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SITTING DAYS—2015

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FORTY-FOURTH PARLIAMENT
FIRST SESSION—FIFTH PERIOD

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

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

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

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

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

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

** Casual vacancy to be filled (vice J Faulkner, resigned 6.2.15), 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
Secretary, Department of Parliamentary Services—C Mills
Parliamentary Budget Officer—P Bowen
# ABBOTT MINISTRY

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<td><strong>Prime Minister</strong></td>
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<tr>
<td><strong>Minister for Indigenous Affairs</strong></td>
<td>Senator the Hon. Nigel Scullion</td>
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<tr>
<td><strong>Minister Assisting the Prime Minister for the Public Service</strong></td>
<td>Senator the Hon. Eric Abetz</td>
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<tr>
<td><strong>Minister Assisting the Prime Minister for Women</strong></td>
<td>Senator the Hon. Michaelia Cash</td>
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<tr>
<td><strong>Parliamentary Secretary to the Prime Minister</strong></td>
<td>The Hon. Charles Porter MP</td>
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<td><strong>Parliamentary Secretary to the Prime Minister</strong></td>
<td>The Hon. Alan Tudge MP</td>
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<tr>
<td><strong>Minister for Infrastructure and Regional Development</strong></td>
<td>The Hon. Warren Truss MP</td>
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<tr>
<td>(Deputy Prime Minister)</td>
<td>The Hon. Jamie Briggs MP</td>
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<tr>
<td><strong>Minister for Foreign Affairs</strong></td>
<td>The Hon. Julie Bishop MP</td>
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<tr>
<td><strong>Minister for Trade and Investment</strong></td>
<td>The Hon. Andrew Robb AO MP</td>
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<tr>
<td><strong>Parliamentary Secretary to the Minister for Foreign Affairs</strong></td>
<td>The Hon. Steven Ciobo MP</td>
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<tr>
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<td>(Vice-President of the Executive Council)</td>
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<td>The Hon. Bruce Billson MP</td>
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<tr>
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The PRESIDENT (Senator the Hon. Stephen Parry) took the chair at 12:30, read prayers and made an acknowledgement of country.

MOTIONS

Deployment of Australian Troops

Senator MILNE (Tasmania—Leader of the Australian Greens) (12:31): Mr President, I seek leave to move a motion relating to the deployment of Australian troops.

Leave not granted.

Senator MILNE: Pursuant to contingent notice of motion, I move:

That so much of the standing orders be suspended as would prevent me moving a motion to provide for the consideration of a matter—namely, a motion relating to the deployment of Australian troops.

For the interest of the Senate, I did have that motion distributed and it was to be that parliamentary approval should be required for Australian forces to be deployed to Iraq. I believe this is a matter of urgency, which is why I have moved for a suspension of standing orders to have it debated.

We have a situation in Australia where going to war is a captain's call, and that is wrong. We are talking about the lives of Australian service men and women, and they are being deployed because the Prime Minister of the day decides that is what he wants to do. In this case, the captain's call is even worse because he made it and then decided not to tell the Australian people about it because a journalist wrote a story in a newspaper saying that he considered sending 3,500 Australian troops to unilaterally invade northern Iraq. So he put off telling the Australian people because he did not want to suffer the backlash from that article. He had to hose that down.

Meanwhile, he goes to New Zealand and allows the New Zealand Prime Minister to announce the joint force that will be going to Iraq. The Prime Minister of New Zealand said there would be 143 New Zealanders. And here we finally find out, after a delay, after they have dealt with the adverse story in The Australian, where one journalist stopped a nation from being told that another 300 troops are going to go to Iraq. So now we have a situation of: 200 Special Forces personnel; 400 in the Air Force over there now; and we are going to have another 300. That is 900 Australian service men and women on the Prime Minister Tony Abbott's captain's call. We are still suffering from the captain's call that former Prime Minister John Howard made in 2003 sending us into the war in Iraq based on a lie.

The Labor Party is going along with this and saying they support it. They put a ridiculous caveat on it that, if the Iraqi security forces engage in unacceptable conduct or if the Iraqi government adopts unacceptable policies, Australia should withdraw. We know now they are engaged in unacceptable conduct. We know that the mess that is the Iraqi Security Forces is fighting alongside Shiite militias which are conducting massacres; 72 innocent people were killed just last week as a result of Shiite militias engaged in bad behaviour.

