens when they are on the side of what we are trying to do—that is, to defeat that organisation, ISIS, and the terrorist acts that they perpetrate? What if the individual is not trying to destroy Australia but is conscripted to a foreign military that is not at war with Australia?

There are arguments against revoking citizenship. Revocation may create a 'race to expulsion'. Consider a dual citizen of Australia and some other state—let us call it country B. Both Australia and country B may wish to lawfully revoke a person's citizenship, but if both states can do so only to dual nationals, then it becomes a race between Australia and country B to revoke the citizenship first—the early bird loses the worm. What is the evidence that citizenship revocation will be a greater deterrent to a potential terrorist than the prospect of a criminal conviction and lengthy imprisonment—and I am talking about throwing away the
key? If these people have that murderous intent, if they are terrorists, then would the world be safer if they are locked away in a maximum security prison for the end of their days or until they are old and feeble and pose no risk to anyone? I see issues in relation to that.

I think there is a slippery slope here, that expulsion and exclusion against noncitizens can provide a conceptual matrix that facilitates similar practices against citizens in terms of civil liberties. As Thomas Jefferson warned in 1798, 'The friendless alien has indeed been selected as the safest subject of a first experiment, but the citizen will soon follow.' If we want to tackle terrorism, certainly we need to act against those who have committed terrorist acts in the toughest possible manner. I worry that this will not necessarily make Australia safer. I see that Minister Fierravanti-Wells is in the chamber. I think the work she has been doing, engaging with communities involved in counter-radicalisation programs, is incredibly valuable. That is something which must be done in parallel and without reservation. At the risk of damaging Senator Fierravanti-Wells preselection chances, I think she is doing terrific work and I am very pleased that she is in that position.

There is a question as to whether the revocation measures are empty gestures? Is it not better to be involved in counterterrorism actions such as international investigations, arrests, convictions and imprisonment? Do we just give up, revoke their citizenship and then let them free range with their sick, twisted minds, to do damage to Australians and to other innocents abroad? That is a great fear I have. In terms of the court process, I think that is a welcome change in the approach of the government. It makes a challenge much more difficult, if not High Court proof. I am concerned that, if we go down this path, Australians may not be safer.

To look at revocation elsewhere, after the London terrorist attacks in July 2005, the Blair government amended the UK law in 2006. Previously the Home Secretary had to be satisfied that an individual had engaged in actions that threatened the 'vital interests of the UK'; now he or she had only to be satisfied that taking away someone's citizenship was 'conducive to the public good'. In the first year of the Conservative/Liberal Democrat coalition government — remember them in 2010-11?—no fewer than six people were stripped of their citizenship. This was more people than the Blair and Brown governments had denaturalised in the previous nine years. The revocations were almost always done in secret and later revealed by investigative journalists. In the next three years to May 2014, the UK government had revoked 23 people's citizenship on 'not conducive' grounds. In January 2015 the UK government presented a bill to parliament requesting the power to strip citizenship from naturalised citizens even if they would be made stateless. The amendment passed, albeit in a modified form: a naturalised citizen can be made stateless if the Home Secretary deems there are reasonable grounds for believing they have access to another citizenship. At least two former UK citizens were executed by US drone strikes after the Home Secretary deprived them of their citizenship and my understanding is that they were terrorist suspects who had engaged in acts of terrorism, and another was rendered to the United States for trial on terrorism charges.

Citizenship revocation does not operate in the United States, despite all the other measures it has embraced—they include rendition, drones and a range of other measures. The United States is unlikely to implement the policy because the United States Constitution has vigorous safeguards of individual citizenship due to that country's history of race-based slavery and its aftermath.
So what grounds should apply to citizenship revocation? They must be limited to only the most extreme, unmitigated attacks on the nation's security—attacks that are consistent only with a desire to bring the nation to ruin or to harm its citizens, or to be planning to do so. I think the conduct must be scrupulously defined, and I note there has been a comprehensive definition in this bill. So I understand the arguments for revocation, for renunciation of citizenship, to strip people of their Australian citizenship in exceptional circumstances. I get that. But what I am very deeply concerned about is that this bill will not make Australians safer. It would be better, wherever possible, to ensure that those who have murderous intent towards Australia with terrorist acts are dragged back to this country to face trial and a lengthy period of imprisonment, not to allow them to wander free-range with their sick, twisted minds, with murderous intent to Australians living overseas and, indeed, to any other innocents. This is my fundamental dilemma, and that is why I have very serious reservations in respect of this bill.

Senator FIERRAVANTI-WELLS (New South Wales—Assistant Minister for Multicultural Affairs) (19:16): I rise to speak on the Australian Citizenship Amendment (Allegiance to Australia) Bill 2015, and I thank Senator Xenophon for his kind comments. I also thank him for his support of ongoing efforts, particularly in relation to dialogue with our communities at risk. As I have often said publicly, our national security efforts are very, very important, but we must also look at the importance of the other end of the spectrum—at how strong social cohesion is so vitally important to good settlement, to good harmony and to good integration into our Australian society.

This evening I rise to speak not in my ministerial capacity, although all three areas of responsibility that I have—in the Attorney-General's Department, in the Department of Immigration and Border Protection and also in the social services issues pertinent to citizenship—do touch on this. I particularly wanted to make some comments this evening because, as senators would know, earlier this year Philip Ruddock and I led a national consultation process on Australian citizenship. As part of that process we proactively went out and wrote to about 1,500 organisations. We also put out a discussion paper entitled 'Your right, your responsibility', which included a whole series of questions on a whole range of pertinent issues. These questions focused on the broad spectrum of citizenship—about valuing citizenship, about rights, about responsibilities, about the pledge, about many different aspects of citizenship. We invited the Australian public to provide us with commentary, and many, many did so—some went online, some sent us written submissions, and Philip and I also had a series of face-to-face consultations around Australia.

The process was a very good one, and it prompted a response from so many different people on a wide range of different issues. One of the key themes which emerged—and I have spoken about this publicly, of course—was the importance of English as our national language and also the language of integration. The other key issue that emerged throughout the consultation process was the importance of valuing citizenship; indeed, it was one of the key responses in just about all the documentation that was forwarded to us. We need to value citizenship, and these were some of the suggestions that were made—the need to value citizenship through greater focus on civic training and understanding what citizenship means and what the values and benefits are, and also what the rights and responsibilities are, irrespective of whether you are an Australian by birth or an Australian by acquisition. This
was one of the points that were stressed to us repeatedly—the importance of being an Australian not just by birth but by acquisition. People raised with us that citizenship is like a contract between you and the state. If one is in a contractual relationship with another person, that contractual relationship has both rights and responsibilities. So what happens then when you breach that contract? Clearly there are repercussions for that breach.

Our discussion paper also contained a section on revocation of citizenship for dual citizens engaged in terrorism and the suspension of privileges for Australian citizens engaged in terrorism. On these two points we had a lot of feedback. There was a strong sense that, if you commit an act of terrorism, you have to pay a price for that. Various submissions canvassed the possibilities of suspension, withdrawal and those sorts of things and, of course, the legalities that go with potential suspension or withdrawal.

Why the need for additional changes? According to the Review of Australia's Counter-Terrorism Machinery, the terrorism threat in Australia is rising. We know that the number of Australians joining overseas extremist groups is increasing and that the number of known sympathisers and supporters of extremists is also increasing. The number of potential terrorists is also rising. Our security agencies at the moment are managing over 400 high-priority counter-terrorism investigations, and we know that this figure has more than doubled since early 2014. Since September 2014, when the national terrorism public alert level was raised to high, 26 people have been charged as a result of 10 counter-terrorism operations. We currently have about 110 Australians fighting or engaged with terrorist groups in Syria and Iraq, and about 190 people in Australia are providing support to individuals and groups in the Syria/Iraq conflict through financing and recruitment, or are seeking to travel overseas.

Earlier this year, the Australian government announced that we would develop amendments to the Australian Citizenship Act 2007 to provide for the loss of Australian citizenship in the case of dual nationals engaged in terrorism related conduct. Supporting and engaging in terrorist activities against Australia's interests is a breach of a person's commitment and allegiance to our country—a bond that should unite all citizens. Citizenship should be respected and not taken for granted. This was the clear message from the national consultations that I raised earlier.

This bill states:

… the Parliament recognises that Australian citizenship is a common bond, involving reciprocal rights and obligations, and that citizens may, through certain conduct incompatible with the shared values of the Australian community, demonstrate that they have severed that bond and repudiated their allegiance to Australia.

Since the commencement of the Nationality and Citizenship Act in 1949 there have been provisions for the automatic loss of citizenship in cases where a dual citizen serves in the armed forces of a country at war with Australia. It is important that our laws are updated to reflect current threats to our country and our values through terrorism related activities.

A person's citizenship can also be revoked on the basis of a conviction for immigration or citizenship fraud, or for a serious offence with a sentence of 12 months or more committed prior to the granting of citizenship. I note that 16 people have lost their citizenship since 1949 on this basis.

This bill amends the Australian Citizenship Act 2007 in a number of different ways. The bill inserts a purpose clause setting out the fundamental principles upon which the
amendments are based. The bill outlines circumstances in which a dual citizen ceases to be an
Australian citizen through their engagement in terrorism related activities and where the
minister may exempt a person from the operation of the bill. The bill also provides for
reporting on and monitoring of the operation of the arrangements in the bill and the protection
of sensitive or prejudicial information in relation to that reporting and monitoring.

The bill applies to a person who is a dual national regardless of how the person became an
Australian citizen, whether by acquisition or birth. Again, in our consultations there was a
strong sense that, if people are engaged in terrorist related activities, there needs to be a
sanction for that breach of contract of their citizenship obligations, that sentiment being one
that should apply to an Australian citizen whether by acquisition or by birth.

This bill was referred to the Parliamentary Joint Committee for Intelligence and Security
for inquiry. The joint committee reported on 4 September, making 27 recommendations for
amendment to the bill and the explanatory memorandum. The government has accepted these
recommendations. The government also proposed amendments to the bill and the explanatory
memorandum in response to the recommendations of the committee and on the basis of legal
advice, including from the Solicitor-General, regarding the implementation of these
recommendations.

I will touch on a number of the elements and specifics in this bill. The first element is
renunciation by conduct. Section 33AA provides that a person aged 14 or older who is a
national or citizen of a country other than Australia renounces their Australian citizenship if
they act inconsistently with their allegiance to Australia by engaging in specified conduct.
That specified conduct ranges over different activities such as engaging in international
terrorist activities using explosive or lethal devices; engaging in a terrorist act; providing or
receiving training connected with preparation for, engagement in, or assistance in a terrorist
act; directing the activities of a terrorist organisation; recruiting for a terrorist organisation;
financing terrorism; financing a terrorist; and engaging in foreign incursions and recruitment.
The government amendments provide that the conduct provisions are limited to individuals
who have engaged in this relevant conduct offshore or engaged in this relevant conduct
onshore and left Australia before being charged and brought to trial in respect of that conduct.

The amended bill also provides that the conduct provisions only apply if the conduct is
engaged in with the intention of advancing a political, religious or ideological cause and
coercing or influencing an arm of the Australian government or a government of a foreign
country or intimidating the public.

I now turn to the second element: fights for, or in the service of, a declared terrorist
organisation. Since the law came into force in 1949, it has provided for the automatic loss of
citizenship where a person serves in the armed forces of a country at war with Australia. This
bill expands the section to provide for automatic cessation of citizenship if a person aged 14
or older who is also a citizen of another country is overseas and fights for, or is in the service
of, a declared terrorist organisation. A declared terrorist organisation will be a subset of those
which are listed for the purposes of terrorism offences under the Criminal Code.

As amended, the bill provides that the minister, by legislative instrument, may declare a
terrorist organisation where that organisation is directly or indirectly engaged in preparing,
planning, assisting in or fostering the doing of a terrorist act or advocates the doing of a
terrorist act, and is opposed to Australia or to Australia's interests, values, democratic beliefs,
rights or liberties, so that if a person were to fight for or to be in the service of such an organisation the person would be acting inconsistently with their allegiance to Australia. The provisions in relation to being 'in the service of' a declared terrorist organisation do not apply to a person's actions that are unintentional or performed under duress or for the purposes of providing independent humanitarian assistance. A declaration by the minister of a declared terrorist organisation is reviewable by the Parliamentary Joint Committee on Intelligence and Security.

A third element is conviction for terrorism and related offences. A new section 35A of the bill provides a discretionary power where the minister may determine that a person's citizenship has been lost once they have been convicted of a relevant offence and upon consideration of relevant criteria. So loss of citizenship is not automatic upon the conviction. Following the recommendations of the parliamentary joint committee, the list of offences is limited to terrorism related offences with a maximum penalty of 10 years or more. Also, offences of incursions into foreign states with the intention of engaging in hostile activities have been included through the amendments. Of course, this replicates provisions under the repealed Crimes (Foreign Incursions and Recruitment) Act 1978 and is important in ensuring that the bill is as effective as possible, given the activities of terrorists overseas.

To be affected by this section, a person must be sentenced to at least six years' imprisonment or to periods of imprisonment that total at least six years, and this provision relies on a court having determined criminal guilt. The relevant offences include convictions for treason, espionage, terrorism, international terrorist activities using explosive or lethal devices, treachery, sabotage and foreign incursions and recruitment.

The person ceases to be an Australian citizen at the time the determination is made by the minister. Of course, in making that determination the minister must be satisfied that the conduct of the person to which the conviction or convictions relate demonstrates that the person has repudiated their allegiance to Australia, or that other factors lead to the minister determining that it is not in the public interest for the person to remain an Australian citizen. The minister must revoke a determination if a conviction is overturned, the decision to overturn is upheld on appeal and no further appeal can be made to a court in relation to the decision. Law enforcement and intelligence agencies will provide information relating to conduct or conviction to the minister.

The bill provides for a process whereby notice must be given to the person as soon as practicable, except where the minister is satisfied that giving the notice could prejudice security, defence, international relations or law enforcement operations. This notice must include a basic description of the conduct and, of course, the person's rights of review.

The bill provides that the minister may, at any time after a person has ceased to be a citizen under conduct based provisions, consider whether to make a determination to rescind the notice and exempt the person from the effect of the section. Natural justice will apply in instances where the minister decides to consider exercising his or her power in relation to the making of a determination to rescind that notice or not. The rules of natural justice include the hearing rule and the bias rule. In considering whether to make a determination the minister must have regard to a range of factors, including, but not limited to, the severity and likelihood of prosecution of the matters, the degree of threat posed, the age of the person and other matters of public interest.
No part of the amended bill will apply to a child aged less than 10 years. The conduct based provisions of the bill will not apply to conduct by a child under 14 years of age. The question of whether a child knows that his or her conduct is wrong is one of fact, and the burden of proving this will be on the prosecution. In relation to any child who has been convicted of a relevant offence, a court will have already considered and confirmed that they were criminally responsible for their conduct.

The measures apply only to dual nationals, meeting Australia's international obligations not to render a person stateless. As I have indicated, a person will be able to seek judicial review under the Constitution or under the Judiciary Act, with the Federal Court and High Court having original jurisdiction. There is also provision for reporting to parliament and obligations on the minister in relation to reporting.

I conclude by saying that the new powers in this bill are both a necessary and an appropriate response to the evolution of the threat from global terrorism.

Senator GALLAGHER (Australian Capital Territory) (19:36): I rise to speak on the Australian Citizenship Amendment (Allegiance to Australia) Bill 2015. This is a very important and very serious piece of legislation. It is important because citizenship brings with it important rights. It is serious because it allows, in prescribed circumstances, a dual citizen to be stripped of their citizenship.

Last month I attended a citizenship ceremony for about 100 new Canberra citizens. As everyone here would know, you cannot officiate at one of these ceremonies and not be touched by the reverence and importance that the participants and their families place on this ceremony. It is a big step—a big decision—to take out citizenship in a new country and there is a heightened awareness, a gravity and a nervous excitement that envelops the room. Everyone is dressed in their best clothes. Photos are taken, and the smiles are from ear to ear. Our new citizens understand the importance of taking out citizenship. For those of us born to our citizenship, perhaps until very recently we have not given it much thought. It was taken for granted.

At the moment there are four main ways that a person's Australian citizenship can cease. Specifically, it can cease where a person explicitly renounces their citizenship in an application approved by the Minister for Immigration and Border Protection. It can cease where the minister revokes the person's citizenship on the basis of a conviction for an offence relating to fraud in the course of obtaining Australian citizenship or of a conviction for certain offences after applying for but before being granted Australian citizenship. It can cease where the minister revokes the person's citizenship for failure to fulfil residence conditions associated with becoming an Australian citizen. Or it can cease where the person is a national or citizen of another country and serves in the armed forces of a country at war with Australia. This is a self-executing provision—that is, it applies automatically at the time the person's service commences.

The bill before us today certainly came forward in a rush of controversy and heightened media debate. Highly respected academics attacked it. Lawyers delivered searing critiques of its shortcomings. Migrant organisations expressed deep concern. Indeed, across the government, this bill in its original form was hotly contested, and we learnt more about it from media reports than what was finally presented publicly. In its original form it was simply unacceptable, but that was back in June 2015.
Since that time, this bill has been examined by the Parliamentary Joint Committee on Intelligence and Security, of which I am the most recent new member. I well remember reading the various submissions to the inquiry and sitting through the hearings and my rising alarm as I realised the overreach in terms of retrospectivity, the poor drafting or rushed drafting and the unacceptable extent of the coverage of the proposed legislation. The officials who appeared before us during those hearings, whilst not providing us necessarily with all the information we sought, strongly argued for this bill to be passed in order to assist them with the job that they do to counter terrorist threats and keep Australians safe.

The committee provided a unanimous final report, presented on 4 September. It contained 26 detailed recommendations for amendments to the legislation, which have been incorporated into the bill we have today, with a couple of subsequent amendments to that. I would like to state here, as this was the first PJCIS inquiry I sat on, my appreciation for the tireless work and the leadership particularly of my colleague the member for Isaacs, Mark Dreyfus, and also other members of the Parliamentary Joint Committee on Intelligence and Security and the staff of that committee. They put in enormous effort to ensure not only that the committee report actually reached an agreed set of recommendations but also that our side of politics was able, through patience and diligent work, to ensure that we negotiated a set of amendments that significantly improved and narrowed this legislation.

I will now cover some of the main issues about the bill. Certainly some of these have been identified as areas of continuing concern. I think it is important to note, firstly, that currently the act states that a person will have their citizenship revoked if they serve in the military of a nation at war with Australia. It has not been updated since it was first written. From the beginning, Labor said it made sense to update the act to take into account the threat posed by non-state entities such as Daesh and other terrorist organisations.

Our main concern has been to ensure that this update to our citizenship laws does not have any unintended consequences. Our bottom line had been that we simply would not support legislation that eroded the fundamental importance of citizenship in our nation, and equally we would not support legislation that undermined the status of our country's many dual nationals and created two classes of citizens in this country.

In this bill, there are three mechanisms for automatic loss of citizenship: if a person is convicted of a terrorist offence; if a person is overseas, collaborating with a terrorist organisation; or if they have fled overseas having committed a terrorist act in Australia. The new proposed section 33AA is an extension of the current provision which allows a person to renounce their citizenship. This new section provides that a person who is a national or citizen of a country other than Australia automatically forfeits their Australian citizenship by specified conduct such as 'engaging in international terrorist activities using explosive or lethal devices'; 'engaging in a terrorist act'; 'providing or receiving training connected with preparation for, engagement in, or assistance in a terrorist act'; 'directing the activities of a terrorist organisation'; 'recruiting for a terrorist organisation'; 'financing terrorism'; and 'engaging in foreign incursions and recruitment'.

The original scope of the bill has now been significantly narrowed by the amendments that were recommended and agreed to by the government, and it now presents a far more targeted approach than what was originally tabled by the government. As senators would be aware, yesterday in the other place further amendments were moved and passed. The Minister for
Immigration and Border Protection tabled an additional amendment to a section of the bill which corrected an error made in the earlier form of amendments. The error was specifically in proposed section 33AA(3), which implements the recommendations of the committee that the bill be clear about what level of intent is required for a person to renounce their citizenship by conduct while overseas. In the initial form of the amendments, the bill would have had conduct which would not be considered a terrorist offence under the Criminal Code. Obviously, that would have been inappropriate and not in keeping with the recommendations of the committee. It is important to note that Labor raised this matter with the government, and we are satisfied that the additional amendment deals appropriately with this issue.

A person will have the right to appeal the loss or revocation of their citizenship, and no-one in Australia will lose their citizenship simply because of untested suspicions or concerns regarding their conduct. A person will have the right to appeal any determination by the minister to have their citizenship stripped. This is an important safeguard that Labor believes is a fundamental right of our citizens. I would also note that the Attorney-General, in correspondence dated 27 November 2015 to the member for Corio and the shadow Attorney-General, stated in part:

The basis for the conclusion that the terrorist-related or foreign fighting conduct has occurred may be reviewed by a court …

Any judicial review would extend to whether or not the contract was engaged in, whether the person engaged in that conduct with the requisite intention, and whether or not a person was a dual citizen.

The bill also provides that a person who loses their citizenship for terrorist related activities is not able to become an Australian citizen in the future.

One of the most vexed issues with this bill, and certainly as it was presented and discussed in the committee, is the issue of retrospectivity. I think it is important to note that there is very limited retrospectivity in this legislation. The bill will now provide that section 35A power can only operate for those dual citizens who have been convicted of a serious terrorism offence within the past 10 years and who were sentenced by a judge to a minimum of 10 years in prison for that offence. Revocation of citizenship in these limited circumstances will be subject to the minister's discretion, having regard to a number of criteria including current security threats.