ISIS has engaged in appalling behaviour as well; let me very clear about that. We are talking about barbaric behaviour on both sides. We also know Iranian generals are fighting with the militias that we will be fighting alongside. We also know those militias are better
paid and better weaponed than the security forces we are supposed to be going there for. The question that the Australian people need answered is: why are they going there, for how long, to what purpose, to what end? The Prime Minister has never made that clear and he still cannot.

It started out as humanitarian aid—and I said then that this would become mission creep. This will see us engaged in a quagmire in Iraq on the back of a captain's call. We have a Prime Minister who is a pugilist who knows nothing other than hitting out and he is sending Australian troops, men and women, into Iraq. We are now going to have 900 of them there—and to what end? For what purpose? As to their engagement with the Shiite militias, what does that mean for Australian troops? We are already in a quagmire and a mess in Iraq, and this is only going to make it worse.

We have already had the military out there saying that the situation we are in right now is that you have to build capability and confidence. They are saying the morale of Iraqi Security Forces is decimated and undermined; their units are fragmented. And we think we can fix that, do we? Do we seriously think engaging with militias and seeing them engage in inhumane and disgraceful behaviour, alongside ISIS doing exactly the same, is going to sort out the Middle East?

This is a bad call, and the parliament should decide. This should not be up to a Prime Minister. The community out there honestly thinks that the parliament sends Australian troops. We do not. The Prime Minister makes the call, the captain's call. It is ill-considered; it has not been explained. It is wrong. (Time expired)

**Senator FIFIELD** (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (12:36): I should indicate at the outset the reasons why the government denied leave for Senator Milne to move her substantive motion, which is the same reason the government will be voting against the motion to suspend standing orders. There are several reasons. The first and by no means the primary reason is that, yes, Senator Milne did circulate this motion through the chamber moments before the Senate sat but there was no reasonable period of notice given to the other senators in this place to consider what it was that the Greens were putting forward.

The second and perhaps more significant reason for denying leave and opposing the motion to suspend standing orders moved my Senator Milne is the very long established convention and practice observed by both the coalition government and by also the Australian Labor Party in government—and I do not want to pre-empt whatever the Prime Minister will be saying today—that the deployment of Australian Defence Force personnel in whatever capacity and in whatever way is a decision for the executive government of the day. We do not have the system of the United States here where the congress needs to endorse or give
approval to certain actions in relation to armed service personnel. We have a different system here.

We follow the Westminster conventions in this place. As I said, it is something that has been observed by both Labor governments and coalition governments that the Australian Defence Force personnel and their deployment is a decision from the executive government of the day. Now that is not to say that it is not appropriate for those deployments to be debated and discussed in the chambers of the Australian parliament. That is not to say that it is not appropriate for there to be the parliamentary scrutiny and questioning of those decisions. We have the forums and the formats of question time in both places. We have a range of other parliamentary mechanisms where these matters can be examined and debated. And there have been occasions where there has been the provision of the opportunity to debate the decisions of government. But we have not and do not accept as a government that there is or should be a requirement for parliamentary approval for the deployment of Australian Defence Force personnel. That is the practice and I think it is appropriate in the context of our particular system of government.

So it is for those reasons that the government denied leave for the Australian Greens to move their substantive motion and it is also for those reasons that the government will not be supporting the motion to suspend standing orders. We do not think the case has been made and we do not support the concept that parliamentary approval is or should be required. These are matters, appropriately, for the elected government of the day.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (12:41): I indicate that Labor will not be supporting this suspension as it has not supported previous suspensions. I would like to begin by expressing Labor's support for the ADF personnel currently involved in operations in Iraq and the wider Middle East. Like they always do, our ADF personnel serving with dedication and distinction. They are having an impact in the international efforts against Daesh. Our RAAF pilots have completed 167 missions, releasing over 200 weapons. Our other Air Force assets including refuelers, command and control aircraft, and heavy lift aircraft are providing valuable support for the international mission. Our special forces are now on the ground in Iraq advising and assisting the Iraqi armed forces.