It should also be noted that the Minister for Immigration and Border Protection yesterday also included an additional amendment to this section to change the process by which the minister is to consider exempting a person from the revocation of their citizenship by conduct whilst overseas. Late last week, and after 40 government speakers had spoken on the bill, the government indicated to Labor that the Solicitor-General had advised that the constitutional prospects of the bill would be strengthened if the bill did not oblige the minister to consider exercising but rather permitted him or her to do so. Labor has had to accept the government's assurances of the constitutional implications of the proposed provision and has agreed to support amendments.

The bill requires the minister to give written notice of the automatic cessation of Australian citizenship to persons the minister considers appropriate, as well as rescinding the written notice and exempting a person from automatic stripping of their citizenship if the minister considers it to be in the public interest to do so. It is also important to note that the minister
will rely on the advice of the security agencies such as ASIS, ASIO and the AFP on the status of a citizen in relation to them fighting for a terrorist organisation.

I will make just a few comments on the statement of compatibility with human rights which accompanies the bill. The amendments have been assessed as engaging human rights under one or more of the seven core international human rights treaties to which Australia is a party. The statement of compatibility notes that the measures in the amendments engage article 12 of the ICCPR, which provides:

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
2. Everyone shall be free to leave any country, including his own.
3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order ... public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.
4. No one shall be arbitrarily deprived of the right to enter his own country.

The statement advises that the amendments will not of their own force alter a person's liberty of movement and freedom to choose their residence, and those rights may be limited on bases that are provided by law; necessary to protect national security, public order, or the rights and freedoms of others; and otherwise consistent with the ICCPR.

Another important issue addressed by the statement of compatibility with human rights concerns the rights of children. The proposed amendments apply to all dual citizens regardless of their age. The cessation and renunciation provisions would only occur as a result of extremely serious conduct. It should be noted that the minister's ability to exempt a child from the cessation of their Australian citizenship allows consideration of all of the circumstances of the case in determining whether it is in the public interest to do so.

I would now like to turn to what has been a yet-to-be-resolved issue in relation to the bill. Despite repeated requests from Labor and members of the Parliamentary Joint Committee on Intelligence and Security, the government refused to release any of the Solicitor-General's advice on this bill. Senator Brandis wrote to the committee to advise that it is the view of the Solicitor-General that the legislation is constitutionally sound, but we have certainly not sighted that advice. I noted earlier that Senator Brandis has recently provided a letter to Labor which apparently summarises the Solicitor-General's advice. Labor's shadow Attorney-General, Mr Dreyfus, requested the new advice from the Solicitor-General on the additional amendments, but again this request was refused, despite there being precedents in the past, as I understand, for legal advice to be shared in certain circumstances. For those of us like me who strongly believe in open and transparent government, this reticence to table the advice is unacceptable, but, as is the way with these matters, it is up to the government to ensure that its legislation is robust and fit for purpose. Ultimately, if these laws are tested in court it will be for the government to defend them.

As I stated at the outset of my speech, citizenship is an important and serious right, and any legislation which seeks to vary or amend the rights of our citizens is one which needs careful and meticulous attention to detail. Labor supports updating the act to take into account the threat posed by non-state entities. We have worked hard to ensure that this update to our citizenship laws does not have unintended consequences. We have taken the necessary steps to ensure that there is no unacceptable erosion of the importance of citizenship in our country.
We certainly remain of the view that the Solicitor-General's advice on the bill should be made public, and we view with regret the Attorney-General's refusal to do so.

In conclusion, we live in very uncertain times, where threats posed by terrorist organisations and individual terrorists are real. Labor has engaged with the government in good faith on measures, legislative or otherwise, to keep Australians safe. And elements of this legislation have certainly been challenging for our party. We have worked diligently through the established processes to improve this bill to narrow its focus and to provide review rights where they are appropriate, and we have certainly had to rely on the assurances from government regarding the constitutionality of this bill.

**Senator DI NATALE** (Victoria—Leader of the Australian Greens) (19:51): I rise to speak today on the Australian Citizenship Amendment (Allegiance to Australia) Bill 2015. I rise to express the Greens’ concerns about this bill, which we believe is flawed in many respects but, perhaps even more worringly, is in fact a very dangerous piece of legislation. We think the bill is of concern for three key reasons. Firstly, it erodes fundamental human rights and principles of law that have existed for centuries.

Secondly, it focuses on dealing with the issue of violent extremism once a crime has been committed rather than focusing on prevention. Thirdly, a much more pragmatic but perhaps the most important reason is what, while this bill has as its core objective to keep Australians safe, it is our concern that this bill may in fact potentially endanger the lives of Australians rather than keep them safe.

Let me go to that point. If we force Australians who hold dual citizenship and engage in violent extremism to leave the country and not return to Australia, we believe that we are making the world a less safe place and therefore making Australia less safe. We do believe that, once somebody is guilty of having committed a serious crime, if they are convicted of acts of violent extremism either here or overseas, the best place for them is in custody rather than roaming the world to continue to inflict their violent acts. It is possible that some of these people will return to the theatre of war in Syria and engage in activities there—something that none of us would like to see—but we know that violent extremism does not respect or distinguish between national borders. If there is one tragic lesson from the events of Paris and, indeed, before that in Beirut and subsequently in Bamako, it is that making the world a safer place and protecting people from violent extremism requires a high level of diplomacy and cooperation between nations, but this bill does nothing of the sort.

Our concern is that, effectively, deporting somebody allows them to continue to perpetrate violent acts, whether it be, as I said, in those conflicts, or, as we know from Paris, in other areas where innocent victims are subject to the horrific activities of some of these individuals. One can also imagine that an embittered, hateful individual who has been deported from Australia might seek to organise in a way to deliberately target Australians, and it is for that reason that we do hold grave concerns about whether the passage of this bill potentially further endangers the lives of Australians.

We do have a duty to protect Australians but we do also have a duty to protect people from all nations as well as Australians who are travelling overseas and Australians who are living overseas—in fact, we know from the events in Paris that Australians were involved in the violence that occurred over there—but we cannot make Australia safer by making other countries more dangerous. That is what these laws, effectively, do. We are exporting people suspected of terrorism to other countries that are less able to contain the threat that they post
and are therefore making the world a less safe place. Could you imagine if all countries adopted this approach. We would, effectively, be exporting individuals who are violent and filled with hate into a global marketplace full of displaced, disenfranchised and violent extremists. We do not think that is the appropriate response.

We think the appropriate response is to ensure that there is a strong domestic policing response from within Australia. We do agree that our security agencies should be equipped with appropriate powers and resources to do that job. Of course, there is some debate about what the appropriate level of those powers should be. But, ultimately, we think the safest place for Australian citizens who have been convicted of violent acts and who are indeed criminals is in custody here in Australia, not roaming the international stage.

On the second point, which is the focus of this bill—punishment rather than prevention—it is of concern to us that this government has taken an approach that is focused almost entirely on punitive measures and has not done enough to focus on prevention. It must be said that, with the change of Prime Minister, there has been at least a changing tone and changing emphasis, and we welcome that, but the critical task now is to invest in building social cohesion here in Australia.

There are many ways that we can do that. There are a number of programs that we know work that go directly to those individuals who might be vulnerable to the influences of individuals who are determined to cause a danger in Australian society. We need to invest more in those social cohesion programs. There are a number of them that have been successful. It means working with affected communities. It means working with young people. It means peer-to-peer activities and outreach activities to ensure that we do have an investment in prevention, not just in dealing with crimes once they occur.

That is the second area of concern for the Greens. We do worry that the government—certainly up until very recently—has focused almost exclusively on the punitive end of the spectrum when we know the greatest dividends are to be gained through prevention and working with those affected communities.

Of course, there is the issue of this legislation really violating some quite fundamental principles of human rights and law that have existed for many centuries. We have heard many of those concerns expressed from a number of constitutional lawyers, human rights groups and community organisations. In fact, we heard from the Human Rights Commissioner. They have all objected to parts of this legislation.

Ben Saul, who is a professor of international law at the University of Sydney, said:

For a democracy ostensibly committed to liberal values, basic rights and the rule of law, this Bill is particularly bad, even by the low standards of some other Australian counter-terrorism laws. It should not be passed…

... ... ...

Exiling or banishing Australian wrongdoers is primitive, medieval, simplistic, and dangerous.

That, of course, reflects some of the concerns we have around this legislation.

Kim Rubenstein, Director of the Centre for International and Public Law said:

What the Parliamentary Committee of Intelligence and Security report and both major parties in our Parliament have failed to address is the bill's core weakness, which no amount of tinkering can amend.
That is why we will not be focusing on amending this piece of legislation but voting it down in its entirety. He goes on to say:

Its central object, of banishing certain Australian citizens, undermines the rule of law itself. In doing so, it diminishes the protection of people from the exercise of excessive and overreaching political power.

There were a number of other organisations. For example, the Human Rights Law Centre say the provisions of the bill are likely to breach international human rights law. They go on to say that the bill does not provide sufficient due-process safeguards around the removal of citizenship. They also had a number of other concerns.

The University of New South Wales law professor George Williams, himself a constitutional lawyer, suggests that the legislation put forward by the government has 'cast the net far too wide'. He believes that, with regard to the extension of section 29 of the Crimes Act, activities such as destroying or damaging commonwealth property, which would appear to not necessarily require any connection to terrorism at all, might actually catch someone who is involved in vandalism. That is clearly of concern, and Professor Williams, being a noted constitutional lawyer, is somebody who needs to be listened to. He says that possessing a 'thing' connected to terrorism is an open-ended term and is not defined.

The Australian Lawyers for Human Rights said:

While it is said that judicial review of Ministerial decisions is possible, the fact that no reasons need to be given by the Minister makes review effectively impossible. There is no transparency or accountability. The provisions overriding existing obligations to give reasons and to abide by the rules of natural justice should be removed.

I suppose the final word, in terms of legal opinion, goes to Anne Twomey, Professor of Constitutional Law at the University of Sydney, who said the bill is 'a consequence of making policy on the run and pursuing thought bubbles and sound bites … a textbook example of the sort of fiasco that occurs when processes are not followed'.

We have huge concerns about this legislation. We acknowledge this is a hangover from the previous Abbott administration. We acknowledge that, if reports are to be believed, the Prime Minister resisted any further moves in this area. It is remarkable to contemplate that the legislation was, originally, not just directed at dual nationals but also at sole nationals, at Australian citizens; effectively, under that proposal, rendering individuals stateless.

It is a shame that the new Prime Minister had an opportunity to really shed himself of some of these, as Professor Twomey describes, 'thought bubbles' and 'sound bites' when it comes to making policy and had the opportunity to really change tack, to head in a new direction, to move towards much more sensible responses to the very serious issue of violent extremism. Yet what we have instead is legislation before this parliament that violates those fundamental principles. It focuses on, I think, the wrong part of this issue and on actions once these crimes have already been committed. At a very pragmatic level, it runs the very real risk of making Australia less safe rather than more safe. It is our view that once somebody is convicted of having committed a serious crime, and these are very serious crimes, then the best place, the safest place, is for those people to be in custody here in Australia.

Senator LEYONHJELM (New South Wales) (20:04): I rise to oppose passage of the Australian Citizenship Amendment (Allegiance to Australia) Bill 2015. This is the fifth major piece of national security legislation from this government. I have opposed them all, not because I discount the importance of national security but because, in every case, they have
eroded the rights and freedoms of Australians. As the saying goes, 'those who trade essential liberty for a little temporary safety end up with neither.' The core problem with this bill is that it allows the executive to exercise judicial power when the minister revokes an individual's citizenship. That is a violation of the doctrine of separation of powers. It also applies retrospectively. Thus, I plan to move two amendments that would make the bill better.

This bill came into existence at 5:34 last evening, when the government, in cahoots with Labor, added 14 pages to the previous version of its own bill. Now, those of us who have never seen it before—crossbench and Greens senators—are required to vote on it. This is profoundly undemocratic. Between us, we represent just under one-third of the Australian electorate. It is also a blatant repudiation of the Senate's role as a house of review.

I think it is useful to remind the Senate of what has gone before in this national security area. All prior national security legislation was also passed with unseemly haste, including some significant aspects that were passed without the opportunity for senators to quiz the minister about the legislation in a committee stage. And there is still no crossbench or Greens representation on the parliamentary committee which reviewed each bill.

The first tranche of national security legislation, National Security Legislation Amendment Bill (No. 1) 2014, passed with Labor's support on 25 September last year. What may have been a drafting error in one of the sections dealing with special intelligence operations opened a loophole that sanctioned torture. In short, ASIO officers participating in a special intelligence operation—something defined by ASIO itself, without external review—were to receive immunity from prosecution for all offences save the most serious ones.

It became clear that the intention was to protect officers from prosecution in the event that they joined a proscribed terrorist organisation or had to commit an offence to prove their bona fides. However, no-one, including the Parliamentary Joint Committee on Intelligence and Security and the shadow Attorney-General, realised the same provision provided cover for acts that amount to torture—the sort of torture that does not leave marks. At that point I deployed the 'nuclear option' and threatened to refuse to cooperate with the government in any way but the most limited. It was sufficient to ensure the bill was amended, although I was treated to a great deal of condescension in the process.

As passed, the bill introduced a significant number of nasties, among them expansion of the control order and preventative detention order regimes, and section 35P, which allows imprisonment for 10 years for intentional or reckless disclosure of an ASIO special intelligence operation. Section 35P also provides no public interest defence. Regrettably, the press only took an interest once it was enacted. I also opposed the bill in part because the Attorney-General failed to show how ASIO's existing powers were insufficient for them to do their jobs. They already had extensive powers.

The second tranche of national security legislation was the so-called foreign fighters bill, which passed the Senate on 29 October last year. It, too, attacked freedom of speech and of the press. The bill introduced a penalty of two years imprisonment for unauthorised disclosure of a delayed notification search warrant. Once again, there is no public interest defence. The provision seems calculated to remove the AFP from any and all journalistic scrutiny.

The bill also introduced an offence of 'advocating terrorism', punishable by a term of five years. It goes far beyond 'incitement to violence' at common law. The new offence requires
only that the speaker is 'reckless' as to whether what is said causes terrorism. Incitement, at common law, has always required the element of intent. The new offence also takes in the 'promotion' of violence—a term broad enough to capture a general statement endorsing revolutionary violence in a third country. This is again different from incitement, which has always required that words ought to operate directly on the intended audience. Minister Brandis complained that the problem with incitement is that it is difficult to prove. This seems to be rather the point. It is meant to be difficult to prove because, if it were easy to prove, the authorities would be able to lock people up for things they say pretty much willy-nilly.

Also worthy of note is that organisations can be 'proscribed', or listed as terrorist organisations, on the basis of 'advocating terrorism'. Once again the definition of 'advocacy' employed is considerably broader than that captured by 'incitement' at common law. The consequences of listing are severe, and there is a real danger that community organisations run by amateurs may finish up being listed based on only a few members' views.

The third tranche of national security legislation, the Counter-Terrorism Legislation Amendment Bill (No. 1) 2014, expanded the control orders and preventative detention orders regime, a regime that had already been expanded in the first tranche of legislation. These regimes are obnoxious because they are contrary to the basic principle that people should not be deprived of their liberty without a finding of guilt. Both impose significant constraints on an individual's liberty—including imprisonment, in the case of preventative detention orders—for the purpose of preventing terrorist acts. Alarmingly, the preventative detention order regime requires surveillance of the entirety of an individual's telecommunications activities, including—as Nick Hanna discovered when he represented one of the men arrested in the September 2014 counter-terrorism raids in Sydney—discussions between a solicitor and his client.

The fourth tranche of legislation was the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014. It is the one mandating that ISPs retain everyone's metadata for two years. In my view, it is the most illiberal of all five pieces of national security legislation. It applies to everyone indiscriminately, treating us all as presumptive criminals. Everyone has something to hide, and something to fear, from mandatory data retention. It is one thing to require monitoring of certain individuals where there is reasonable cause. But the idea that the government needs to store everyone's metadata without cause, including my 85-year-old mother's, should not be countenanced. Data retention will do nothing to save us from terrorists. Paedophiles are already canny enough to use the 'darknet' and avoid it. Instead, data retention places the entire population under surveillance, no matter who they are or how blameless their lives.

So I come to the bill before the Senate today. It provides for two ways for citizenship to be revoked: by 'conduct' and by 'conviction'. In the 1948 Citizenship Act, there was only one 'conduct' based ground for revocation—service in the armed forces of a country at war with Australia. This bill adds more, including service in and to terrorist organisations, travel overseas to fight with terrorist organisations, and financial aid and assistance to terrorist organisations, of which the Kurdistan Workers' Party is listed as one.

'Conduct' based revocation is considered to be 'automatic' but is still brought about by executive government with no need for judicial involvement. This bypassing of the judiciary was not a concern when a person's conduct was as clear-cut as donning an enemy's uniform
and engaging in battle directly against the Australian Defence Force. But, under this bill, a bureaucrat will make fine distinctions about what you were doing and who you were doing it with and will not need to bother about what your intentions were. The 1948 act did not provide for revocation of citizenship based on conviction. This legislation provides for citizenship to be revoked once a conviction has been secured for a number of offences. Such revocation of citizenship is nevertheless an executive act, done by the minister. It is not done by a court.

The bill nonetheless seeks to make revocation of citizenship self-executing. The minister is deemed not to be the decision maker. His role is reduced to that of administrative functionary. He merely issues a notice after citizenship has been renounced by the person to whom the notice is issued. The notice, we are assured, does not have any judicial effect. I am a businessman, not a constitutional lawyer. Maybe this verbal sleight of hand will win the day in the High Court; I do not know, but tinkering with the inner workings of the doctrine of the separation of powers is not something that should be pushed through with such haste. I note that I received a copy of the Attorney-General's letters to shadow Attorney-General Dreyfus outlining the Solicitor-General's advice at 7.28 pm last night. The Solicitor-General's advice itself has still not been made public.

In addition to a minister exercising power that should properly be exercised by a court, this Bill assumes there will always be a war on terror. It will therefore remain law forever unless amended now or repealed one day in the future. Just as with the previous four bills, that is not desirable. To that end, the amendments I will move at the committee stage will apply a sunset clause of 10 years to the bill. Sunset clauses allow draconian laws to automatically expire at a set date—unless a future parliament decides otherwise. They are not an ideal solution. As others have said, if laws were well-drafted in the first place, sunset clauses would not be necessary. I propose sunsetting the bill because I refuse to accept the suggestion that there will always be a war on terror. We will not always be at war with Eurasia.

The bill also provides for the retrospective application of the criminal law. Although this retrospectivity is limited and applies only to a small number of persons who will attract little public sympathy, it is contrary to the rule of law and to fundamental principles of the common law. Australians considering their conduct now should be able to weigh up the consequences based on the law as it stands now. The fact that I need to point out such a basic tenet is of great concern. Retrospective action is not necessary, as the government already has a suite of powers to ensure that people who have served their sentences for terrorist offences are monitored. As such, I will move amendments to ensure that no part of the legislation applies retrospectively. We can do better than destroy our liberties in the name of securing ourselves against an illiberal enemy.

Finally, I wish to say a few words on citizenship as a concept. I do not happen to believe our fundamental rights flow from citizenship—of Australia or any other country. I think our rights flow from being human and are inherent. However, for better or for worse, we live in a world where legal rights often are contingent on citizenship. If citizenship is to be revoked, it should be revoked by a court in all but the most straightforward circumstances, such as when a person lines up against the Australian Defence Force in battle.

Inevitably, this bill creates two tiers of citizen: people who can have their Australian citizenship revoked and people who cannot. The answer, 'Well, some people have another
one' does not really cut it. People have dual citizenship thanks to immigration, not because they bought their other citizenship in a shop.

Terrorism can be beaten without our losing our rights as free people. Just as I opposed the previous national security legislation on those grounds, I also oppose this bill.

Senator LAMBIE (Tasmania) (20:19): I rise to contribute to the debate on the Australian Citizenship Amendment (Allegiance to Australia) Bill 2015. There are two questions that come out of this government legislation. First, should Australians who betray us by supporting our enemies be stripped of their citizenship, and should they hold a second citizenship? Absolutely. Second, should a politician and not a court make the decision to strip treasonous individuals of Australian citizenship? Absolutely not.

The Vice-Chancellor of the Australian Catholic University, Greg Craven, put the argument best when he wrote on 4 June this year:

By conferring a profoundly judicial power on a minister, it mocks the separation of powers. It would be swatted down like a bug by the High Court.

As a new senator, I know that the last thing you would knowingly do as a legislator is to pass laws that are in breach of our Constitution and that would likely be ruled against by the High Court. It would mean that all the effort and time spent presenting and passing this legislation would be wasted. So, before I make a decision to support or oppose this bill, I would like the Attorney-General to give an assurance in his summation to this Senate that he will resign from the nation's first law officer's position should this bill pass and should it subsequently be successfully challenged in the High Court. If the Attorney-General can give that guarantee, then I will know that he has got some political skin in the passage of this legislation and that it has not been presented as another political stunt to give the appearance that the government is doing something. I believe that this government can do more legislatively to take the fight to our Islamic State enemies but has instead taken the easier path of fiddling with our citizenship laws instead of going straight to the heart of the matter at a time when we find ourselves under attack from within and without and charging Australian citizens who help our enemy in any way whatsoever. If we were debating laws which strengthened our existing sedition and treason laws designed for these very circumstances, I would feel a hell of a lot more comfortable.

My position on the way our federal authorities have managed suspected Australian terrorists and terrorist sympathisers is clear. If a government has enough evidence to confiscate passports and stop people from travelling to the Middle East to fight with ISIS, then we have enough evidence to charge them with sedition or treason. Quite clearly, those Australian citizens not only have a formal allegiance to a foreign power—as spoken about in section 44(i) of our Constitution—but also have a formal allegiance to a hostile foreign power which has obviously declared war on us. And the government still have not given me or this Senate a proper answer as to why they refuse to charge suspected terrorists, their Australian sympathisers and accomplices with sedition and treason. One sedition or treason trial in our courts would do more for de-radicalisation than any control order or any government handout to the Islamic community.

One sedition or treason trial in our courts would also educate our citizens about the fact that being an Australian citizen means that you cannot have divided loyalties—and certainly
not with hostile foreign powers. On Canberra's Lake Burley Griffin, on the Menzies Walk, set in stone, is Australia's oath of allegiance, which is sworn by new citizens. It reads:

As an Australian citizen, I affirm my loyalty to Australia and its people, whose democratic beliefs I share, whose rights and liberties I respect, and whose laws I uphold and obey.

To some people they are some of the most sweetest-tasting words they have ever spoken; to some they are just words—once said, they will be quickly forgotten; and to others, they have been forced out and taste like poison, because they stand for the opposite of that person's values. These are the Islamic State supporters who hate our democratic values, who are disgusted by our civil rights and freedoms and will do everything they can to subvert, disobey and overthrow or laws and replace them with their sharia law.

Support for sharia law shows a clear sign of extreme radicalization; shows a split or divided loyalty to Australia and a clear sign of allegiance to hostile foreign powers; and attacks democratic principles found in Australia's Constitution and therefore is a clear sign of seditious or treasonous behaviour worthy of investigation and possible charges. It is an indisputable fact, backed up by many daily, gruesome and brutal examples, that states, countries and communities which support and enforce sharia law allow the death penalty by beheading or stoning to be imposed from a religious court on those found guilty of being homosexual, adulterous or choose to become atheists; allow their governments to torture, mutilate and remove the limbs of those, including children, found guilty by a religious court of property offences, including theft; allow their governments to strip women of the basic civil rights of freedom of thought, religion, assembly and equality before the law; allow their governments to discriminate against women by making it illegal for them to attend sporting fixtures, drive, drink alcohol, smoke, have sex before marriage, appear in public without a male chaperone, and seek an education; allow their government to encourage, tolerate or turn a blind eye to female genital mutilation and forced marriages; and allow their government to encourage, sanction, tolerate or turn a blind eye to the reintroduction of human trafficking and slavery.

Surely many Islamic people can peacefully practise their religion without supporting and advocating for sharia, or the terrorists' law. I call on all Australian Islamic leaders and leaders of other religions to condemn those who do support sharia law. If they do not condemn sharia law then, at the very least, they should not be allowed to preach hate on Fridays to impressionable young minds. I also call on the Federal Police and the federal Attorney to use longstanding, existing laws and charge with treason or sedition those citizens who support in any way whatsoever the imposition of sharia, the terrorists' law, in Australia.

One of the problems that immigrants, particularly people from the Middle East, have is that they have no respect for or understanding of our democratic beliefs. To a degree that is understandable, because in the Middle East there really are not many functioning democracies which show a respect for Australian human rights, liberties and the rule of law. Apart from Israel, which shines a light in a very dark and dangerous neighbourhood, the majority of the Middle East is ruled by corrupt governments which, putting it nicely, are antidemocratic.

In these days where everyone is scared of political correctness, people are afraid of being seen to be discriminating against anybody. But it is okay to discriminate against people with respect to their attitude towards democracy. Like most fair-minded Australians, I do not care what colour you are, what ethnicity or race you are or whether you are a man, woman or
transgender: you deserve to live a life free of discrimination. However, if you think that you can come to Australia and undermine Australia's laws, democratic values and human rights under the guise of cultural practices, then I am going to discriminate against you. It is okay to discriminate in favour of democracy and Western human rights and liberties, because we love them. That is why so many Australians died fighting in world conflicts—because of their love for their family, their friends, their mates, their country and our democratic way of life. At various points in world history, violent bastards who controlled large militaries and who hated democracy, civil rights and Western freedoms have tried to impose their sick culture upon us by force of arms. It was then up to the people who proudly discriminate in favour of democracy to take up arms and defend the innocent and our way of life.

I will now turn to the existing powers that the immigration minister has to revoke Australian citizenship. A Parliamentary Library research brief on this legislation states:

A June 2015 report by the Australian National Audit Office states that Australian citizenship has been revoked in only 16 cases over the 66 years in which Australia has offered citizenship. The provision under which a person’s citizenship ceases due to service in a foreign armed force has reportedly never been used.

The proposed amendments in the Bill represent what has been described by the Director of the Centre for International and Public Law, Professor Kim Rubenstein, as 'a major change to the current Citizenship Act, in that the current Act only has extremely limited ways in which a person can lose their citizenship'.

It is appropriate in this debate that we remind ourselves of the powers that the minister has to revoke citizenship. The Parliamentary Library research brief on this legislation states:

Under the Citizenship Act as it currently stands, there are four main ways a person’s Australian citizenship may cease. Specifically, where:

- a person explicitly renounces their citizenship in an application approved by the Minister for Immigration and Border Protection (the Minister)
- the Minister revokes the person’s citizenship on the basis of a conviction for an offence relating to fraud in the course of obtaining Australian citizenship, or for conviction for certain offences after applying for, but before being granted, Australian citizenship
- the Minister revokes the person's citizenship for failure to fulfil residence conditions associated with becoming an Australian citizen or
- the person is a national or citizen of another country and serves in the armed forces of a country at war with Australia; this is a 'self-executing' provision, that is, it applies automatically at the time the person’s service commences.

The first and last of these apply to Australian citizens by birth; the Ministerial revocation provisions do not. If a person ceases to hold Australian citizenship for any of the reasons outlined above, the Minister may revoke the Australian citizenship of any dependent children provided certain conditions are met, including that the child would not be rendered stateless.

You can lose your citizenship in three new ways. According to the government's explanatory notes:

The person ceases to be an Australian citizen if the person fights for, or is in the service of, a declared terrorist organisation. A declared terrorist organisation is any terrorist organisation as defined by the Criminal Code and declared by the Minister to apply.
According to Australia's national security website, currently 20 organisations are listed as terrorist organisations under the Criminal Code. The 17th on that list is the Kurdistan Workers' Party, the PKK. The PKK was listed on 17 December 2005 and re-listed 28 September 2007, 8 September 2009, 18 August 2012 and 11 August 2015. The PKK is one of the most effective ground fighting forces against ISIS. They are heroic in their war against the Islamic State brutes.

In my view, after meeting with the Kurdish community delegation at Parliament House, they are strongly supported by the Kurdish community of Australia. Estimates records confirm that Australia's military along with American military supports the PKK with supplies and humanitarian aid and, most likely, arms in order to help their fight against Islamic terrorists. Apart from the obvious question of how is it possible and legal for Australia's military to resupply and help a supposed official terrorist organisation, the next question in the context of this legislation is: can an Australian citizen who is part of our Kurdish community and who has dual citizenship, be stripped of their Australian citizenship after this bill passes this Senate?

As this bill reads, it is a threat to the citizenship of members of Australia's Kurdish community. A minister, not an impartial judicial process, can strip members of our Kurdish communities of their Australian citizenship. This takes me back to an expert legal opinion I read at the start of my speech by the Vice-Chancellor of the Australian Catholic University, Greg Craven, who said:

By conferring a profoundly judicial power on a minister, it mocks the separation of powers. It would be swatted down like a bug by the High Court.

This legislation is a farce. It will be proven to be a farce and a waste of taxpayers' money and time in the High Court of Australia when it eventually happens.

It will not do anything to better protect Australians from the threat that Islamic State terrorists and their supporters who live amongst us, and who are supported by our welfare system, pose to us. We are in a war where our opponents are not limited by any rule of humanity. They do not care how they kill us—the more gruesome the better; certainly for social media effects. Islamic terrorists will use every weapon including nerve gas, poisons, chemicals, bacteria and radiation—whatever it takes—to kill us.

We are in war to an extinction of one side. It is kill or be killed. It is time to get real and to get tough in our fight against Islamic State. Islamic State wants to impose sharia law on the world. We must treat support for sharia law, the terrorist law, by an Australian as a sign of Islamic radicalisation. Support by people living in Australia for the terrorist law should be treated as clear evidence of treason and seditious activity, and those people should be charged with sedition or treason. If Australians are found guilty of sedition or treason, they should face between seven years and life in jail. Islamic preachers in Australia who advocate for sharia law in Australia must be immediately banned and once again charged with sedition and treason.

Terrorists who kill in their attacks on Australian soil and who then survive and are brought before a court, should be subjected to a death penalty if an Australian jury decides that is the best way of delivering justice. Imagine if Man Haron Monis had survived the Sydney Lindt cafe attack. Should an Australian jury have had the option of sentencing the traitor and
murderer to death? Absolutely, and I think you will find the majority of Australians would support that.

Australia must double the size of our military. If every full-time member of our Defence Force was put in the MCG we would barely fill half of it—shame! We have 57,000 full-time troops—get real. We can boost the size of the military by introducing a voluntary national service and trade training scheme for our young people. Why would young people volunteer for national service? If our young people are not going to earn, learn or serve and be trained in our military then they should not receive any welfare payments. That is why we do not have to make national service compulsory—how about that. There would be a strong financial incentive for young Australians to get a job, continue their studies or join our military and serve and learn. This would change Australian culture for the better and strengthen our nation for the hard road which is in front of us.

In closing, last week I expressed my solidarity and sympathies with France after those terrible attacks by Islamic supporters of sharia law. This week I would also like to acknowledge the role that the state of Israel plays in the global fight against Islamic radicalisation. The Jewish people have shown grace, compassion, common sense and bravery under extreme attacks by people who want to wipe them from the face of the earth. It is only now after Islamic state declared war on us that we are slowly coming to the realisation that our enemy is merciless and will not stop until we are dead or we are converted to their way of life.

The Jewish people have known this truth for many years and have made preparations to properly protect their grandchildren from this madness and terror which comes from the Middle East. Australia can learn a lot from the Jewish people. Indeed, some of Australia's greatest citizen leaders and protectors of freedom have been Jewish. When the Liberals are prepared to stop pussy-footing around with half-linked terrorism legislation, and are prepared to tackle terrorism head on, please wake me up and then you may get my support. I absolutely oppose this bill.

Senator XENOPHON (South Australia) (20:37): by leave—I withdraw the second reading amendment standing in my name.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (20:37): I thank honourable senators for their contributions to this debate on what is an important piece of national security legislation. Recent terrorist attacks around the world demonstrate that free and democratic societies face a significant threat to our way of life and to our values. In Australia, since 12 September 2014, when the national terrorism public alert level was raised to high, 26 people have been charged as a result of 10 counterterrorism operations around Australia, which is more than one-third of all terrorism related charges since 2001. Since the threat level was raised last year, the Director-General of Security has indicated that, in some respects, the threat of terrorism has worsened.

On 26 November, along with the Minister for Justice, Mr Keenan, I announced the new National Terrorism Threat Advisory System. Under the system, we are at the level known as 'probable'. This means that individuals or groups have developed both an intent and capability to conduct a terrorist attack in Australia.
Let me acquaint the Senate with the latest information on Australia's involvement in terrorism in the Middle East. According to those who advise us, around 110 Australians are currently fighting or engaged with terrorist groups in Syria and Northern Iraq. At least 41 and possibly as many as 45 Australians are believed to have been killed as a result of their involvement in the conflict, some but not most by suicide. Approximately 30 Australians have returned from the conflict. Around 190 people in Australia are currently being investigated for providing support to individuals and groups involved in the Syria and Northern Iraq conflict, including through funding and facilitation, or are seeking to travel to participate in the conflict on behalf of ISIL. The overwhelming majority of these are young men and in some cases young women.

Over 145 Australian passports have been cancelled or refused in relation to the Syria and Northern Iraq conflict and currently there are more than 400 high-priority ASIO investigations directly relating to Middle Eastern terrorism. In this context, our law enforcement and intelligence agencies are doing everything they can to prevent and disrupt acts of terror by individuals who are radicalised and are planning attacks in Australia. It is the government's duty to ensure that Australia has an effective range of counterterrorism capabilities to meet these emerging challenges. Our law enforcement and security agencies must be given the tools and the resources they need to keep us safe and this the government has done. The measures in this bill add to our capacity to defeat terrorism.

The bill will ensure that dual nationals whose own conduct demonstrates that they have repudiated their allegiance to our country will not retain their citizenship. There is nothing novel about this approach. Section 19 of the Nationality and Citizenship Act 1948, now repealed, provided:

An Australian citizen who, under the law of a country other than Australia, is a national or citizen of that country and serves in the armed forces of a country at war with Australia shall, upon commencing so to serve, cease to be an Australian citizen.

That provision was enacted in 1948 as a response to the events of World War II. The explanatory memorandum explained the rationale of that provision, which is the genesis of the current provisions as follows:

During the war years a number of cases came under notice in which persons possessing dual British and (e.g.) German nationality served in enemy forces. It is considered desirable that in such circumstances Australian citizenship should automatically be lost.

I draw honourable senators' attention to that last point in particular—the loss of citizenship under the model on which ultimately these provisions are based, at least in part, was said to be automatic. Section 19 of the 1948 act was later re-enacted, in slightly reworded form, as section 35 of the Australian Citizenship Act 2007. It preserved the authenticity of the loss of citizenship in the event of certain repudiatory conduct.

The present bill recognises that the ways in which a person might repudiate their allegiance to Australia have evolved since 1948. The principle underpinning the 1948 provision remains but the range of circumstances in which it may apply has expanded. This bill adapts the law to that expansion and so makes contemporary a legal principle which has been embedded in our law for almost 70 years. That is why the bill expands the range of conduct causing automatic loss of citizenship and expands it beyond service in the armed forces of an enemy country so that automatic loss results also from a range of terrorism-related conduct. We know that in the
modern environment threats to states and threats to our nation do not merely arise from the regular armies of other states; they arise from irregular forces assembled under terrorist banners who conduct irregular and terrorist operations both overseas and within Australia as well.

An update to section 35 in the bill, which, as I said, is itself a re-enactment of the 1948 provision, provides for automatic cessation of citizenship where a person engages in what we have come to call 'foreign fighting', in other words a person who fights for or is in the service of a declared terrorist organisation overseas automatically forfeits their Australian citizenship. I wish to emphasise the fact the loss of citizenship is automatic. It comes about by operation of the provision upon the person's conduct. The same was true under section 19 of the 1948 act and of the old section 35 of the 2007 act. Even though under this bill the minister is required to give notice to a person who has lost their citizenship by operation of law, that notice is of a purely administrative character; the notice itself has no effect upon the person's citizenship status. Indeed it can only issue after the citizenship has been lost by conduct and by operation of law. For the purposes of the new section 35, an organisation can be declared a terrorist organisation only if it is already banned under the Criminal Code for engaging in, preparing, planning, assisting in, fostering or advocating terrorism and has demonstrated its opposition to Australia or our interests, values, democratic beliefs, rights or liberties—the very core of what makes Australia such a great nation.

The statutory mechanism for automatic loss of citizenship also includes important safeguards and limitations. For example, a person will not lose their Australian citizenship if the person was providing neutral and independent humanitarian assistance, was acting unintentionally or was under duress, or was acting in the proper performance of a function of the Australian government—for example, service in the military forces of Australia. Important safeguards and accountability mechanisms are attached to this provision. For example, after issuing a notice advising a person of the loss of their citizenship, the Minister for Immigration and Border Protection will be able to exempt the person from the loss of their citizenship in defined circumstances. When considering whether to exempt a person from citizenship loss, the minister must comply with the rules of natural justice and must take account of the matters set out in the bill. This includes the degree of threat the person poses to the Australian community, the public interest and Australia's international relations. In addition, consistently with our international obligations to consider the best interests of children, the minister must take into account whether the person is a minor.

Let me turn then to the new section 33AA. In addition to fighting for a declared terrorist organisation, the bill also provides for automatic renunciation of citizenship when a person engages in certain other terrorism-related conduct. This mechanism is limited to those who engage in the terrorism-related conduct offshore, or engage in that conduct in Australia but leave our shores before being tried. Again, the provision is targeted to the types of conduct that, by their very nature, demonstrate unequivocally that the person has renounced their allegiance to Australia. The provision retains the principle of automatic citizenship loss upon engagement in the relevant conduct based on the model of section 19 of the 1948 act, which, as I have said, has been enshrined in our law for nearly 70 years. The relevant conduct includes both domestic acts of terrorism and international terrorism activities undertaken with the intention of advancing a political, religious or ideological cause and either coercing or
influencing the Australian government or the government of a foreign country or intimidating the public or a section of the public. In addition, the minister can exempt a person from the loss of their citizenship under that provision after considering the matters I mentioned earlier.

Secondly, in addition to the provisions dealing with automatic loss of citizenship—that is, renunciation by conduct—the bill provides for the loss of citizenship in another circumstance as well. The minister may revoke a person's citizenship if the person has been convicted of certain terrorism-related offences and has had a sentence of at least six years imprisonment imposed upon them. In the first class of case, the loss of citizenship follows automatically upon the conduct of the person—in this case, following the conviction by a court and the imposition of a sentence of at least six years imprisonment. The loss of citizenship is a ministerial act. As introduced, the bill only provided for revocation of citizenships for individuals convicted after commencement of these provisions. The Parliamentary Joint Committee on Intelligence and Security recommended the bill be expanded to ensure dual citizens convicted of the specified terrorism-related offences before the commencement of the bill also be subject to loss of their Australian citizenship. So, as amended, the bill will allow the minister to revoke the Australian citizenship of a dual citizen who has been convicted of a relevant offence after the commencement of the provisions and where a sentence of at least six years imprisonment is imposed. In addition, the bill will allow the minister to revoke the Australian citizenship of a dual citizen who was convicted of a relevant offence before the commencement of the provisions and who was sentenced to at least 10 years imprisonment.

As I mentioned earlier, this bill includes a range of important safeguards, limitations and accountability mechanisms. Consistent with Australia's international obligations, the bill cannot render a person stateless, which is why its application is limited to persons who hold dual citizenship. A child under 10 years of age cannot lose their citizenship under any of these provisions. A child between the ages of 10 and 14 can only lose their citizenship following conviction in an Australian court for one of the terrorism-related offences set out in the bill. This is an important safeguard which reflects Australia's existing laws prohibiting the prosecution of a child under 10 but allowing the prosecution of a child aged 10 to 14 years, only if the prosecution can prove to the court that the child knew his or her conduct was wrong. That, once again, is an established principle of our law. Further, when considering whether to make a determination exempting a child from loss of Australian citizenship, the minister will be required to consider the age and the best interests of the child. In addition, judicial review, natural justice and a range of legal remedies are available, and the minister will be required to provide notice to the parliamentary joint committee each time the minister notifies a person of the loss of their citizenship and each time the minister exempts a person from citizenship loss and, as well, six-monthly reports to both houses of parliament regarding the use of these provisions.

I have been asked on a number of occasions—and this has been raised by senators in their contributions—as to whether the bill would withstand a constitutional challenge in the High Court. Nobody should make hard and fast predictions about what the High Court might do in a particular case. Some attorneys-general have fallen into that error in the past. It is not an error I intend to repeat. What I can say is that the government has been informed by the best legal advice, including from the Solicitor-General, Justin Gleeson SC; the Australian Government Solicitor; and constitutional law specialists within the Attorney-General's
Department. We sought that advice to ensure that the legislation is as strong as we can make it from a constitutional point of view.

The government has sought to give the fullest possible effect to the recommendations of the Parliamentary Joint Committee on Intelligence and Security, which were, of course, unanimous and bipartisan. However, one constitutional risk that the Solicitor-General, Mr Gleeson SC, identified in an earlier version of the government's amendments to the bill related to the implementation of recommendation 15 in the PJCIS report. The problem identified by Mr Gleeson SC was that the minister was the effective decision maker, or could arguably be seen to have been the effective decision maker, in relation to whether a person lost his or her Australian citizenship as a result of terrorist related conduct or of fighting for a declared terrorist organisation—that is, the first of the two mechanisms, renunciation by conduct.

The government proposes changes to its amendments in order to address the constitutional risk identified by the Solicitor-General in an earlier iteration of the bill giving effect to recommendation 15. The effect of those changes was to remove the requirement that the minister must consider whether to spare a person from automatic loss of citizenship under the relevant provisions. I explained the purposes of those changes to the bill in a letter to the shadow minister for immigration, Mr Marles, and the shadow Attorney-General, Mr Dreyfus QC, on 25 November. Let me quote an extract from my letter:

The Solicitor-General is of the view that, by imposing a requirement that the minister consider circumstances of excusal from the operation of section 33AA and section 35, the effect of those provisions is that the minister could be regarded as the effective decision maker, thus violating the self-executing character of the scheme. Were such a ministerial decision to be characterised as an exercise of judicial power, there would be a significant risk that the High Court might take the view that the requirements of chapter III of the Constitution, as explained inter alia by the Boilermakers' case, would make the exercise of the power ultra vires.

The proposed changes directly address the concerns of the Solicitor-General by removing the requirement that the minister must consider exempting persons from the automatic operation of the provisions and by inserting a requirement that the minister observe the rules of natural justice and give reasons only in circumstances where he does make a decision under the relevant provision, but making it clear that he has no obligation to do so; thus obviating the concern that the minister is the effective decision maker.

The changes are specifically designed to maximise the bill's prospects of withstanding a constitutional challenge. These changes have been reviewed by the Solicitor-General and he has now advised that they have a good prospect of being upheld by the High Court. He confirmed that they effect a shift to a model based upon section 46A of the Migration Act 1958, which was upheld in plaintiff M61/2010E v The Commonwealth (2010) 243 Commonwealth Law reports 319.