The Chief of the Defence Force, Air Chief Marshal Binskin, told Senate estimates last week that our contribution is making a difference against Daesh:

… for all intents and purposes … their major push and their major strategic message of being able to establish a caliphate is in question.

Let me repeat, Labor supports the current commitment to fighting Daesh in Iraq. If there is a change to the size or make up of Australia's military contribution to Iraq, the government has promised to fully brief the opposition. Any changes to the mission should be fully explained to the Australian people by the Prime Minister.

As Labor has said before, the role of parliament is to debate issues of concern, particularly when it comes to whether Australia deploys its defence forces. Labor supports the role of parliament as a place of debate but that should not be confused with requiring parliamentary approval for military deployments. The role of the parliament in approving military action is fraught with danger. The government must retain maximum flexibility to respond to threats to Australia's national security quickly and efficiently. Requiring parliamentary approval prior to deploying ADF personnel and assets could unnecessarily increase the risk to the deployment.
Furthermore, the government of the day has access to classified information which the parliament does not. Executive government remains the most appropriate body to exercise civilian control of the Australian Defence Force. And we fully expect the government to provide opportunities to debate this deployment in the coming weeks and months.

Just last week the defence minister provided an update on operations in Iraq, Afghanistan and the Middle East. That is appropriate and it ensures an important level of transparency to any ADF deployment. Regular statements to parliament by the government is something that Labor initiated and it is something that this government is continuing. As I have said, it is appropriate for the parliament to debate government decisions that involve the deployment of ADF personnel, but that should be done in a considered way. We do not believe that this is a considered way and we do not support this suspension motion.

Senator LUDLAM (Western Australia) (12:45): I rise to support the suspension motion. What we see in front of us is, by its very definition, precisely the kind of mission creep that was predicted at the outset—here in Australia, in the United States and in the United Kingdom. Nobody, from the Prime Minister's office down, has ever made clear what the primary objective of the mission is. What is the rationale? What is the desired end state? What does success look like? I strongly take issue with Senator Conroy's comments—although they are reflected by those of Senator Fifield—that because the executive has access to classified intelligence materials the decision somehow lies outside this place. These are not tactical decisions; these are very political decisions. In a democracy, the decision to deploy is not a military decision. It is a decision that should be taken democratically.

Senator Fifield let the cat out of the bag a short time ago. President Obama had to go to congress and Prime Minister Cameron had to go to Westminster because, in part, of the debacle of the 2003 invasion of Iraq. That invasion was presided over by a substantial fraction of Abbott government frontbenchers, not a single one of whom has uttered a word of contrition or apology for that catastrophe; nonetheless they are demanding that we be led blindfolded into another deployment. The very same people who presided over that disaster are now leading us into another. These are political decisions. Once the political decision has been made—as it has been in Washington, as it has been in London—then the considerations are turned over to the military. That is where your classified intelligence material comes into play. Politicians should not get involved in specifics of deployments. Those are military and strategic decisions; this is a political one.

What we have heard from Senator Conroy and Senator Fifield is, effectively, a declaration of incompetence. You are willing to let the Prime Minister stand up in front of as many flags as he can muster—in desperate search of a bounce in the polls—to announce a deployment. You would not be willing to put your name on the voting register as having supported that deployment when it all goes horribly sideways, as it did after 2003. As Prime Minister Abbott has identified, the Iraqi authorities need to give consent for Australian troop deployments and positioning in Iraq. So effectively it is everybody except us. Australia just goes traipsing along behind our great and powerful ally, the United States, as we have done with so many disastrous deployments. It is everyone except Australia.

Through you, Mr Acting Deputy President: Senator Fifield, if not now then when? Should we wait for a prime ministerial press conference? Should we wait for the PM to array himself in front of an extraordinary display of flags in response to announcements that have been...
leaked and foreshadowed in the media by other leaders for weeks? You expect the parliament
to behave like that, in the face of one of the most significant decisions, if not the most
significant decision, that a legislature or an executive can make. I strongly disagree, Senator
Fifield—through you, Mr Acting Deputy President. The time for that debate is now and the
place for it is here—not in the context of some prime ministerial brain snap that may or may
not have happened, no matter how well intentioned. That debate should happen in the open
air, in the light of day, in an elected parliament. That is what this place is for. Other
democracies may have grown up enough, either through the war power invested in congress
hundreds of years ago or much more recently in the instance of Westminster, with respect to
reacting to the debacle of Iraq. There is now a convention. It is not put to a vote, but senators
here will be well aware that the royal military was prevented from being put into the fight in
Syria by a debate in Westminster. That is how mature democracies make these decisions, not
on the basis of plans drawn up on the backs of envelopes by prime ministers desperate for a
lift in the polls. That is not how deployments should occur in modern democracies.