At a time of heightened security risk, this bill adds to the counter-terrorism measures the government has at its disposal to protect Australians. It does so in a measured way and with appropriate safeguards. It modernises Australia's citizenship laws in a way that builds upon a provision that has been part of our law since as long ago as 1948; that it contemporises that long-standing provision to the new age of terrorism. In doing so, the bill clarifies the core responsibility of allegiance that goes hand in hand with citizenship.

I thank honourable senators for their contributions. I particularly thank the Parliamentary Joint Committee on Intelligence and Security for its industry in reviewing the bill and the
chair of that committee, Mr Dan Tehan MP. I also thank the lawyers within the Australian Government Solicitor and within the constitutional law unit of my department and, of course, the Solicitor-General, Mr Justin Gleeson SC, for their very hard work in ensuring that this bill is in the best possible shape. I commend the bill to the Senate.

**The ACTING DEPUTY PRESIDENT (Senator Reynolds):** The question is that the bill be read a second time.

The Senate divided. [21:01]

(The Acting Deputy President—Senator Reynolds)

Ayes .................33
Noes .................13
Majority.............20

**AYES**

Abetz, E
Bilyk, CL
Bullock, JW
Cameron, DN
Carr, KJ
Conroy, SM
Edwards, S
Gallacher, AM
Lindgren, JM
Macdonald, ID
McEwen, A
McLucas, J
Polley, H
Ronaldson, M
Smith, D
Wang, Z
Wong, P

Back, CJ
Brandis, GH
Bushby, DC
Canavan, MJ
Colbeck, R
Day, RJ
Fawcett, DJ (teller)
Lazarus, GP
Lines, S
McAllister, J
McKenzie, B
Moore, CM
Reynolds, L
Singh, LM
Urquhart, AE
Williams, JR

**NOES**

Di Natale, R
Lambie, J
Ludlam, S
Muir, R
Rice, J
Simms, RA
Xenophon, N

Hanson-Young, SC
Leyonhjelm, DE
McKim, NJ
Rhiannon, L
Siewert, R (teller)
Whish-Wilson, PS

Question agreed to.
Bill read a second time.

**In Committee**

Bill—by leave—taken as a whole.

**Senator LEYONHJELM** (New South Wales) (21:04): I have a few questions for the minister, if I may. Minister, in your summing-up speech you referred to the Solicitor-General's advice on the constitutional robustness of this bill not having been made publicly
available and that you have relied on the Solicitor-General's advice. As a result, everyone in this place, to a degree at least, is, as it were, legislating in the dark. Would you be able to make that advice public, please?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (21:04): I do not think I used the word 'robustness', Senator Leyonhjelm. What I did say was that we have throughout been informed by the advice of, among others, the Solicitor-General, the Australian government solicitor, and constitutional lawyers within my department to ensure that the bill is in the strongest possible constitutional shape.

It is not the practice of Australian governments of either party to make public legal advice on these matters—in particular advice from the Solicitor-General, and I do not intend to depart from that long-established practice.

Senator LEYONHJELM (New South Wales) (21:05): Thank you, Minister. In that case I will change my line of inquiry. As you will see from the amendments circulating in my name, I seek to unwind the retrospective provisions in item 8 of schedule 1. I do acknowledge that the retroactive provisions are narrow and only apply to convictions up to 10 years before commencement for sentences of at least 10 years. On that basis, it would appear that you have certain people in mind to which they will be applied. Is that the case, minister?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (21:06): Certainly, there are people to whom those provisions would apply, but we have not drawn this legislation in an ad hominem fashion. We have drawn this legislation—as you rightly say, Senator—‘narrowly’ because it embodies a very important principle, a principle that has been part of our law since 1948—as I explained. We do not legislate in an ad hominem fashion. We have configured the bill in this way because we think the principles underlying it are sound.

Senator LEYONHJELM (New South Wales) (21:06): Yes, Minister, I accept that, but could I ask: if you do not have particular people, particular individuals, in mind, why did you choose 10 years and not eight or six or 12? Is there anything specific about 10 years? If the intention is to keep us safe from certain individuals, why 10?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (21:07): Some of the premises of that question are based on an incorrect assumption which I answered in response to your previous question, Senator Leyonhjelm. Many of the terrorism offences in the Criminal Code provide for imprisonment for up to 10 years. Ten years is a common standard used in the criminal law. In all the circumstances, it seemed to be the appropriate standard to apply in this case to reflect the gravity and seriousness of the terrorism offences to which it could potentially apply.

Senator LEYONHJELM (New South Wales) (21:08): Thank you, Minister. First of all, I do not understand the first sentence of paragraph 205 on page 39 of the supplementary explanatory memorandum. This is seeking to explain the application of section 33AA of the bill. I am wondering if you would please read it to the chamber and explain it.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (21:08): Paragraph 205 of the
supplementary explanatory memorandum, if we have the same iteration of the document, reads:

This provision is not retrospective as it does not have the provisions of the amended Bill apply prior to the day after the Royal Assent. However, it does capture conduct that commenced before, on or after the commencement of the amended Bill.

That reflects, Senator Leyonhjelm, what you have yourself acknowledged to be a very narrow operation of this particular provision.

Senator LEYONHJELM (New South Wales) (21:09): I have no wish to be pedantic, Minister, but the sentence says:

This provision is not retrospective as it does not have the provisions of the amended Bill apply prior to—

This is curious language, and I confess I do not understand it.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (21:10): I am sorry if I cannot assist you, Senator Leyonhjelm, but I did try in my summing up speech to explain the way in which this provision will operate, and I thought you did gather that it applies only to people who within the last 10 years have been convicted of an offence with imprisonment for at least 10 years. I must confess that I am not the draftsman of the explanatory memorandum, but I think the point that the draftsman is trying to make in paragraph 205 is that this is not a provision like a retrospective provision, which creates a liability which did not exist before. This only operates in relation to people who have committed an offence which was a pre-existing offence. So the retrospective element, if you like, of this provision is the visiting upon such a person of a new consequence, not the creation of a new offence.

Senator LEYONHJELM (New South Wales) (21:11): Minister, I note that officers of law enforcement and intelligence organisations, pursuant to section 35AB, do not risk revocation of their citizenship if they assist terrorist organisations. Does the government envisage that Australian officers of law enforcement and intelligence organisations might assist terrorist organisations?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (21:11): Before I answer that question, can I add to my answer to your earlier question. Of course, the recommendation as to what we might describe as limited retroactivity in relation to section 33AA was a PJCIS recommendation.

Now, Senator, the provision of the bill to which you have drawn my attention is section 33AB; is that right?

Senator Leyonhjelm: 35AB.

Senator BRANDIS: Section 35AB, yes. You have left out some very important words, Senator. The exemption is in relation to conduct engaged in by 'a person in the proper performance of a function of an Australian law enforcement or intelligence body'. We discussed this, I remember, in a different context during some of the earlier counter-terrorism legislation.

As you know, from time to time law enforcement officials and members of the intelligence community undertake covert operations in the proper performance of their duties as
intelligence officers and law enforcement officers. In undertaking those covert operations, they might find themselves associating with terrorists or associating with people who are engaged in terrorism attack planning. In fact, the whole point of a covert operation of that kind would be to penetrate a group of people covertly planning a terrorist operation. In the ordinary manner in which intelligence officers and law enforcement officers undercover operate, they may have to, as it were, play along to ensure that their identity as an intelligence officer, for example, is not apparent or revealed to the people who are engaged in planning the terrorism operation. Technically, in those circumstances, they might commit the crime of participating in a criminal conspiracy or commit the crime of engaging in preparation for a terrorism act because they were playing along for the purpose of in fact discovering and stopping the commission of that act of terrorism. So, routinely, this is not an unusual provision at all. It is a routine provision both in Commonwealth law and in state law to protect undercover officers, undercover intelligence officers or police officers who are engaged in the penetration of criminal networks.

Senator LEYONHJELM (New South Wales) (21:15): You may have partially answered this question already, but I am aware that the Kurdistan Workers' Party, the PKK, is currently listed as a terrorist organisation. Given this, can you advise this chamber whether any Australian government employee has assisted the Kurdistan Workers' Party in its fight against Islamic State?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (21:15): I think I will take that on notice. We do not ordinarily talk about what has been disclosed by operational intelligence.

Senator LEYONHJELM (New South Wales) (21:15): You may also want to take this on notice, although perhaps not. Given that the Kurdistan Workers' Party is leading the fight against Daesh and appears to be the only body supporting civil liberties in the region, is it wise to treat as terrorist sympathisers those who support it?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (21:16): It is a very good question you ask, Senator Leyonhjelm, and it poses this dilemma, which I know we have discussed privately: should Australian law or the policy underlying Australian law—that is, that it should be against Australian criminal law for an Australian to fight in a foreign civil war as a private individual—be applied universally? There are some who say there are some virtuous participants in foreign civil wars and there are some who say that the Kurdistan Workers' Party is one of them. There is no doubt that in some aspect of its activity the Kurdistan Workers' Party does fight against ISIL, which is a common enemy between that party and Australia. The problem with adopting, as it were, a case-by-case approach to this is the uncertainty of the message it would send to the Australian public if we were to say on the one hand that it is all right to fight in a foreign civil war on behalf of one belligerent irregular army or group but in another case that it is not okay to fight in a foreign civil war on behalf of a different belligerent army or group.

So the view that Australian governments of both persuasions have taken since this provision, the genesis of which is the 1979 foreign incursions and recruitment act, is that it is better to have a general rule but to create a circumstance of excusal so that a prosecution under that provision may only be commenced with the permission or the fiat of the Attorney-
General. As you know, ordinarily the permission of the Attorney-General is not required for the commencement of a prosecution. The commencement of a prosecution is ordinarily entirely a matter for the exercise of a discretion by the Director of Public Prosecutions. But in certain circumstances—and there are a number of examples of this in our law, of which this is one—because of the unusualness of the provision, because of the very considerations to which you advert, Senator Leyonhjelm, the parliament has decided that before a prosecution can be commenced it has to be authorised not just by the Director of Public Prosecutions but by the Attorney-General in his capacity not merely as the first law officer but as the politically answerable minister who must take responsibility for the fact of committing such a prosecution.

Senator LAMBIE (Tasmania) (21:19): Just while we are on the PKK, it has come to my attention that we are actually supplying them arms and humanitarian supplies. So how does that work when they are a terrorist group? If you are saying they are terrorists, if a terrorist would be an enemy, is this why you have a problem with treason and sedition laws—because actually, if you put it in context, you would actually be helping out the terrorists, and therefore you would be coming under terror or sedition laws? Come on—why don't you just remove them from the list?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (21:19): The reason they are on the list is that the list—that is, a list of terrorist organisations that is published under machinery provided for by the Commonwealth Criminal Code—provides that the intelligence experts, not politicians, recommend applying certain criteria to whether or not certain organisations should be listed as terrorist organisations. Senator Lambie, there are many of us in this chamber—and I know you are one of them and I am one as well—who take a very close interest in these matters, but I do not think any of us would be so bold as to say that we are intelligence specialists, so we rely upon the professional advice of intelligence specialists in making this professional judgement.

Senator LAMBIE (Tasmania) (21:20): That is not what I am asking. What I am asking is: if they are classified terrorists and you are supplying them arms and they are now the enemy and you are assisting them by any means whatsoever, where does that put the government that is supplying them with arms? That is what I am asking you—just a clean-cut answer.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (21:21): Senator Lambie, I am trying to address your question on why it is that these provisions exist in our law, and I have tried to explain to you and to Senator Leyonhjelm as best I can the rationale for those provisions. This particular organisation, as I understand it, has a variety of different activities, and the advice to us of the intelligence professionals is that, because of at least some aspects of its activities, it should be listed as a terrorist organisation under the Criminal Code, and it is. But I should also point out to you that within this bill there is a narrower listing provision so that not all organisations listed under the Criminal Code are organisations to which the relevant provisions of this bill will apply. It is only those from within the existing list of proscribed terrorist organisations that the minister administering this bill declares. So there is, as it were, a process of double declaration.
Senator LAMBIE (Tasmania) (21:22): Should this bill pass and it be subsequently successfully challenged in the High Court, have you done an analysis of what it is going to cost the taxpayer?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (21:22): I know what the Solicitor-General's annual salary is: it's more than yours or mine! The Commonwealth is engaged in constitutional litigation quite often. That constitutional litigation is usually led by the Commonwealth Solicitor-General, who is paid a salary. His salary I dare say is considerably less than the cost of a private senior counsel of equivalent standing, by the way. So, the cost of constitutional litigation in a sense is already built into the salaries paid to the Solicitor-General and other counsel and government lawyers who are engaged in defending constitutional litigation on behalf of the Commonwealth.

Senator LAMBIE (Tasmania) (21:23): So, you cannot give the Australian taxpayer a guarantee that this is not going to make its way to the High Court and be successfully challenged. Why are you even bothering with the laws? They are not watertight, are they?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (21:23): I certainly am not going to tell you that somebody might not choose to challenge the laws. Under the Constitution, anyone with the relevant interest can challenge a law on the grounds of constitutionality. But I cannot really do better than remind you of what I said in my speech on the second reading. Let me say it again: nobody should make hard and fast predictions about what may be decided by the High Court, and I do not intend to do so. That is a mistake that has been made by other attorneys-general in the past and it is not a mistake I intend to make myself. But what I can say is that the government has been informed by the best legal advice we can get, including from the Solicitor-General, Mr Gleeson SC; the Australian Government Solicitor; and constitutional law specialists within the Attorney-General's Department in order to ensure that the legislation is as strong as we can make it from a constitutional point of view.

Senator LAMBIE (Tasmania) (21:25): Is there any reason why you have not beefed up treason and sedition laws? Don't you think that would be a much better deterrent—those laws are already in place—than making up new laws?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (21:25): The crime of treason and what used to be defined as the crime of sedition—it is slightly differently described now in the Commonwealth Criminal Code—do not carry with them, at least in the case of a dual citizen, automatic loss of citizenship. That is not what those laws provide for. This bill is not about creating new offences; it is about creating new consequences for certain already defined offences: that is, in those defined circumstances, in the case of a dual citizen, who is therefore not somebody protected by the statelessness convention, the loss of Australian citizenship.

Senator LAMBIE (Tasmania) (21:26): I am wondering whether you have any respect for Greg Craven's argument, which he wrote on 4 June this year:

By conferring a profoundly judicial power on a minister, it mocks the separation of powers. It would be swatted down like a bug by the high court.
Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (21:26): I have read Professor Craven's article. I have read a lot of commentary on this bill by a number of constitutional lawyers, some of whom have opined that it would not survive a constitutional challenge and others of whom have expressed the view that it would. But the point I would make to you is that the article that you quote was published on 30 June. Since 30 June this bill has undergone very considerable change and, I might say, very significant narrowing in order to address the very point that Professor Craven made about an earlier iteration of the bill—that is, in order to ensure that it does not effect, either de jure or de facto, a vesting of judicial power in a minister. That is the whole point of these amendments, because, if it did effect a vesting of judicial power in a minister, that would be what lawyers call a chapter 3 problem—a problem of the kind explained by the High Court in the 1950s in the boilermakers case and lots of subsequent authority. So, the whole architecture of this bill is designed by using the principle of renunciation by conduct rather than ministerial determination in the event that section 33AA or 35 were to be involved. The whole point of the architecture of the bill is to avoid that very problem.

Senator LAMBIE (Tasmania) (21:28): If the terrorist does not have dual citizenship and you will not be able to take that dual citizenship off them, exactly what laws are you going to use against that terrorist? Are we going back to sedition and treason laws? What are we floating around here?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (21:28): Two points. First of all, you are right: the bill only applies to dual citizens. The reason for that is that Australia has since, I think, about 1962 been a party to the UN convention on statelessness, which basically says that no Australian parliament shall pass a law with the effect of rendering a person stateless. We adhere to the provisions of that convention. We respect that convention and, therefore, because that is a very considerable limitation, as you rightly say, on the way in which a loss-of-citizenship law can work, we have specifically limited this to dual citizens.

In the case of a person who has Australian citizenship only and therefore to whom these provisions could not apply, because of the statelessness convention, we have the armoury of the criminal law, particularly those provisions of the Commonwealth Criminal Code which create specific terrorism offences and which also create certain unusual mechanisms such as preventative detention orders and control orders, which are other mechanisms to keep our community safe. We are adopting a belts-and-braces approach: wherever we can find a way of keeping the community safer consistently with the law, we want to enact it.

Progress reported.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson): It being 9.30 pm, I propose the question that the Senate do now adjourn.

Agriculture

Senator WILLIAMS (New South Wales) (21:30): I rise tonight to talk about a business in my local town, Bindaree Beef. In the mid-1990s, the town of Inverell in northern New South Wales was facing a bleak future. North West Exports abattoirs, owned by the Smorgan
family, closed down throwing hundreds of people out of work. The abattoir was the district's largest employer but, from time to time, was affected by strikes and also poor water supply. The busiest place in town after the closure was the Commonwealth Employment Service, as men and women of all ages registered for jobs that did not exist in the town, which, at that time, had a population of around 10,000. The processing plant was old and in much need of refurbishment so it seemed a forlorn hope that it would ever be reopened.

Then, thankfully, along came the McDonald family, more particularly John McDonald, or J.R. as everyone knows him. J.R. admits he was warned not to touch Inverell; there were too many problems. But if there is one thing I have learnt in the years I have known J.R. McDonald, it is that he has never walked away from the tough decisions or challenges, and so the name 'Bindaree Beef' suddenly became part of Inverell's business life. The abattoir reopened and people were invited to apply for jobs. It was made clear to all and sundry that, if you wanted a job, you had to be drug and alcohol free, the work was hard and it was all about teamwork.

That was 20 years ago, and there have been plenty of times since then when J.R. and his family must have wondered whether it was all worth it. The plant was old, finance to modernise the plant was hard to get, and costs were crippling. But they never gave up. Today, Bindaree Beef employs in excess of 800 people—I think, around 850—and that is not taking into account all the people who depend on their existence: cattle producers, stock agents, trucking companies, even job agencies. In those 20 years, Bindaree Beef has processed 5.2 million cattle, employed over 7,000 people and paid over $750 million in wages and salaries—that is, three-quarters of a billion dollars. Returns to cattle producers have topped $5 billion, there have been 225,000 truck movements in and out of the meatworks, and beef is exported to 70 countries. J.R. McDonald, from day one, has been a strong advocate for the cattle producer. Countless times he has said that his business would not exist if beef producers did not make money and therefore stay in business. He also has been a regular contributor to parliamentary inquiries, giving his view as to where the red meat industry could do better.

The company is undertaking a major development with the building of its biodigester plant at its Inverell site. It will be a highly effective waste-treatment system that will produce biogas and liquid fertilizer, generating power and steam for on-site use. The biodigester will use less electricity and steam.

In recent months, Bindaree Beef has made some exciting announcements. In July, Bindaree merged with meat marketing and distribution company, Sanger, closely followed by the $25 million purchase of Myola feedlot at North Star, which is to the north of Warralda. The merger with Sanger allows processing integration with sales, and the acquisition of the feedlot gives them a level of control over their beef supply. In October, Bindaree was delighted to announce that a Chinese partner had been found to inject $140 million into the business, which is a 45 per cent stake. The $140 million will be mostly spent at the Inverell plant on technology changes in freezing, chilling and boning. This opens up a whole new world for Bindaree Beef.

Bindaree's Chief Financial Officer, James Roger, credited the Australian government's determination to open up market access in China as playing a valuable role in the Bindaree-Shandong Delisi Food Company alliance. He said Bindaree had been involved in a number of
trade delegations led by ministers Barnaby Joyce and Andrew Robb, and, along with the free-
trade agreement, this had led to a better understanding of the Chinese market.

Last Saturday night, we had a function celebrating 20 years of Bindaree Beef and about 250 people attended. I would like to congratulate the McDonald family for the magnificent job they have done in establishing the meatworks over 20 years. They have certainly been through some dry gullies. I congratulate J.R. McDonald and his wife, Norma; their son, Andrew; and also their daughter, Kerri Newton, and her husband, John. They have done a magnificent job competing in a very tough industry against the multinationals—JBS Swift, Teys Cargill, Nippon. This family-owned meatworks has just been so tremendous for our town—850 people employed. They are bidding on the stock market, putting money into the farmers' and beef producers' products. I commend them for the magnificent job they have done. I hope they keep it going.

Northern Tasmania: Health Care

Senator POLLEY (Tasmania) (21:35): Tonight I rise to speak about a very important local issue—that is, the need for a hospice in Northern Tasmania. I would like to acknowledge Barb Baker, who has been the champion of the Friends of the Northern Hospice group that has been pushing, for too many years now, without having the success that this project deserves.

Tonight I want to highlight, and it is not a new concept, unfortunately, is that those in opposition, like the current federal member for Bass and the current federal member for Lyons, particularly the current member for Bass, were publicly so supportive of this initiative prior to the last election. It is the case, too often, that now they are in government, they are just silent, absolutely silent.

The state minister for health, a Liberal minister, was also very passionate about this cause when he was in opposition. But to his credit, during the election campaign, the state Liberal opposition at that time committed $100,000 to conduct a feasibility study into the project. That is great. The problem is that all they were able to achieve was an online survey and a telephone survey—no public meetings, no real consultation with those people who need this service.

It is not about providing a hospice just for older people. Unfortunately, as we would all know in this chamber, there are too many young people who need these sorts of services, and not everyone is in the position where they have the opportunity to be able to die at home. That is not always the case. There is not always a loved one to help them. Even if there is a loved one who wants to keep them at home as long as possible, there are circumstances that can prevent this.

I am speaking about this tonight because the telephone and online survey that was conducted has now finished, but I want those people who were in opposition and who are now in government—that is, Michael Ferguson, the Minister for Health in Tasmania, and the member for Lyons and the member for Bass—to voice their concern, to work together to ensure that the Tasmanian community, particularly in the north of the state, will support this project. Unfortunately, it is warranted.

My colleague Senator Catryna Bilyk shares my concerns that we need to ensure that there is a 10-bed hospice in northern Tasmania. Ideally it would be on the grounds of the
Launceston General Hospital, with ground floor access for everyone, so there could be a garden so that family members and friends could come along and support those who need the greatest amount of support in those very challenging times.

That leads me to what is a really hot political issue at the moment, and that is the effect that the GST is going to have on health services. It really saddens me to think that there would be a GST, a 15 per cent GST, on hospice services in this country. That would be absolutely devastating—when your loved ones and other individuals are facing their mortality, to then have to experience this unfair government's attack on the most vulnerable in our community by imposing a 15 per cent GST on hospice services.

We have in the chamber tonight a senator for Tasmania, the Chief Government Whip in the Senate, Senator Bushby. I am calling on him and his fellow Tasmanian Liberal senators to join with me to ensure that the federal member for Bass and the federal member for Lyons and the state Minister for Health in Tasmania—they are all Liberals—join together to ensure that northern Tasmania gets the 10-bed hospice facility that it needs. Why should people in Hobart have access to these sorts of wonderful facilities and yet in northern Tasmania, in Launceston, where Acting Deputy President Whish-Wilson and I are based, do we not have those facilities available to us? I am sure he joins with me, because anyone who has an ounce of empathy would know that this service is so desperately needed in northern Tasmania.

**Change the Record Coalition**

**Senator SIEWERT** (Western Australia—Australian Greens Whip) (21:40): I rise tonight to speak of an issue of the utmost importance. Yesterday I had the pleasure of co-hosting the launch of a report from the Change the Record Coalition, *Blueprint for change: changing the record on the disproportionate imprisonment rates, and rates of violence experienced by Aboriginal and Torres Strait Islander people*. I seek leave to table a copy of that report.

Leave granted.

**Senator SIEWERT**: The Change the Record Coalition is a group of leading Aboriginal and Torres Strait Islander groups, human rights groups and legal and community organisations, and they are calling for urgent and coordinated national actions to close the gap in imprisonment rates of Aboriginal and Torres Strait Islander people and cut the disproportionate rate of violence experienced by Aboriginal and Torres Strait Islander people, particularly women and children.

We desperately need the actions that are recommended in this report. One of the points that was made both in the report and at the launch yesterday, by Kirstie Parker, one of the co-chairs of the coalition, was that, when the royal commission in 1991 handed down its report on Aboriginal and Torres Strait Islander deaths in custody, Aboriginal and Torres Strait Islander people were seven times more likely to be incarcerated than non-Aboriginal and Torres Strait Islander Australians, but we have gone backwards and now it is 13 times more likely that Aboriginal and Torres Strait Islander people will be incarcerated than non-Aboriginal Australians. In the past 10 years we have seen an 88 per cent increase in the number of Aboriginal and Torres Strait Islander people in prison. And Aboriginal and Torres Strait Islander women are 34 times more likely than non-Aboriginal women to be hospitalised as a result of family violence. This costs socially, of course, but also economically, and it is vital that we take a different approach.
That is why this blueprint is so important. It makes a number of recommendations and talks about a number of strategies. Very importantly, the Change the Record Coalition call for a whole-of-government approach, via COAG, to this issue. They talk about justice targets and an independent central agency to help coordinate work and a legislative approach. We need different policies to the approach that we have been taking. They are calling for an urgent and coordinated national action to close the gap in imprisonment rates of Aboriginal and Torres Strait Islander peoples.

The report talks about the importance of justice targets. We are at that spot again, talking about justice targets. The Change the Record Coalition's targets are to close the gap in the rates of imprisonment of Aboriginal and Torres Strait Islander peoples by 2040 but to halve the rate by 2030 and to cut the disproportionate rates of violence against Aboriginal and Torres Strait Islander people to at least the same as the rest of Australia by 2040, with priority strategies for women and children.

They talk very clearly in the report about the need for a human rights based approach to resources and capacity building for Aboriginal and Torres Strait Islander issues. They talk about the four key principles that should underpin any action: self-determination, respect, culture and identity. Then they map out 12 policy principles that need to be addressed, including justice reinvestment, which talks about investing in community, not in prisons, and the need to support local communities, addressing the driving forces behind imprisonment and making sure that there are suitable services, intensive family support, early intervention and, very importantly, community controlled organisations and community decision making. They talk about services, not sentences; they talk about community orientated policing, smarter sentencing and not mandatory sentencing—which is one of the reasons for such an escalating incarceration rate. They talk about community justice and addressing the issues around young people in prison. These issues urgently need to be addressed.

I would go so far as to say that many people will have heard a lot of this before, but it has been brought together in this report by such a powerful group of organisations getting together to say 'this has to stop; we need to change the record. Government, please listen to this. Engage with the discussion around justice targets. I know this place is keen on a multiparty approach to this issue, so please read this report and let us together change the record.

Change the Record Coalition

Senator LINES (Western Australia) (21:45): I too rise tonight to talk about the launch of Change the Record Coalition's blueprint for change. Change the Record is a coalition of Aboriginal and Torres Strait Islander human rights, legal and community organisations calling for urgent and coordinated national action to close the gap in the imprisonment rates of Aboriginal and Torres Strait Islander people and to cut rates of violence experienced by Aboriginal and Torres Strait Islander people, particularly women and children.

It was at the launch that I met Keenan, a youth worker from Redfern who told the reality of his life—a life of crime, drugs, alcohol and cigarettes, transformed by a justice reinvestment program which began in jail and continued through to Keenan's release back into the community.
Keenan was born and raised in Redfern. He lost both of his parents at an early age and fell in with kids who got into trouble. Keenan soon found himself doing time in juvenile justice centres. So from a very young age Keenan was in and out of juvenile detention and spent most of his birthdays detained. He had no positive role models. Most of his family and friends were detained along with him. At 18 he was sentenced to adult prisons—again doing time for crime, again spending time in and out of adult prisons, until he got to the age of 25 and two things happened. First, he met two old Koori fellas in Goulburn prison who laughingly told him they had 100 years of imprisonment between them. Second, he started doing a justice reinvestment programme in the jail—a three-step program which supported him in the prison.

Once he was released back into the community, Keenan slowly turned his life around, giving up the drugs, the alcohol and the cigarettes. Keenan says it was a hard slog but definitely worth doing. At 27, Keenan got his first job and his first tax file number—all of which was made much more difficult as his birth was never registered.

Keenan is now working as an advocate and youth worker in Redfern with Weave's Kool Kids Club program. Given his powerful speech yesterday—there was hardly a dry eye in the room at Change the Record—I know that Keenan is a powerful advocate and an important role model for the young people he works with. And he is an example of why we need to do more to ensure that all young people, but particularly Aboriginal and Torres Strait Islander youth, get access to justice reinvestment programs rather than detention.

The core recommendations of the Change the Record Coalition's blueprint for change call for a whole-of-government strategy, justice targets, national agreement on how we report information and an independent central agency with Aboriginal and Torres Strait Islander oversight to coordinate a consistent national approach to data collection.

Given the shamefully high rates of Aboriginal and Torres Strait Islander imprisonment, it is time for urgent action. Having met Keenan yesterday I know from his story that there are many Keenans in juvenile justice in adult prisons who—if given a chance, given a different approach—make fine, upstanding human beings who give back to their communities. Keenan and his partner are expecting a baby in a couple of weeks. He will be an amazing father. He will be a role model for his future child and future children, as he is a role model for young children from the ages of seven in Redfern today. Let's get on and start with that national coordinated approach. Let's give Aboriginal and Torres Strait Islander people justice for the first time.

**HIV-AIDS**

**Senator McALLISTER** (New South Wales) (21:50): I rise to reflect on Australia's handling of HIV-AIDS. In the 1980s we took action in the face of strident conservative opposition. That action saved lives. Today, on World AIDS Day, it deserves to be recognised.

In 1981 HIV first appeared in the United States. By 1982, Australia had its first HIV diagnosis. In 1984 we recorded our first death from AIDS. Over the coming decades, our experience would be very different from that of the United States. In 1983, Australia and the United States had roughly comparable rates of HIV transmission and AIDS cases. More than 30 years later, Australia's HIV prevalence rate is less than half that of the United States.

The difference was Australia's ethos of harm minimisation. A decision was made to treat HIV-AIDS as a disease caused by a virus, not a punishment for moral failings. This was not
an inevitable decision. It required political courage from the Hawke government and especially the then health minister, Neal Blewett.

As the number of cases grew in Australia, fear also grew. The virus struck marginalised groups: gay men, drug users and sex workers. These were people whose rights were new or limited and whose acceptance by mainstream Australia was fragile. The early eighties tested that acceptance. Against this backdrop, the government of the day heard from two schools of thought. One saw at-risk groups as sources of contagion and suggested punishment, quarantine and other repressive measures for gay men, sex workers and injecting drug users. The other school of thought sought to engage at risk communities, to educate and to encourage behaviours that could help prevent further infection. The then Minister for Health, Neal Blewett, led the Hawke government in choosing to engage with and support affected communities and to work in partnership with them. That response saved lives.

Australia's response to HIV-AIDS relied on both political leadership and organised affected communities. These groups learned about the disease, lobbied government and educated their peers. Their work alongside doctors, health and social workers decisively reduced new HIV transmission rates in the period before a national program could be put in place. It is to the credit of the then government and, indeed, to all Australia's political leaders that it then supported these efforts when there was significant public support for more repressive measures. Polls in 1986 and 1987 found that a quarter of people favoured quarantine and half supported mandatory testing of gay men, injecting drug users and sex workers.

In 1987, the very same year as that poll, the then government opted to support a very different package of preventative measures. These included ads, including the Grim Reaper campaign; needle exchanges and methadone clinics; free, anonymous and universal HIV testing; and subsidised access to treatment under the new Medicare scheme. This approach ran counter to the approach in the United States, where policies that acknowledged the reality of homosexuality and the existence of drug use were rejected. Almost one million Americans contracted HIV whilst Ronald Reagan was president.

Australia's policies worked. Annual rates of new HIV transmissions halved between 1988 and 1998. It is estimated that if Australia had experienced America's levels of HIV and AIDS prevalence over the past few decades more than 120,000 more Australians would have HIV and more than 50,000 additional Australians would have AIDS. Neal Blewett and the first generation of HIV-AIDS activists did the hard work of making this country's response to the virus something we can be proud of. There are many thousands alive today because of it.

Even so, thousands have died, and today we remember them and extend our sympathy to their loved ones. We honour their memory by persisting in our efforts to eliminate stigma and pursue evidence based responses to HIV and AIDS. We honour that courage and foresight of those early political and community leaders who pioneered Australia's response—a response I think we are all proud of and which enjoys bipartisan support today—and we recommit ourselves to pursuing the goal of zero new HIV infections, zero discrimination and zero AIDS related deaths.

**HIV-AIDS**

**Senator SMITH** (Western Australia—Deputy Government Whip in the Senate) (21:54): I congratulate Senator McAllister on her very, very considered speech on this World AIDS
Day. It is a topic that I would also like to reflect on in the adjournment tonight. The first of December each year marks World AIDS Day, and in that spirit today's parliamentary sitting day began early for some of us in a different fashion from the norm. This morning, the Parliamentary Liaison Group for HIV-AIDS, Blood Borne Viruses and Sexually Transmitted Infections—which I chair with the assistance of our deputy chair, Labor Senator Singh from Tasmania—hosted a breakfast here at Parliament House. It was pleasing to see so many parliamentarians from all sides—some of them in the chamber this evening—in attendance, especially the Minister for Health, Sussan Ley, the Minister for International Development and the Pacific, Steven Ciobo, the deputy leader of the Labor Party, Tanya Plibersek, and the shadow minister for health, Catherine King.

In addition to parliamentarians, this morning's event was also attended by some of the leading advocates, medical researchers and community workers who have been active in the fight against HIV-AIDS, in some cases from the very beginning. In particular, I would like to briefly mention and thank four individuals whose organisations were key in supporting this morning's breakfast and who indeed have been at the forefront of shaping Australia's approach to HIV-AIDS over many years.

Mr Bill Bowtell AO, Executive Director of Pacific Friends of the Global Fund to fight AIDS, Tuberculosis and Malaria, is often regarded as the architect of Australia's enormously successful and bipartisan policy response to HIV-AIDS. Having served as a senior adviser to a Labor health minister in 1984, when AIDS was first coming to public prominence, and later as a senior adviser to other Prime Ministers, Bill is respected across the political divide as someone deeply committed to taking the politics out of these important health issues.

Mr Rob Lake, Executive Director of the Australian Federation of AIDS Organisations, has likewise been involved in the fight against HIV-AIDS since the mid-1980s, when the condition was poorly understood and widely stigmatised. He has taken a leading role in developing health and educational policy responses in both New South Wales and nationally and is tireless in his efforts as an advocate for people in the wider community living with HIV.

Professor Andrew Grulich, Program Head of HIV Epidemiology and Prevention at The Kirby Institute, is one of the key medical researchers working in the field of HIV-AIDS research in this country and has been an active participant in the field for more than two decades. His presentation was key in reminding attendees of just how far options for medical treatment have come, to the point where contracting HIV is no longer the 'death sentence' it once was.

Finally, we were fortunate this morning to hear from David Menadue OAM, a board member of the National Association of People Living with HIV in Australia. David was honoured at the 2014 Victorian Senior of the Year awards with the Senior Achiever of the Year award. As he movingly recounted this morning, when the AIDS epidemic struck, he and many others like him never thought they would live to be seniors and never thought that they might be invited to their national parliament to see World AIDS Day in the year 2015. Advances in medical science have been important, but equally important has been the passionate and tenacious advocacy of people like David, in fighting loudly over many decades to remove the stigma from HIV-AIDS. David remains an active and prominent voice, particularly in drawing attention to the needs of seniors living with HIV.
As a Western Australian senator, I would like to use this World AIDS Day to pay tribute to the WA AIDS Council, which this year marked the 30th anniversary of its establishment in 1985. The council was formed in a climate that was especially difficult for many gay and lesbian Australians, as public fears about AIDS were at their zenith and the lack of understanding about the illness was manifesting as a fear of the gay community itself among many in our society. In that atmosphere, a number of like-minded organisations came together in May of 1985 to form the WA AIDS Council as the peak, independent body that would shape WA's response to the AIDS challenge, including more effective responses to the misinformation and prejudice that was percolating in the wider community. This was an era where people diagnosed with AIDS were being segregated in ward 10A of the Royal Perth Hospital and five years before homosexuality was decriminalised in my home state of Western Australia.

So as well against the battle against the illness itself, it was important to cultivate a more accepting and tolerant attitude in the wider community. To that end, from the outset the council was committed to a broad agenda of community education and support. Penny Lipscombe and Charles Watson from the WA Department of Health; David Lamb, Des Perry, Victor Francis and Tony Whelan from the gay community; and Peter Jordan from the haemophilia community were among those who collaborated in the inclusiveness of the council's direction.

Of course, this was also the pre internet age and it was a significant challenge for West Australians to find, create and update the information that would answer the all too common questions. Many people were too afraid to ask doctors about HIV-AIDS and so many people in the early risk groups depended on rumour and supposition. When the AIDS helpline—later the AIDSline—was established with the support of the WA AIDS Council, Western Australians welcomed the opportunity to obtain more accurate information. Slowly attitudes began to change and slowly stigma evaporated in part.

At its inception, the council relied on money fundraised or donated largely from Western Australia's gay community for its activities. It was not until 1989 that the council received its first significant levels of public funding with the development of the first National HIV-AIDS Strategy. Three decades on, the landscape has altered significantly and, as a result, the focus on the council's activities has shifted. Under the leadership of the council's CEO, Andrew Burry, the organisation still provides much needed support to people in Western Australia living with HIV but the focus is on living well rather than on dying with dignity, which was the tragic reality when the council was first established. With greater resources, better access to technology and more professional staff the council is able to educate a larger proportion of the community about the importance of safe sexual practices and, importantly, healthy relationships. Through advances in medicine and more enlightened attitudes, this is cause for celebration.

World AIDS Day is also an appropriate time to remember those who have not been so lucky. In particular, I note the passing this June of Alan Brotherton, a long time HIV activist and champion of the rights of LGBTI people. Alan was instrumental in establishing a number of organisations to assist people living with HIV. At various stages of his career he served as director of the Australian Federation of AIDS Organisations. Alan had worked overseas for several years in senior positions for the International HIV-AIDS Alliance and the
International AIDS Society. His contribution to the health and wellbeing of people affected by HIV, and LGBTI people, was immense. His fierce intelligence coupled with his wonderful sense of humour was an enormous asset in his tireless advocacy. I know that many will today also be thinking of Alan's partner, Luke, as well as his family and vast network of friends. His death serves as a reminder that there is still much more to be done. I am delighted that his friends and family are able to hear tonight of his commitment.

The year 2015 has witnessed promising developments in HIV science. The Kirby Institute's START study demonstrated the benefits of early treatment for those with HIV. And two large European studies have reported that pre exposure prophylaxis or PrEP, which involves taking one pill each day to prevent infection, can reduce the risk of infection by almost 90 per cent in gay and bisexual men.

We are also witnessing some success in HIV prevention. After years of increasing, the last three years have seen a stabilisation in the number of new HIV diagnoses nationwide. In NSW, there was a 15 per cent decline between 2012 and 2014. However, we cannot rest on our laurels. There is still much more to be done, especially with regard to promoting regular testing of groups at risk of HIV, earlier treatment, as well as continuing to educate the next generation about the importance of safe practices. These were some of the important observations that were shared with us this morning by the Kirby Institute Professor Andrew Grulich.

The best tribute we can pay to those pioneers in the struggle against—  

Santamaria, Mr Bartholomew Augustine

Senator BULLOCK (Western Australia) (22:05): There is a common and very human tendency to accept unquestioningly that the way things are is the way they must be, as if history has been guided by some predetermined inevitability which has led us to where we are today, that it was inevitable that the Allies should have defeated fascism and that the Berlin Wall was always destined to fall. There is a sort of reassuring comfort in such a belief but it is plainly untrue. Time and again in the history of nations, their futures hang in the balance with the outcome determined one way or another by the actions of a handful of committed individuals determined to influence the way the cards fall.

It is to these individuals at these times that the credit, or indeed the blame, for the outcome of the contest which comes to constitute the new national norm is attributable. Often the commonly held belief by those not intimately involved in the contest that the outcome was inevitable diminishes the credit which is afforded to those who effectively changed the course of history. This is even more likely to be the case where the protagonists themselves—either of their own decision or by force of circumstance—wage their battles out of the public glare and with a commitment to, as far as is possible, avoiding publicity for their work.

There are times, however, when acknowledgement of the actions critical to the shaping of a nation's history must either be properly afforded or people are condemned to ignorance as to the forces which have shaped their society. Tonight is an appropriate time for such an acknowledgement.

As the centenary year of BA Santamaria's birth comes to a close, I want to record a few thoughts about this great Australian, who never held political office and was never a member of any political party but who nonetheless had a significant influence on public affairs over
nearly 60 years. Santamaria's greatest achievement was his contribution to the defeat of the organised effort in the 1940s and early 1950s by the Communist Party of Australia and its fellow travellers to dominate the trade union movement, the ACTU and consequently the Labor Party. At this time the Communist Party of Australia was entirely subservient to the Stalin-led Soviet Union and its interests.

Writing in the foreword to a 1940s Australian edition of Stalin's *The Foundations of Leninism*, Lance Sharkey, general secretary of the Communist Party of Australia from 1948 to 1965, enthused:

The whole of the toiling masses of the world to-day acclaim the great work of the great statesman, Stalin.

More than 60 years later, looking from the other side of the dismantling of the Berlin Wall, the liberation of Eastern Europe from Soviet domination and the collapse of the Soviet Union itself, it may be difficult for us to understand just how serious a threat to the free world, including Australia, the communists were. Stephane Courtois' *The Black Book of Communism*, published in 1999, totalled up the corpses and found that communist regimes worldwide were responsible for some 100 million deaths, 20 million in the Soviet Union alone. Santamaria described how he became a committed opponent of communism:

One day, by the purest accident, I was wandering round a suburban library, and by mistake I picked up a book that turned out to be Malcolm Muggeridge's *Winter In Moscow* which he published in 1934, and as I told Muggeridge many years later, 'I blame you for everything that's happened to me in my life, because that book changed my life.'

In 1937, on the day he signed the solicitors roll after graduating in law from the University of Melbourne, Santamaria, then just 22 years old, was invited by Archbishop Daniel Mannix to come and work for the Australian national secretariat of Catholic Action. In 1941, Bert Cremeans, deputy leader of the Labor Party in Victoria, asked Santamaria for help in combating the dominance of the Communist Party of Australia in the trade unions. Santamaria described the approach he developed to tackle this task. He said:

I always believed that the only way to fight communism in the union movement was to go in, create a counterforce of anti-communist unionists, organise as well as they did, better than they did and beat them and throw them out.

The vehicle Santamaria developed to recruit and organise unionists for this task was the Catholic Social Studies Movement, 'the movement'. However, he worked more broadly with Labor Party and trade union leaders through the ALP sponsored industrial groups. Leaders such as Laurie Short of the Federated Ironworkers Association; Lloyd Ross of the Railwaymen's Union; Percy Cleary, President, and Reg Broadby, Secretary of the ACTU and Arthur Calwell, then a minister in the Curtin government, supported this approach.

By 1954 this task was largely achieved. Labor, under the leadership of Bert Evatt, narrowly lost the May 1954 election. After appearing as legal counsel for two of his staff members at the Royal Commission on Espionage and failing to produce any evidence for his bizarre theory that ASIO had conspired with Vladimir Petrov to produce a forged document naming the two staff members as sources for information passed to the Soviet Union by Rupert Lockwood, Evatt cast about for someone to blame. He settled for a sectarian attack on BA Santamaria and the movement, notoriously claiming to Alan Reid that for every Catholic vote
he lost he would gain two Protestant votes. He believed, or claimed to believe, that Santamaria had conspired against him with ASIO.

Evatt, claimed to have confirmation of his conspiracy theory when he received a reply from Molotov, the Soviet foreign minister, who assured him that as there was no Soviet espionage in Australia, the Lockwood document must be a forgery. If Evatt had not succumbed to his own conspiracy theories, a broad based Labor Party would almost certainly have won government sometime in the second half of the 1950s. In the event Evatt's reckless and unnecessary attack on Santamaria led to the tragic Labor Party split of 1955 and to Labor's extended occupation of the opposition benches until 1972. In his 1973 pamphlet *Philosophies in Collision*, Santamaria identified three philosophies in contention for the soul of the West: Christianity as broadly understood, Soviet communism and secular humanism or libertarianism—the view that the individual should be able to do whatever he or she liked. Santamaria noted that technological developments such as television and the contraceptive pill had played a major role in facilitating the spread of a libertarian approach beyond narrow intellectual circles to the broader community.

By the early 1980s, Santamaria had refocused his energies on combatting the new Gramscian strategy of the 'long march through the institutions' adopted by the Left. Both old communists looking for new causes and libertarians were seeking to change Australian society through demolishing or restructuring the family, religion, education and culture. Santamaria engaged in this new struggle through publications such as *News Weekly* and *AD2000*, as well as through ancillary organisations such as the Australian Family Association.

Santamaria was fond of posing the question used as the title of a 1902 pamphlet by Lenin, 'What is to be done?' His whole professional life was driven by the answers to this question which he developed, along with his collaborators, in the face of one challenge after another—communism in the trade unions, the Labor Party split, the Cultural Revolution. It is a question each of us engaged in public life should constantly be asking ourselves.

Tonight I pay tribute to the life of Bob Santamaria and to those thousands of unnamed people who met in small groups around the country and who bowed their heads and prayed:

Lord Jesus Christ our King,
Teach us to be generous
To serve you as you deserve to be served,
To give and not to count the cost,
To fight and not to heed the wounds,
To work and not to seek for rest,
To spend ourselves and not to seek reward
Save the knowledge that we do your holy will.

Business Council of Australia

**Senator McKIM** (Tasmania) (22:14): Right back in August this year, when Malcolm Turnbull's prime ministership was just a gleam in his eye and he was busy doing the numbers, we had a small business minister who actually cared about small business. Way back then, on 25 August this year, the Business Council of Australia sent a letter to cabinet ministers warning of the allegedly dire consequences to this country if section 46 of the Competition
and Consumer Act were amended to include an effects test. This document is an extraordinary letter. It contains a series of warnings about those dire consequences of introducing an effects test, and there are a couple of absolutely classic arguments that I wanted to raise in the Senate this evening so the Australian people can have the opportunity to understand how the Business Council of Australia tries to manipulate political opinion in this country.

This letter, under a subheading of 'Adverse impact on the economy overall', says, 'The changes to section 46 governing the misuse of market power as proposed in the Harper review risk'—and then there are a number of dot points. I want to go the second dot point. One of the risks that the Business Council of Australia has identified is 'lowering investment and productivity growth, as companies will be hesitant to innovate or grow because of uncertainty about the possible negative impact on their competitors'. Can you imagine it—the captains of industry sitting around Australian boardrooms saying, 'We're not going to innovate because we're worried that our innovation might have a negative impact on our competitors.' What an extraordinary argument! I would suggest that in the main, if corporations thought they could get away with it, they would trample one another in order to deliver negative impact on their competitors, and yet the Business Council of Australia wants the recipients of this letter—who were, by the way, I understand, every minister in the cabinet at the time—to believe that they are actually concerned about negative impacts.

But potentially more outrageous is the claim that major new innovations like the iPhone would be at risk. Fancy that: if we were to deliver a level playing field for all business and improve the framework for competition in this country, we would not be able to come up with the next iPhone! The arguments in this letter are, frankly, ridiculous, and yet somehow this letter played a role—and potentially has still played a role under Malcolm Turnbull's leadership—in convincing the government not to support an effects test as recommended in recommendation 30 of the review conducted by Professor Harper.

Madam Acting Deputy President, I seek leave of the Senate to table this letter.

Leave not granted.

Senator McKIM: Leave has not been granted? Who denied that?

Senator McKenzie: The Senate denied it.

The ACTING DEPUTY PRESIDENT (Senator Lines): Thank you, Senator McKenzie. Senator McKim, I put the call that the document be tabled, and the noes had it.

Senator Fawcett: Madam Acting Deputy President, I rise on a point of order. The normal courtesies of actually identifying the documents and giving the adequate opportunity to review them were not followed, and so leave has not been granted.

Senator Conroy: Madam Acting Deputy President, on the point of order, I think they were circulated. The government indicated to us that they believed the letter was marked 'private and confidential' to a minister and that they would not be agreeing to the tabling, not that they had not followed the process. I did not want you to be confused about that.

Senator McKIM: Just for clarity, in fact this was circulated by me to both the opposition and the government duty whips about 10 or 15 minutes ago, so I do not think that could be the reason for the denial of leave.
The ACTING DEPUTY PRESIDENT: Senator McKim, you are getting into a debating point now. You asked that the report be tabled, I put the question and the noes had it.

Senator Colbeck: Madam Acting Deputy President, on the point of order, our whip's point was circulated—and I will concede it was circulated with adequate time to be able to identify and assess the document. Senator McKim has just said he gave it to us about 15 minutes ago and, because of the concerns that we have about the letter and the time that we have had to assess it given the late hour—it is 20 past 10 in the evening and people who we might want to check it with are not available—in that context we have denied leave. So let's not try and create any conspiracy theory where one does not exist.

Senator McKIM: How extraordinary that the government has denied me leave to table this letter. So I will put it on the record that I will ensure that every word of this letter gets read into the Hansard of the Senate over the coming sitting days, which will, of course, take us into the next calendar year. I will take every opportunity to make sure that every word of this letter is placed on the record of the Senate because, as the former small business minister Mr Billson said in relation to Professor Harper's recommendation to introduce an effects test in Australia:

If there is no change then that will be a triumph of lobbying over logic.

It would be a triumph of back-room political machinations over good economic policy-making for our country.

Heavily vested interests have campaigned against this change with all their vigour. They have campaigned against this change with all their vigour and one of the heavily vested interests is the membership body of the Business Council of Australia, who wrote this letter to every cabinet minister on 25 August—I understand just before cabinet was due to consider matters associated with the Harper review, including the introduction of an effects test in this country. I will make sure that that letter gets placed on the record over the coming sitting days of the Senate.

It is worth pointing out that the new Treasurer, who has carefully cultivated a tough guy image in public through his previous portfolios, announced last week that the government was going to squib on the effects test and announced yet another consultation process around an effects test. Remember, we have already had the Harper review, one of the most comprehensive reviews of competition policy in Australia's history. It unambiguously recommended the introduction of an effects test in Australia and unambiguously recommended how section 46 of the relevant legislation might be amended to deliver such an effects test.

We have had that comprehensive review, and what do we have from this government, who say they are all about innovation, who say they are all about growth, who say they are all about creating jobs and delivering outcomes for people through stimulating the economy? They have squibbed on delivering a level playing field for all businesses in Australia, because that is what an effects test would do. So it appears that there is a very narrow section of this debate, the BCA and their cabinet mates, who think that the sensible reform of an effects test will somehow bring on the death of competition and, for all I know, the end of life on earth as we know it.
This squibbing of the effects test by Treasurer Morrison and his current cabinet colleagues is clearly an attempt to kick this issue out beyond the next election. Well, the Greens will not allow this issue to go quietly into the night. We will continue to campaign and advocate for a fair go for all Australian businesses, a fair go for those businesses who feel that they have been subject to the unfair application of market power in this country, often by big businesses in Australia.

Former small business minister Bruce Billson belled the cat. He correctly pointed out that there has not been any evidence offered to support the BCA's claims and that it is simply an attempt by dominant market players to fortify their commercial positions. That is absolutely what Australia is facing here and what we are having to deal with. This has been a triumph of lobbying over logic. It has been a triumph of backroom political machinations over good economic policymaking for our country. The Greens will not allow this issue to be led quietly into the night by a government who have squibbed it on the behest of the BCA.

**Victoria: Gambling**

**Senator McKENZIE** (Victoria) (22:26): The digital age was supposed to make our lives easier and, to a large extent, it has. But, as we can plainly see, changing landscapes require new rules because our old rules do not fit the current scene any longer. Wagering is a perfect example of where laws have not kept up with our society's changing economic and technological landscape. And it is our regions that will suffer as a result. The Victorian racing industry brought $2.8 billion to the Victorian economy in 2013, directly employing 26½ thousand full-time Victorians and providing 12½ thousand part-time jobs in support industries; and 60.9 per cent of employees reside in regional Victoria. However, due to the expansion of online, live sports betting, the racing industry in Victoria is looking at a significant revenue loss of many millions, despite over 800,000 Victorians participating in race wagering every year.

Gambling associated with the vibrant racing industry of my home state of Victoria sees a proportion of punters' losses being put into problem gambling services and, indeed, sporting infrastructure from which that wagering take is garnered. With illegal offshore wagering taking a lot of the traffic overseas, and untaxable money with it, Victorians are losing out on funds that could have been invested into our communities.

Travelling across regional Victoria, I am consistently told of the need for more investment in community infrastructure and services. It does not necessarily mean grand, multimillion dollar projects. Often, it is a simple need like wheelchair access at the local memorial hall or new lights at the local footy or netball club, or indeed, as a former netballer in a football/netball club, just a change room would be nice in many of our country football/netball clubs. These are important infrastructure needs right across regional communities.

Regional communities, therefore, welcomed the Liberal National coalition government's commitment to investing in infrastructure, especially the $1 billion National Stronger Regions Fund, the $2.5 billion Roads to Recovery Program, the $564 million Black Spot Program, the $300 million Bridges Renewal Program and the $9.3 million local government financial assistance grants, to name others. They are making a very real and significant difference to local communities in my home state in regional Victoria. However, the poor fiscal management and political agenda of the former Labor government meant that we could not
fund all that we hoped to on coming to government with particular respect to regional infrastructure.

An example was the difficult decision to cut back projects under the Regional Development Australia Fund. While necessary at the time, the impact of unfunded projects compounded the infrastructure deficit and the socioeconomic effects on regional communities. According to a Regional Australia Institute policy briefing in 2012, Australia's estimated infrastructure deficit was at the time between $12 billion and $15 billion. As well as constraining local and regional development, the deficit represents an ever-growing liability that future generations and governments will have to bear.

Another less obvious but still significant challenge is keeping economic activity on our shores so as to benefit our own citizens. The Australian Wagering Council believes that if the existing regulatory regime with respect to wagering continues in its current form then by 2020 60 per cent of wagering by Australians will be of the offshore kind. People from my generation typically wager on course, if we are going to talk about racing, in cash with the bookie or the TAB. If I look at the younger generation, they are betting not on who is going to win the Cox Plate or not on who is going to win the Melbourne Cup but who Manchester United is going to beat next weekend and what the Celtics are doing in the American NBA. That is the changing face of wagering that we are dealing with.

It will be a dire state of affairs if our tax laws cannot catch the millions being taken overseas and if, in turn, our own problem gambling services or infrastructure funds miss out. My proposal that I have submitted both to the government's tax review process and indeed now to the online wagering process will help to address this infrastructure deficit and strengthen regional communities that are impacted by gambling.

An estimated 2.5 per cent of Australians experience moderate to severe problems caused by gambling, and it is estimated that for every person with a gambling problem an additional five to 10 people are adversely affected. Problem gambling has devastating effects through reduced household income, physical and psychological illness, family breakdown, domestic violence, loss of employment, social isolation and depression. It is a minefield that is, sadly, impacting on many families in our regions. It is typically experienced by those lower socioeconomic communities. And of the top 10 in Australia, the majority are National Party electorates—out in the regions.

Given the social impact of gambling, I believe that those who contribute to the problem must also contribute to the solution through funding support structures. It has been done at the state level with revenue from licence fees, mandatory contributions or direct taxes, depending on the jurisdiction, invested in community infrastructure and services. However, at the same time states compete to attract foreign gambling companies by lowering the tax rate, resulting in less revenue that could further benefit our communities.

For example, the Northern Territory is selling itself short by collecting only $11.5 million this financial year from Tabcorp in wagering, turnover taxes and GST, while Tabcorp pays $135 million to Victoria in such taxes for the same privilege of operating. In real dollar terms, taxation revenue from Australian gambling and wagering has not grown consistently with the growth of the industry. The Joint Select Committee on Gambling Reform report into the Interactive Gambling and Broadcasting Amendment (Online Transactions and Other Measures) Bill 2011 reported that underlying growth in all online gambling is strong at
around 12 per cent per annum. Yet in 2013-14 alone analysis by the Parliamentary Library economics branch found, based on the 12 per cent growth rate, that there was a $221 million loss in revenue, increasing to around $348 million by 2017-18.

The nature of the internet is making enforcement of the laws difficult and inadequate, such as the ban on offering an interactive gaming service to Australian residents. Because this service is illegal, no tax is aimed at this sector and proceeds therefore go abroad. Imagine the millions of dollars in lost tax revenue that could be collected and invested back into our communities?

It was reported recently that there are an estimated 2½ thousand unlicensed wagering operators taking bets from Australian punters. To put it into perspective, the 2010 Productivity Commission report into gambling reported that in 2008 expenditure in online casinos and poker alone was worth an estimated $790 million. The other problem is that offshore wagering exposes our system to a greater risk of corruption, and it is not possible to regulate offshore operators according to Australian standards. And when I say that, I mean those that are not licensed here in Australia. We have many offshore operators that are licenced.

We are also seeing a trend of foreign owned companies taking advantage of Australia’s gambling market. We have had the 100 per cent acquisition of TomWaterhouse.com, Sportingbet and Centrebet by the English bookmaker William Hill, and Irish bookmaker Paddy Power has also gained IASbet. These operators look at our relatively unregulated environment and see it as fair game. That is the reality. When you compare the Australian wagering regulation to that of international standards, the rest of the world has realised that the internet occurs. It has realised that people are betting online, that they are not heading down to the monopoly retail outlet of their local TAB. We have not, and our regulatory framework is not adequate at the moment.

Australia is also a good place to base operations targeting the massive Asian market, as there is currently no national approach to the taxing of international wagering. So offshore operators are able to play state off against state. We see that that is how the Northern Territory bid down to the lowest common denominator, and they have most of the licences.

Australia’s current system of gaming licences is inefficient, and there is a distinct lack of consistency with revenue collection between the states. I propose a system that simplifies the bookmaking licensing and taxation processes, such as applying a tax or levy uniformly across all operators providing service to Australia. Revenue from the levy would be directed to regional Australia to meet community infrastructure needs and services. It would also remove some unfair advantages enjoyed by foreign bookmakers and benefit both state racing authorities and governments by increasing overall revenue at a lower cost.

Importantly, foreign operators will be targeted by the levy—(Time expired)

Senator McKenzie: Madam Acting Deputy President, I seek leave to continue my remarks for less than one minute.

Senator Bilyk: No, she does it all the time.

Leave not granted.
Royal Commission into Trade Union Governance and Corruption

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (22:37): I rise this evening to take advantage of the last significant adjournment opportunity of the year to again draw the Senate's attention to the ongoing hypocrisy of Prime Minister Turnbull's Royal Commission into Trade Union Governance and Corruption. When those opposite finally turned on former Prime Minister Abbott after some seven months of plotting his downfall, newly minted Prime Minister Turnbull was quick to decree a new era of political leadership. However, the Australian people are starting to understand that Prime Minister Turnbull has no intentions of moderating former Prime Minister Abbott's right-wing political agenda. We have seen no action on climate change. The government's position on marriage equality remains as Mr Abbott determined it. And, rather than showing the political leadership required to usher in his much-claimed new paradigm of political debate, we have seen Prime Minister Turnbull take ownership of the biased, politically motivated, trade union royal commission.

This sham royal commission, an extension of the executive arm of this government, charged with smearing and slandering the political opponents of the conservative parties, is now the wholly owned property of Prime Minister Turnbull. Prime Minister Turnbull has had the opportunity to bring this $80 million Star Chamber to a close. He could have drawn a line under the disgraceful behaviour of the commissioner and his staff and the biased charade over which they have presided. But, despite Prime Minister Turnbull's efforts to portray himself as the Liberal Party's saviour, his endorsement of the royal commission's shameful actions has exposed him as the political antagonist that he truly is.

With the unwavering support of Prime Minister Turnbull, Royal Commissioner Dyson Heydon and his flunky Senior Counsel Assisting Jeremy Stoljar continue their campaign of defamation and denigration against the labour movement. We have recently seen the commission release multiple submissions containing their analysis of evidence as well as Mr Stoljar's questionable legal conclusions in relation to different matters before the commission. In an effort to throw as much mud before Christmas as possible, the commission has released Mr Stoljar's musings regarding the AWU, the National Union of Workers and the CFMEU. Mr Stoljar's approach is formulaic. He repeats selected pieces of evidence while omitting others. He draws the longest of bows in order to paint entire organisations with the transgressions of a few individuals. And then he wildly extrapolates his ridiculous, biased views across the entire labour movement.

But one of Mr Stoljar's submissions does not follow this recipe of dishonesty. One of Mr Stoljar's submissions seeks to cover up the crimes of a particular former union official, provides pathetically weak explanations for that official's corrupt behaviour and, despite the existence of evidence that the commission has not yet considered in relation to this particular official, fails to even suggest their recalling to the stand. I am sure some senators may by now have guessed who I am referring to. But of course, for this particular union official, this royal commission continues to run a protection racket. It is, of course, Ms Kathy Jackson.

This is the same Kathy Jackson that the Federal Court recently found had misappropriated some $1.4 million from the Health Services Union, stolen from the union members that she was supposed to represent. And none of us has forgotten or should forget the current
government's opinion of Ms Jackson. Despite Ms Jackson having embezzled $1.4 million, just last year Mr Christopher Pyne, a Liberal cabinet minister, said in the House:

Kathy Jackson is a revolutionary, and Kathy Jackson will be remembered as a lion of the union movement.

That was Mr Christopher Pyne. Mr Heydon and Mr Stoljar continue to man the barricades in defence of this Liberal government's revolutionary.

The royal commission's treatment of Ms Jackson has been in stark contrast to its treatment of other witnesses. It may come as a surprise to you, but there were some 75 emails between Ms Jackson and the commission staff leading up to her initial testimony—75 emails. Ms Jackson was provided in advance with documents that Mr Stoljar was to use as the basis for his questions. That is right: Mr Stoljar provided the documents he was going to question Ms Jackson with in advance. She was briefed on the topics that would be covered, and the royal commission solicitors even helped her prepare her official statements. No other witnesses have been provided with this support.

Chris Brown, Ms Jackson's successor and a chief agitator against her corrupted behaviour, was certainly not. I will quote from the HSU's submission, which is published on the royal commission's website:

… the Commission did not send emails to Brown or his solicitors about the content of his proposed evidence. Solicitors for the Royal Commission did not assist in settling his statement. He was not given access to documents prior to giving evidence. He was not given a list of the topics that would be examined in his evidence.

So despite preparing a 232-page statement, without assistance from the commission, addressing the key lines of inquiry as laid out by Mr Stoljar at the opening of the case, Mr Brown was publicly attacked by the royal commission. That is right: a union official that went before the royal commission to expose the corruption of Kathy Jackson was attacked by Dyson Heydon and Jeremy Stoljar. They actually attacked a witness that exposed the corruption of Kathy Jackson. Then, in a slanderous attempt to discredit Mr Brown's testimony, the royal commission alleged a fictionally tenuous link between Mr Brown and his loyalty to Ms Jackson's internal foes. It was not that he exposed the corruption of probably the most corrupt witness who appeared before the royal commission, but he actually attacked Mr Brown. This is despite Mr Brown having led the charge to invoke unprecedented legal action against corrupt union officials and toward restoring the fiduciary integrity of the HSU.

But Mr Brown was not the only witness exposed to this disgraceful double standard of behaviour from the royal commission. This politically charged royal commission had one scalp it was most keen to claim. Entirely unsurprisingly, the $80 million royal commission was fanatical in its pursuit of the Leader of the Opposition, this conservative government's greatest political adversary. Despite all the evidence confirming Mr Shorten's integrity and probity in relation to his tireless advocacy for working people, the royal commission went to extraordinary lengths to smear Mr Shorten.

It is clear to anyone who availed themselves of the facts that Mr Stoljar's attempts to link Mr Shorten to questionable behaviour within the AWU were deeply flawed. Many of the events that the royal commission concerned itself with had even taken place after Mr Shorten had left the AWU. So Mr Stoljar actually attempted to smear Mr Shorten with events after he was no longer in a position of responsibility for them. And the royal commission's media unit
was operating in overdrive. Regardless of the truth, they leaked, they rumour-mongered, and the commission itself went to great lengths to frustrate Mr Shorten's appearance preparation. And, despite all of that constant leaking and constant documents being supplied to selected journalists to misrepresent and paint in the worst possible light, in a final, desperate act to discredit Mr Shorten, Dyson Heydon lashed out at him on the stand by questioning his integrity as a witness without any justification.

Of course, the recent release of Mr Stoljar's submission in reply, released under the cover of darkness in an attempt to bury the truth, exonerated Mr Shorten of all wrongdoings. In fact, Mr Stoljar's submission was littered with admissions that the accusations he had levelled at Mr Shorten were unsubstantiated. Here are his words:

The evidence does not support a finding that Mr Shorten had any substantial involvement in the arrangement …

... ... ...

The question is whether there may have been anything improper or unlawful about that. It is submitted that the evidence does not establish that there was.

... ... ...

Such an official could act improperly if he or she used his or her position in order to obtain or procure a benefit for himself or a third party. But the evidence does not establish that Mr Shorten so acted here

... ... ...

... there is no suggestion that Mr Shorten was involved …

And it goes on and on and on.

Australians know that this royal commission has been a political Star Chamber, a biased tool of a rancid conservative government to attack the opposition and undermine the labour movement. And, despite being given $80 million of taxpayers' money, divesting themselves of the responsibility to follow fair process and using the media to smear and slander witnesses, this royal commission has finally admitted that its primary target was innocent.

And yet this biased royal commissioner and his incompetent and indolent staff have been so preoccupied with Mr Shorten that they have wilfully missed the opportunity to hold Ms Jackson accountable for her corrupt behaviour. Egged on by Mr Stoljar, Mr Heydon has struck out onto the thinnest of legal ice and continuously deferred the royal commission's consideration of evidence against Ms Jackson. Such evidence was refused consideration on the basis that it was already subject to legal consideration in the Federal Court, the same Federal Court which deliberated and resulted in the finding that Ms Jackson had stolen $1.4 million from the HSU, ordering her to repay it.

But the precedent of excluding evidence already the subject of legal deliberation was for Ms Jackson only. When the CFMEU applied to Mr Heydon requesting that evidence which was also the subject of sensitive legal deliberations before the courts be deferred, Mr Heydon held them in contempt. He actually held a union in contempt because they said there is an ongoing legal matter. Then he gave Kathy Jackson a get-out-of-jail-free card, and off she went. With scant regard for the ongoing legal proceedings, the star-chamber did away with the Jackson precedent. They watched him protect Kathy Jackson. They watched Dyson Heydon say, 'No, there's a legal case under foot; we can't possibly take this evidence.' The CFMEU sought the same protection and were actually held in contempt.
The CFMEU evidence was submitted and circulated, and the royal commission used it to underpin recommendations of legal action against the union and officials. The Trade Union Royal Commission has still not accepted the evidence against Ms Jackson. Apparently some people are definitely more equal than others in the eyes of Justice Heydon.

But the evidence which this $80 million royal commission has not seen fit to consider and the consequential accusations against Ms Jackson have finally been aired, not—tragically—before the show-trial royal commission but on the ABC's *Four Corners* program. I urge anyone listening or anyone who reads this *Hansard* to go get it off the ABC website, because it was must-watch TV at its best.

Like many Australians I watched with incredulity as Ms Jackson and her controversial partner, Fair Work Commission Vice-President Michael Lawler, paraded themselves on national television. I have no doubt that they saw it as an opportunity to share their concocted story and delusional perspective with, as Mr Lawler so patronisingly puts it, 'ordinary Australians'. But things did not quite go to plan.

Ms Jackson outed Mr Lawler for his conflict of interest at the Fair Work Commission. She actually outed him. In a desperate act of self-preservation, Mr Lawler interrupted the filming of the *Four Corners* program to prosecute his own retelling of history, but it was too late. Mr Lawler also went on to reveal that he had benefited from the proceeds of crime. He actually went on to admit it. He benefited from moneys stolen from the HSU. This is what he said:

> It turns out that I have been the beneficiary of airfares and a small amount of accommodation that was paid for by the union.

He actually admits that he is a beneficiary of stolen money. Ms Jackson's own partner admits she, Kathy Jackson, was stealing from the union.

And, while I acknowledge that Mr Lawler is not exactly a credible witness himself, what with his nine months of sick leave, illegal phone recordings, exploitation of an elderly, impaired person and benefiting from the proceeds of crime, the *Four Corners* program has laid bare the reality that this royal commission covered up. It is up there on television now; you can watch it any time you want. The royal commission looked the other way and gave her a leave pass. In fact, I only accused Mr Lawler of living off $15,000 of stolen money. He actually said that, no, it is about $50,000. I want to thank him for at least coming clean on that. I think it is a lot more, but time will tell.

Ms Jackson is a parasite who abused her position of power at the HSU to steal money from the poorest workers in Australia. The stolen money has funded the lavish lifestyles of Ms Jackson and Mr Lawler, including international holidays, indulgent shopping splurges and even their luxury coastal home. If everyone in Australia can see that Ms Jackson is corrupt, why is the Trade Union Royal Commission still so intent on protecting her?

**Perth Freight Link**

**Myanmar**

*Senator LUDLAM* (Western Australia—Co-Deputy Leader of the Australian Greens) (22:56): Tonight I rise to acknowledge a real turning point in the campaign against the Perth Freight Link.
I seek leave to table a letter to the Prime Minister from Miss Corina Abraham, a local Aboriginal custodian of the Beeliar Wetlands.

Leave granted.

**Senator LUDLAM**: I have had the honour to stand a couple times with Miss Abraham in our fight to prevent the Roe 8 freeway extension and Perth Freight Link through the Beeliar Wetlands.

Corina writes, in a brief excerpt from the letter that I have just tabled:

I'm writing this letter asking that you please help stop the desecration of our beautiful unique Beeliar Hwy extension.

I'm unsure if you have been educated with what the beauty of this land holds and the cultural significance it maintains, not only to me but my Elders and Ancestors. It weakens my heart to know that you as Prime Minister of Our Country has provided the West Australian Liberal Government the financial capability that is needed for this project to go ahead.

Beeliar Wetlands plays a significant role in the creation of our Dreaming and Mythological stories. It plays an important spiritual role in maintaining the health of these local waterways. Its historical importance as a major meeting place is attested by numerous archaeological deposits in the area sourced from 6000 years ago.

Therefore I ask you to please consider all aspects of other feasible options that have also been suggested and researched."

During the ongoing Senate inquiry into the Perth Freight Link we also heard Corina's grandfather, Reverend Sealin Garlett, who movingly described the area in the path of Roe 8 as a birthing place akin to 'the King Edward Memorial Hospital'. He said:

On that land, in the area that we are sharing today, there are food resources, there is medicine and there is healing. I, for one, and my family still practice …

We as Aboriginal people find that that area has a tremendous impact and sense of belonging.

… … …

… we hold that area up very highly because it is a part of our dreaming. It is a part of our connection and it is a part of our identification.

A very dark stain sits over the way Aboriginal heritage and culture has been treated during the approval of this project. Local Aboriginal consent to Roe 8 was never given for the project but has been deliberately misrepresented by Main Roads Western Australia. Worse, Premier Colin Barnett has embarked on a wholesale deregistration of significant archaeological and mythological sites not just in the Roe 8 impact area but right across WA. This includes three registered sites in the pathway of Roe 8 being deregistered by Western Australian Minister Peter Collier without consent and despite written, documented opposition by Aboriginal traditional custodians. I want to thank them for stepping up in defence of country and their culture, and I also want to acknowledge my state parliamentary colleagues Robin Chapple MLC and Lynn MacLaren MLC for their role in helping the mob advocate and stand up for their rights.

The flawed environmental assessment process is just as bad. Currently it is the subject of a Supreme Court challenge in the Western Australian courts. The case was heard yesterday, and
the EPA, our Environmental Protection Authority, admitted that it ignored its own policies in approving Roe 8. The court heard that the EPA's own policy document advises against using environmental offsets when a site is a critical environmental asset and the environmental impact cannot be avoided. So what was the EPA's response? It said, 'The authority is not legally bound to adopt their own guidance or policies.' What a sham! What are people meant to think of this fabrication of a process? It defies belief.

But the community will not wear it. We have raised nearly $50,000 just in small donations, in ones and twos, from ordinary people in just a matter of a few weeks to help the Save Beeliar Wetlands group fight this in the court and overturn this ridiculous decision. Thousands have signed the pledge to meet the machines whenever and wherever they turn up.

My message to Minister Cormann and others in the Liberal-National party delirious enough to believe this is all just going to magically go away and leave you with clear air to begin campaigning next year: you are wrong. This is the biggest game in town at the moment, and it is going to remain so until it gets resolved. Prime Minister—through you, Mr President—you have a very clear choice: you can plough ahead with former Prime Minister Tony Abbott's obscene pet project, or you can intervene and see for yourself. You can put pause to the transfer of $1 billion of taxpayers' money just to pave the way to a port that will be at capacity before the damned thing is even completed and take the time to consider the alternative that offers a win for everybody. Just this last week gone, Regional Development Australia, in collaboration with numerous local councils, submitted a detailed proposal for the outer harbour to Infrastructure Australia and identified this as the No. 1 priority infrastructure project for WA. There is a freight solution for WA, and it is staring us in the face.

To the Prime Minister: I sent a letter last week inviting you to join me and our colleagues at the wetlands when you are in Perth on 9 December or join us on country with representatives of more than 30 groups formally opposed to this project and see for yourself. This is a decision that will shape Perth for the indefinite future, effectively forever, but it is also going to shape the local electoral landscape for the Liberal and National parties in forthcoming state and federal elections.

I will leave the last words to Corina herself. She says:
I only hope and pray that you take into consideration the destruction that this project will entail. That you ensure that you don't lose your integrity, values and morals as an Australian and "rethink the link" and protect this area from Roe 8 for our people.

I want to speak tonight on the recent national elections across most of Myanmar, which I was privileged to witness as an election observer. Many people in this place will recall chaotic scenes across Burmese cities and towns dating back to August and September 2007 as the saffron uprising brought the tragic modern history of this country back into the global consciousness. From the 1947 assassination of Bogyoke Aung San at the hands of armed paramilitaries to the military coup of 1962 and the long nightmare of authoritarian rule and international isolation, even as its neighbours struggled with decolonisation and the trauma of the Vietnam War, Burma, or Myanmar as it is more recently known, sank into violent obscurity and practically vanished from the world stage.

Even a brief review of Burmese history shows that the people of this country never gave up hope of a better life: uprisings and pro-democracy demonstrations in 1962 and 1974, and student demonstrations all the way through the late 1970s and into the 1980s. Numerous
armed uprisings broke out in regional areas as dozens of distinct ethnic groups fought the
central government, leading to decades of human rights abuses, estimates of up to a million
refugees spilling into neighbouring Thailand, and one of the world's longest running civil
wars.

Against this backdrop the military regime annulled the results of the hard-fought 1990
national election, which had been won unambiguously by Daw Aung San Suu Kyi's National
League for Democracy and its allies. Another two decades of grim repression followed:
isolation and house arrest for Daw Suu; mass murder, torture and imprisonment of thousands
of student activists who had propelled her electoral success; and an intensification of open
warfare in the ethnic hinterlands.

In 2007 a spike in fuel prices tipped off widespread unrest which avalanched into the so-
called saffron uprising. Nonviolent street protests took place across the country in which the
Buddhist sangha participated in great numbers for the first time. The 2007 federal election
was in full swing here in Australia, and it brought home to me, as we supported a series of
marches and demonstrations by the Burmese and Karen community in Perth, just how much
we too for granted the ability to throw our ideas into the electoral mix without fear of
anything harsher than free character assessments by the Murdoch press. And so, on 24
November 2007, executive power peacefully changed hands here in Australia, but for those
campaigning for these same rights across Burma the lights were going out all over the country
once again. Yet they never gave up.

Tonight I want to pay my respects to all those inside the country who never gave up and to
the growing number of people around the world who also never gave up. On 8 November this
year Myanmar went into its first national general elections since the stolen election of 1990.
Twenty-five years on, nobody was under any illusions as to just how fraught and challenged
this process would be. Parts of the country are still at war. Districts in Shan State and the Wa
Special Region were precluded from participating in the election at all. We were advised that
it was not conflict preventing the ballot from taking place in some of these districts but the
perceived voting intentions of some of those who lived there. There is no question, however,
that bitter decades of conflict still prevail in some parts of the country. On the western side of
the country there was no election at all for the Rohingya people, identified by the United
Nations agencies as among the most persecuted minorities in the world. More than a million
of these people had their citizenship revoked without warning, rendering them stateless right
on the eve of the election. Dozens of Muslim candidates were deregistered, and the national
parliament now does not have a single Muslim representative to speak for what makes up
between five and 10 per cent of the overall national population. It does not matter how free
and fair your electoral system is if whole communities have been removed from its reach
before election day.

These are some of the reasons that so many inside and outside the country felt deep
apprehension as the election drew closer. The military government's 2008 constitution
guaranteed 25 per cent of the seats in the parliament for military appointees and, even as some
senior regime figures were shedding their uniforms and adopting nominally civilian titles, it is
hard to describe how it felt looking down from the public gallery in the Myanmar parliament
of 2012 to see a quarter of the seats occupied by men in military uniforms. Sometimes it is
worth being reminded of just how much we take for granted in this place. Many years ago
Daw Suu is reported to have called on the international community and said, 'Please use your liberty to promote ours.' Despite the background of violence and dispossession that I have sketched briefly tonight, the November elections still carry immense significance if the centre can hold. The very fact that independent observers from all over the world were invited in and given unfettered access to the process is something new.

I have been joined tonight by Senator Dean Smith, who was one of our colleagues on that trip. Flying out of Yangong to the regional capital of Taunggyi in southern Shan State, we were given a privileged view of those parts of the process that actually worked pretty well. More than anything else, I wish more Australians could see the practical impacts of our foreign aid budget in places like Myanmar. If we knew just how hard our local staff work, how far they stretch their budgets and how much good it does, our foreign aid funds would not be such a soft target around election time and budget time. Most Australians will not realise that in addition to our flagship education programs the Australian Electoral Commission was funded to work with the International Foundation for Electoral Systems and the Union Election Commission of Myanmar to design the training program for the conduct of the election itself. The numbers are daunting—direct work with and material support for 200 electoral officer trainers, who in turn took the program to 1,200 second tier trainers who then worked with 81,000 polling station officials who would be charged with training and managing 480,000 volunteers on election day. We got to see the results of this extraordinary mobilisation on 8 November—ballot boxes checked and sealed while party observers looked on and recorded the serial numbers and early postal votes arriving in the predawn to sit in sealed containers until the late-night count.

The hardest thing to describe as the queues assembled before the doors opened shortly after 6 am is the mood of the people. Twenty-five years ago violent thugs in uniforms stole an election from these people and incarcerated the winning candidates. Some of them were never seen again. Yet on this still morning in Taunggyi there is an orderly queue stretching out into the street, a quiet process of identity checking and not a police or army unit in sight. We presume that they are there, but nowhere in any of the eight or nine booths that we visit are we witness to intimidation. Reports will filter back from a handful of the tens of thousands of booths of some bad behaviour and offers of uniformed assistance, but they will be relatively few. I understand that what we saw was broadly representative as we moved out of the city and into regional areas, onto army bases and to colleges and eventually right out into isolated farming villages. We see long queues, big smiles and patient expectations Over a long 10 hours the colour-coded plastic bins fill with ballot papers, and people leaving the polling stations are asked to dip their pinkie fingers in a purple indelible ink to prevent attempts at multiple voting. Local Facebook feeds are filling up with portraits of peoples inked hands as they disperse back into their communities. There is apprehension here, but also something approaching hope that perhaps this time it will be different.

Late that night it is apparent that there have been attempts to cook the early ballots. Big bundles of votes appear from indeterminate locations, hundreds identically ticked and folded for regime-backed candidates, while opposition scrutineers looked on in consternation and tempers flared up. An appeal co-signed by opposition parties was accepted at our district counting office and taped to the ballot box. Someone, somewhere, has made a desperate attempt to hold this seat the old fashioned way.
As it turns out, the National League for Democracy has won this election in a landslide. In the final count it will win more than 80 per cent of the contestable seats in the national assembly. As one of the embassy staff warns us in our last hours in the country, ‘You can change the parliament, but that does not necessarily change the government’. Now the immensely fraught process of power handover begins, and it is here that the biggest questions will arise. When the new parliament sits early in 2016, those hundreds of military officers will still be there. The Rohingya people were forced to watch this high-stakes ritual from the sidelines, with their own representatives blocked from meaningful participation and their future less certain than ever.

Wars are easy to ignite. Uprisings are not difficult to smash with force of arms. Villages are easy to bomb. How much harder it is to knit a peaceful, democratic consensus, and how easy it is to rip fragile progress apart, yet these people never give up. For the ritual of determining our own representation, which we sometimes treat with such casual disdain in Australia, people whose names we will never know lost their lives and loved ones, and whether or not it would all be worth it actually still hangs in the balance.

I offer my thanks to Foreign Minister, Julie Bishop, and her office for enabling me to take my place on this delegation, and a warm thanks to Ambassador Nicholas Coppel and all his staff for taking such good care of us. Thank you to Mr Craig Gilbert, second secretary, for his adept and cheerful guidance, for getting us out on some of the roads less travelled and for his occasional initiatives of pure brilliance. To Mr Jivan Sekhon, Assistant Director, International Services Section, Australian Electorate Commission, thank you for months of work in the lead-up and for bringing such care and attention to detail to the process. To Ms Nang Nilar Tun, senior education program officer, thank you for sharing a tiny glimpse of your country with us and without whom we would have probably never made it out of the Heho airfield.

I really enjoyed spending a little bit of time with Ms Lisa Chesters, the member for Bendigo, and with Senator Dean Smith, from WA. The opportunity to get out of this pressure cooker and spend time in other parts of the world can dissolve some of the party boundaries that sometimes are less than helpful in this place.

Australia played a big part in helping this community bring this thing about and bringing about so much that we take for granted in Australia. Our foreign aid budget helped. The expertise of the Australian Electoral Commission helped. The hard work a long way from the familiar comforts of home on behalf of all our embassy staff helped. The goodwill of people all over the world who want it better for the people of Myanmar helped. Tonight, though, I want to thank, above all, those brave campaigners, the student organisers, the candidates and the ordinary people who never gave up in pursuit of bringing peaceful, democratic change to your extraordinary country.

Federal Assistance Grants
Pensions and Benefits
Veterans' Affairs

Senator LAMBIE (Tasmania) (23:13): In this last adjournment speech before Christmas I wish a very Merry Christmas to all the parliamentary staff who make working in this place a pleasure and safe. To the Hansard reporters, Senate workers, security personnel, cooks, cafe workers, Comcar drivers and coordinators and in particular the cleaners, who I support in
their industrial actions, I wish you a very Merry Christmas. I also extend my Christmas

greetings and best wishes to fellow senators and their staff.

I have received warnings from members of Tasmanian local governments about the

significant reduction in services to their rate payers brought about by the reduction in federal

assistance grants. The correspondence I received in part reads:

Federal Assistance Grants to Local Government have been frozen for period of three years, placing

financial pressure on Councils and their rate payers in regards to having to either reduce services and or

increase rates to cover.

Local Government has lost millions due to this freezing.

I commissioned Parliamentary Library research on the issue to verify the facts on the freezing

of federal funds to local government. The report says:

The first series of grants to local government bodies occurred for the 1974-75 year and were

provided for by the Local Government Grants Act 1974. In 1991-92, the Commonwealth began to

provide additional amounts to the local government bodies with respect to local roads. Grants to local

government are now provided for by the Government (Financial Assistance) Act 1995. The freeze to the

indexation of FAGs was announced by the current government in the 2014-15 budget.

The government will achieve savings of $925.2 million over four years by pausing indexation of the

local government Financial Assistance Grants program for three years commencing 1 July 2014. The

savings from this measure will be redirected by the government to repair the budget and fund policy

priorities.

How much money has been lost to local government? The Parliamentary Library supplied

me with a chart which details the amount of money per year lost to each state by the freezing

of FAGS federal assistance grants. I will attach the chart to my social media and website for

all to see. However, I will detail tonight Tasmania's losses. In total, over the four-year forward

estimates Tasmania will lose over $18 million in federal assistance grants—$1.9 million for


These figures are a disgrace for the Liberal members of this parliament from Tasmania. Indeed, they are a disgrace for all the Liberal and National members of this parliament from

every Australian state. You are in government. You should have the influence and courage to

change this rotting leftover policy from Tony Abbott's horror budget of 2014-15. It must be

changed—or else all National and Liberal members of this parliament will be directly

responsible for the rate rises forced on local government by the Turnbull-Morrison reduction

in local government assistance grants. I invite Tasmanian rate payers to send copies of their

rate rises to their local federal Liberal members of parliament and demand an explanation and

also a refund. This matter is once again another example of the Tasmanian Liberals not

standing up for their state and putting a political party before the people they represent.

In summary, the Parliamentary Library research shows that over the forward estimates

almost $1 billion has been lost to all Australian local government authorities. This is at a time

when the government, over the forward estimates, will borrow $16 billion in order to give it

away in poorly targeted and managed foreign aid. I call on this Turnbull-Morrison

government to unfreeze the federal assistance grants to our local governments.

In today's Australian Financial Review there is an article which reinforces and reaffirms

why the government should support the JLN policy of establishing an enhanced pensioner

loans scheme based on a reverse mortgage principle. The article in part reads:
The Productivity Commission will recommend that retirees should tap into their family home to fund their retirement.

This is thought to be worth $1 trillion.
Retirees would enjoy a higher standard of living and save billions in the budget.

The Commission found 40 per cent of single pensioners and 33 per cent of couples live on less than the yearly amount the Association of Superannuation Funds of Australia says is needed for a modest lifestyle.

The Commission found by tapping into the family home, they would live above the standard of living and still have money left over for the next generation.

The Federal government is likely to use this report to gradually change the living and spending habits of older Australians to reduce their reliance on state subsidies, free up housing and make the retirement system more financially viable.

Scott Morrison is considering allowing the elderly to sell their homes and switch to smaller properties without reducing their pension.

At the moment only 2 per cent of older Australians unlock equity in their home to fund their retirement.

The Commission found older Australians were afraid of running out of money and were misinformed about the cost of residential care, which is why there is a lot of precautionary saving and people refusing to tap into their family home as a source of income.

Quite clearly, the Productivity Commission, when they recommend that retirees should tap into their family home to fund their retirement, were referring to a policy very similar to the pensioner loan scheme that myself and other crossbenchers again call on the government to establish. The government should be bringing in the pensioner loans scheme before it starts taking entitlements away from families just before Christmas. Whoever thought of introducing legislation to parliament which guaranteed a reduction in family payments just before Christmas obviously had never heard of Charles Dickens' Ebenezer Scrooge. If our new Liberal Treasurer does not want to develop, or enhance, a reputation as a cold-hearted miser who despises Christmas, then you would think he would withdraw his legislation, which is not a budget saving but simply a theft of entitlements from hardworking, struggling Australian families. This week my office received correspondence from ACOSS in Tasmania which supports my argument that our Treasurer needs to change his ways and stop the cuts to welfare, or else—if Charles Dickens's A Christmas Carol is anything to go by—Treasurer Morrison runs the risk of being visited by a number of ghosts in the near future. The message from ACOSS, in part, reads:

You would no doubt be aware that the Government has announced further minor changes to its family payments reforms, including protecting grandparents and single parents over 60 years from any cuts to Part B.

ACOSS believes that the changes announced this week will do nothing to ameliorate the harshness of the changes for the majority of low income families.

Our analysis suggests that less than 4% of those receiving FTB B are over 60 years, and about half of those are single parents so it is a very small cohort.

We urge Senator Lambie to vote against the legislation.
I have attached our submission and supplementary evidence to the Community Affairs Inquiry into the family payments bill.
Analysis of the changes to family payments proposed in the current Bill shows that, when all of the changes have come into effect in 2018:

- A sole parent with one child over 13 years will lose roughly $2500 per year and a sole parent with two children will lose roughly $3000 per year ($48 per week and $58 per week respectively);
- A low income, single income couple family with one child over 13 will lose $3500 and with two children will lose $4000 per year ($67 per week and $77 per week respectively);
- For those families with children under 13 not affected by the Part B eligibility age changes, most will be worse off compared to their current position due to the loss of supplements.

The Part A supplement is $730 per year per child and will be offset by the Part A increase of $262 per annum (a loss of $468).

The Part B supplement is $354 per family. Therefore a dual income family with one primary school aged child will be $468 a week or $9 a week worse off.

A single income family with a child under 13 years will be $822 a year worse off, or $16 a week.

I will not be supporting any cuts to family payments. You will recall that I put out a press release last week describing my plan to reform the Pensions Loans Scheme, the PLS, which read:

New costings from the Parliamentary Budget Office show the government could help retirees boost their own incomes at nearly no cost to the budget by making the Pension Loans Scheme (PLS) available to all who wish to use it.

... ... ...

In May 2015, Senators Xenophon, Lazarus, Lambie and Muir called for the PLS to be expanded and made available to all who wish to use it, as proposed in a report from The Australia Institute last year.

Costings requested by Senator Lambie and released today show expanding the PLS could help retirees unlock more than $2.8 billion to boost their retirement incomes at a cost to the budget of only $23 million over the estimates period.

With the new costing, the crossbench Senators have today renewed their call to expand the PLS.

What is the PLS? The PLS is a long-running but little known government scheme allowing retirees to unlock their home equity on a voluntary basis and draw a fortnightly income through loans secured against their house.

The PLS interest rates are set below market rates, making them an attractive way for retirees to unlock home equity while they live in their home. The loan balance is settled once the house is sold.

Currently only those who are not eligible for the pension can access the PLS. In addition, maximum fortnightly payments are capped at the full aged pension rate.

What do the costings show? Because PLS payments are loans secured against property, they can be offered at little cost to the government, and yet also at below market rates. The costings include two scenarios. In Option one, the maximum payment rate is increased to triple the Age Pension rate, allowing payments on average at 'what is required for a comfortable retirement'.

Option One would give all pension recipients access to the Pension Loans Scheme in addition to their pension. In 'Option Two' eligibility is opened to all retirees.

While the PBO costing notes it is very difficult to estimate uptake of the voluntary scheme under the changes, its costings, show that whatever the uptake, it could be done at low cost.

Higher uptake is likely to reduce administrative overheads further.

In addition to the many benefits the Pension Loans Scheme would bring to our elderly Australians, a boost to our economy for additional grey power spending would be significant.
and it certainly cannot be dismissed. Last week I started my name and shame campaign against the Minister for Veterans’ Affairs and the bureaucrats who work in this dysfunctional and dangerous department. I continue my campaign by bringing to the attention of the Senate the plight of a former member of the Australian Defence Force, Danielle Khan, who because of proven Department of Veterans’ Affairs incompetence and maladministration now has a $16,000 legal bill which the minister, Stuart Robert, refuses to acknowledge or even address in my letter. Danielle writes in one of her letters to me:

My name is Danielle Khan and my solicitor Jim Paterson whom you have dealt with previously has given me your details to get my story out in the public arena.

I have been dealing with dva and their maladministration for the last 16 years, since injuring my back while serving.

I and Mr Patterson put in for a review of my disability which should normally take 6-8 weeks. We are now going on 2 years and going to a third aat meeting, due to dvas incompetence and in legal speak "denial of autonomy of delegates decisions". Put simply they admitted making a mistake so are now trying to change decisions made by their delegate 10yea...
So please I am not doing this just for me. Please help me do this for them, my daughter's father and many more out there that no longer have a voice. Also the ones still breathing to fight and hope they will not get to the brink of the abyss for which dva are happy to wipe their hands of.

I truely believe that dva and government have blood on their hands pushing these people to the edge and this needs to come out.

Thank you, I anxiously await your reply as I really don't know how much more I can take.

I raised this issue during estimates on 21 October this year, and I have written to this Liberal government's DVA minister and asked that the Department of Veterans' Affairs fix this problem by paying for their mistake. But the new veterans' affairs minister, Stuart Robert, who served in Bougainville as an Unarmed Peacekeeper, prefers to put another black mark against his Prime Minister, and to discredit his political party, by ignoring this very serious complaint from Danielle Khan.

Out of desperation, Danielle has given me permission to make her name public in order to try and force this government to deliver her some justice. I should not have to do this. Former members of the ADF and veterans should not have to go through the added trauma of making their story public. But they will. The list I have of veterans who are willing to join my list— to name and shame the Department of Veterans' Affairs, the defence officials and the medical practitioners out there that are doing the wrong thing—is growing enormously. And I can assure you that this is just the tip of the iceberg, because of some of the stories that we will start hearing from February next year are absolutely shameful.

I will take every opportunity I have to speak in the adjournment debate in the last 20 minutes of the night, and I will spend 10 minutes naming and shaming the delegates and the practitioners out there who are killing our veterans. And I will not stop shaming this government until justice is delivered for Australian veterans; until those politicians, Australian defence officers, and DVA workers, who are responsible for the harm and deaths of our veterans, are brought to justice. I will say this: it is now Christmas time coming up, and this girl has a $16,000 bill over her head which is not her fault. It is a simple procedure: give her the $16,000 so she can pay out her lawyer. This is maladministration because of veterans' affairs. I have begged the veterans' affairs minister to fix this up. For goodness sake, before we lose another life—please. Please ask your Minister for Veterans' Affairs to fix it. Enough!

Australian Greens

International Day of Solidarity with the Palestinian People

Senator RHIANNON (New South Wales) (23:33): I have been in the Senate for more than four years. I am grateful to Greens party members for all their support, and to the people of New South Wales who voted 1 for the Greens. Their vote has given me the privilege to represent them. I never thought I would be in parliament. It is an honour to be here, in one of the places where we can struggle to make the world a better place. There have been many highlights. One standout was the success of tertiary education workers and students whose hard work put a stop to the Liberal National government's university deregulation plans. We won. We beat back a policy that would have made access to education dependent on wealth and privilege. That is a win worth celebrating. Our victory against $100,000 degrees shows why we need Greens in this parliament. And it is not just because our votes can help defeat bad legislation; that matters, obviously. But that is only as significant as the campaigns which our votes here in this place represent.
The truth is, Australian politics—especially in this parliament—is too often a game between the major parties. It is about who looks after those who own most of this country. Meanwhile, the players pretend to look after the majority of ordinary people. But I am not in Canberra to play games. It is not a game to raise the GST while keeping the tax loopholes that give massive concessions to the rich. It is not a game to have a climate policy that will not cut emissions fast enough but will satisfy coal and gas corporations. It is not a game to turn back boats of desperate people seeking asylum and turn people, indefinitely, to show how tough you are on so-called border security. It is not a game when young people cannot get a job that is not permanently casual, while supporting calls to cut weekend penalty rates. And it is not a game to have a policy that inflates housing policies and rents so high that most people cannot live anywhere near their work, their friends or their family.

We, in the Greens, want a different society, a society where the government solves problems with ordinary people instead of making life harder, a society where progress means people feel more secure, relaxed and comfortable. Next year's federal election will mark 20 years since John Howard deceived the Australian people with his claim that electing him would make us relaxed and comfortable. What a disastrous 20 years it has been for the majority of people in this country. Anxiety has gone through the roof and people feel less supported, less valued and less connected to one another. The situation is the direct result of Liberal, National and Labor governments starting from the question of: is there room in the budget? What they really mean is: how will the CEOs respond? Will we be criticised? What will the financial journalists report? For the Greens this puts things the wrong way round. The question for our party of over 10,000 members supported by over one million voters is: what do people and our precious environment need?

I travel all over New South Wales and people, very readily, tell me what we do need. They tell me we need to fix the tax system so corporations and rich individuals pay their fair share. They tell me we need 100 per cent renewable energy in public and community hands. They tell me we need guaranteed, permanent, secure and rewarding jobs for everyone who wants one. They tell me we need support for the unemployed and single parents—even the Business Council supports this one. They tell me we need free, well-funded public education from preschool to TAFE and university. And they tell me we need affordable housing, with a massive injection of money by the federal government to build new homes.

The Greens believe that if something is needed for a fair and sustainable society it is the job of government to deliver it. If this means governments need to borrow, then governments should run deficits and manage a larger public debt. The idea that government budgets are like household budgets, where debt is always bad, is either deeply economically illiterate or deliberately deceitful. What I have outlined, here, will probably be criticised as not realistic or not possible in today's economy. Yet, in one of the wealthiest countries in the world, it is Labor, Liberal and National parties that are out of touch with community expectations.

There are two reasons that Greens, like me, are in parliament: the rise of planetary environmental consciousness and the unfortunate but steady drift of the Labor Party away from a belief that things can and should get better for ordinary people. These reasons are not going away, and neither are we. More and more people are joining the Greens. We have the courage to undo the damage caused by the economic policies of the old parties—policies that
have been making life harder and the planet dirtier for 30 years. We are the party that has the energy to create a more democratic, sustainable, just and peaceful future.

On 29 November it was the UN's International Day of Solidarity with the Palestinian People. I was fortunate to join the Australian Palestinian Professionals Association, the Palestine Support Network Australia and the ambassador of the State of Palestine, His Excellency Ambassador Izzat Abdulhadi, at a celebration in Sydney.

A range of New South Wales Palestinian advocates joined us on this important occasion, including former New South Wales Premier, Bob Carr. The ambassador’s speech noted the recent progress that has been made in the fight for justice for Palestine. He highlighted two recent UN resolutions concerning the full applicability of the Fourth Geneva Convention to the occupation, and the condemnation of Israeli settlements as illegal under international law. The ambassador said:

These last two resolutions are critical to recognition that Palestine is occupied. It has been occupied by Israel for 48 years… our strategy is non-violence and to work multilaterally within international frameworks, to achieve justice, our freedom and full sovereignty. And this strategy is working.

Rawan Arrat, from the Palestinian Centre for Human Rights, also spoke at the Sydney event. She celebrated the State of Palestine acceding to the Rome Statute of the International Criminal Court in January of this year. Despite the opposition of the US, Britain, several EU states, Canada and Australia, the Palestinian authority now has another avenue through which justice can be pursued. Ms Arrat told the gathering:

Four Palestinian human rights organisations have delivered a confidential communication to the Prosecutor of the International Criminal Court on behalf of themselves and Palestinian victims of Israelis’ Operation Protective Edge, the third Israeli war on the besieged Gaza Strip in the space of six years.

Rawan summed up the feeling of those at the event with her comment:

No doubt, there are exciting times ahead for the Palestinian solidarity movement.

While the gathering was optimistic at the prospect of justice and peace in Palestine, recent events in Australia and Palestine remind us that there are still those who work to destroy these hopes. Late last night in this Senate Liberal senator Eric Abetz criticised ABC correspondent Sophie McNeill’s description of an alleged young female Palestinian attacker in a story on the ABC’s 7.30 that went to air in October. Ms McNeill said:

Five days ago here at this checkpoint, Israeli soldiers say that this friendly, gifted student tried to stab them, so they shot her dead.

Senator Abetz questioned why McNeill was appointed to the Middle East post when she had stated that she admired journalists John Pilger and Robert Fisk. Pilger and Fisk are two accomplished and respected journalists who are also advocates for justice in Palestine. ABC’s director Mark Scott rightly defended McNeill. He said:

Before this reporter set foot in the Middle East there was a campaign against her personally taking up that role. I am saying that she is a highly recognised and acclaimed reporter … she deserved that appointment and she needs to be judged on her work.

He went on to say:

Fundamentally I think she was doing a good job under difficult circumstances under extraordinary scrutiny.
Scott said McNeill had twice been awarded Young Journalist of the Year, won a Walkley for reporting in 2010 and had filed from all over the world. Reporters like McNeill are needed in the Middle East. There are many outstanding reporters in Palestine who give balanced reports. These are some of the reports I have read from Maan News. Khalid Mahmoud al-Jawabreh, a 19-year-old Palestinian man, was shot twice in the stomach by Israeli soldiers in al-Arrub refugee camp in northern Hebron. He died from his injuries in hospital. Twenty-one-year-old Yahya Yusri Taha was shot dead by Israeli soldiers when clashes broke out during a search and arrest raid in the town of Qatanna, near Jerusalem. Samer Hassan Shresa, a 51-year-old Palestinian, was killed at a military checkpoint south of Nablus after he reportedly attempted to stab an Israeli soldier.

So far since the beginning of October, more than 95 Palestinians have been killed in shootings and clashes with Israeli forces and settlers. Sixteen Israelis have been killed by Palestinians. According to the United Nations Office for the Coordination of Humanitarian Affairs, in October there were 7,392 Palestinians injured, many of them seriously. The figure for Israelis injured was 112. The number of casualties among West Bank Palestinians in October is the highest recorded in a single month since the OCHA began monitoring conflict related casualties in 2005. Last month M&Y News Agency reported that Israeli military forces issued a message to residents of Aida refugee camp in Bethlehem in Arabic via a loudspeaker. Their message said:

Inhabitants of Aida, we are the Israeli occupation forces, if you throw stones we will hit you with gas until you die. The children, the youth, and the old people, all of you – we won’t spare any of you.

The killing of the 18-year-old Palestinian Hadil Hashlamoun on 22 September by an Israeli soldier has been classified by Amnesty International as an extrajudicial execution. In the face of this tremendous hostility and injustice, the struggle continues. At the Sydney dinner to mark the UN International Day of Solidarity with the Palestinian People I met Aletia Dundas, who recently returned from a two-week trip to Palestine with Christian Peacemaker Teams. She shared her experiences with the gathering. These are a few paragraphs from her speech:

We heard more stories of demolition, dispossession and more demolition when we visited the Negev desert. Although they live in Israel and are Israeli citizens, many of the Bedouin communities who are Palestinian Muslims are being displaced in order to make way for a new Jewish settler village that is being built. While for decades they have been denied basic services and infrastructure, such as roads, medical care, schools and garbage collection, because they are too remote, the new settlement will have all these services and a shopping mall, what's more. Many have solar panels on their roof, which is a great way to reduce reliance on the government for electricity.

Ms Dundas added:

One guy told us that his camels had been stolen and taken to an Israeli camel farm. If he wanted them back he would have to pay for the food and accommodation they were given while held at the camel farm. He could not afford the price and so had to go home without his camels. He now buys milk from the camel farm instead of selling the milk to the farm, as he used to do.

Ms Dundas said that probably the most encouraging aspect of her trip was the visit to the Tent of Nations, a 100-acre farm on the land which has been continually owned by the Nassar family for almost 100 years. Unlike many Palestinians this family had paperwork relating to the official legal title for the land that they own, so the Israeli government was not able to remove them from their land, as has happened to so many other families. This family has continued to face many difficulties. New Israeli laws deny them permission to build new
dwellings and they have been denied access to water and electricity. A large pile of rocks now blocks the main entry road to their farm. This barrier has come to represent the obstacles people face in retaining ownership of the land. Many Palestinians have found creative ways to resist the settlers and the Israeli government, who are trying to steal their land. They have installed solar panels themselves, begun to capture their own rainwater, built composting toilets and all the dwellings are caves, rather than formal structures, because under the Israeli laws caves are not prohibited.

Last week in Canberra I met Leila Sansour, the founder and Chief Executive Officer of Open Bethlehem, a non-government foundation established in London to promote and protect the life and heritage of the city of Bethlehem. Leila was in Canberra for the Palestinian Film Festival. Her film is titled Open Bethlehem and was covered by The Guardian film critic, Peter Bradshaw. This is what he wrote:

Leila Sansour's documentary Open Bethlehem follows her campaign to stop occupying Israeli forces encircling her hometown with a concrete wall. Sansour's film, which follows her attempts to unite Christians, Muslims and Jews in their desire for free access to the Holy City, is the kind of art that peace processes are built on.

I look forward to watching this film soon and I congratulate Leila and her team for all their hard work. I hope we can screen her film in this parliament in 2016.

In September this year the UN General Assembly approved the raising of the Palestinian flag at the UN headquarters, and 119 countries voted in favour, with eight against and 45 abstaining. Australia, Israel, the United States and Canada opposed the move. The Palestinian ambassador to the UN, Riyad Mansour, welcomed the move. He said on the day:

Today's vote is a reaffirmation of the legitimacy of the national aspirations of the Palestinian people—of their existence among the nations of the world and their right to self determination, to be a free people in control of their lives and destiny in their own independent state.

The General Assembly's adoption of this resolution will help to restore some hope to our people and leadership as they continue on the peaceful, non-violent, political, legal path …

He added that the resolution will:

… fulfill the rights of the Palestinian people, achieve a just and sustainable peace, and secure Palestine's rightful place among the community of nations.

Today, 138 nations recognise Palestine as a state with the rights and responsibility accorded to all other states. It is time that Australia added its name to this important list. It is time for this Senate, I believe, to call on the Turnbull government to recognise Palestine as a state.

Tonight I would like to express my appreciation to everyone who works in this building. I am still very pleased and surprised that I am a senator in this parliament. I wish everybody a Merry Christmas, a restful break and a wonderful 2016. I particularly send my best wishes to the cleaners and urge that their industrial demands are quickly granted. I also extend my best wishes to the attendants, particularly those who work in this chamber. How you second-guess our needs is impressive and always appreciated. To everyone, thank you and all the best. To the Comcar drivers, to the Clerk's staff, to Hansard, to the Library, to 2020, to all the committee staff, to my own staff, to all MPs and senators and to all who are still here at this late hour, thank you very much, Merry Christmas and Happy New Year.

The PRESIDENT: Under standing order 54 I cannot recognise any senator who has spoken before. The Senate stands adjourned and will meet again tomorrow at 9.30 am.
Senate adjourned at 23:52

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]


Acts Interpretation Act 1901—

Acts Interpretation (Substituted References—Section 19B) Amendment Order 2015 (No. 1)—Select Legislative Instrument 2015 No. 205 [F2015L01890].

Acts Interpretation (Substituted References—Section 19BA) Amendment Order 2015 (No.1)—Select Legislative Instrument 2015 No. 206 [F2015L01891].


Customs Act 1901—


Environment Protection and Biodiversity Conservation Act 1999—List of Specimens taken to be Suitable for Live Import (19 November 2015) [F2015L01877].


Medical Research Future Fund Act 2015—Medical Research Future Fund (Crediting of Amounts) Determination 2015 (No. 1) [F2015L01889].


National Health Act 1953—


National Health (Price and Special Patient Contribution) Amendment Determination 2015 (No. 9)—PB 108 of 2015 [F2015L01874].

Nuclear Non-Proliferation (Safeguards) Act 1987—Nuclear Non-Proliferation (Safeguards) Amendment Regulation 2015 (No. 1)—Select Legislative Instrument 2015 No. 208 [F2015L01870].


Register of Foreign Ownership of Agricultural Land Act 2015—Register of Foreign Ownership of Agricultural Land Rule 2015 [F2015L01849].


Torres Strait Fisheries Act 1984—

Torres Strait Fisheries Management Instrument No. 10 [F2015L01852].

Torres Strait Fisheries Management Instrument No. 11 [F2015L01853].

Torres Strait Prawn Fishery Management Plan 2008—Torres Strait Prawn Fishery Fishing Season Determination 2015 [F2015L01861].

Tabling

The following documents were tabled pursuant to standing order 61(1)(b):


Government response to the schedule of government responses outstanding to parliamentary committee reports tabled by the President of the Senate on 24 June 2015, dated 26 November 2015.

Treaties—

Bilateral—Agreement between Australia and the Republic of Austria on Social Security (Canberra, 12 August 2015)—Text, together with national interest analysis.

Multilateral—Agreement on Strengthening Implementation of the Niue Treaty on Cooperation in Fisheries Surveillance and Law Enforcement in the South Pacific Region (Honiara, 2 November 2012)—Text, together with national interest analysis and annexures.