Senator Fifield: That is offensive.

Senator LUDLAM: I will tell you what is offensive, Senator Fifield, and that is simply
being told that we have to trust this Prime Minister on the most significant decision that a
nation can make, against the backdrop of a series of disastrous captain's calls. It is about time
we grew up and submitted these discussions, debate and, ultimately, decisions to those elected
MPs who would then need to live with the decisions that they make.

Senator XENOPHON (South Australia) (12:50): I will make a brief contribution
indicating that I do support this motion. This is an important issue. It is a pity that leave was
not granted
to deal with this important issue. I want to restate what I said on 1 September last
year in this place: there ought to be a measure of parliamentary approval. Senator Ludlam is
right. We are behind the United States and the United Kingdom when it comes to
dealing with
troop deployments. Picking up on Senator Conroy's point, we do need to consider that there
may be circumstances when there is an urgent need for deployment of troops that may not be
subject to immediate parliamentary approval, but there ought to be a mechanism or a trigger
in place to ensure that parliamentary approval is dealt with. That is why I think that is
important.

Let us look at the issue of the invasion of Iraq in 2003. It overthrew the brutal regime of
Saddam Hussein and then, recklessly, the coalition forces dismissed the entire army and
dismantled the Ba'ath party. These last two events fuelled an insurgency, ignited a vicious
civil war between the Shiites and the Sunnis, increased Iran's influence and, most tragically of
all, led to hundreds of thousands of deaths. Meanwhile, at regional level, tensions between the
Sunnis and Shiites have increased. For instance, Saudi Arabia backed the crushing of the Arab
Spring in order to defeat the Shiites, particularly in Bahrain. This is a very delicate
geopolitical situation but we have to deal with these issues in the parliament. That is what
parliament is for; it is not for telling the military what to do or how to do it but in terms of our
long-term involvement and in terms of being constantly vigilant in terms of mission creep.
Otherwise we are headed for another disaster.

I put it unambiguously that Islamic State—ISIS or Daesh, as they are also called more
appropriately—is an evil organisation. They have been responsible for callous atrocities, and I
support what the government has done to date in order to crush ISIS and to ensure that the
people that they have occupied are emancipated. But we must learn from the catastrophic consequences of George W Bush's handling of Iraq. We must ensure that these minor incremental increases do not turn into a full-scale war.

Finally, I want to make this absolutely clear: I wish our troops well. I am sure they have done us proud and will continue to do us proud. The issue here is having parliamentary scrutiny of the most grave decision any government can make, which is to send our trips to war.

**Senator FAWCETT** (South Australia—Deputy Government Whip in the Senate) (12:53):

Firstly, I just want to refute and take exception to the comment by Senator Ludlam that this has any relationship to polls. I think that is a statement that people in Mosul, that people in the Raqqa province and that the Coptic community who have seen members of their community beheaded recently would take exception to. They would take exception to the statement that there is no crisis over there, there is no worldwide attention needed to defeat these forces. Yet he is linking Australia's response as a responsible, international citizen to support the resolution of this and the re-establishment of sovereign control of Iraq by the Iraqi government to somehow trying to reduce that to a crass, domestic, political situation. I refute that and I do not accept that.

He also mentioned the lessons of Iraq. If there is one lesson we should be learning it is that when you are dealing in areas like that where there are long held, centuries old tensions between communities—whether they be religiously based, ethnically based, geographically based—we need to be empowering those people to seek a resolution, preferably diplomatically but, if needs be, through military means. At its essence, this is a training mission. The whole purpose of this deployment is a training mission to help the Iraqi forces, at their invitation, so that they can re-establish sovereign control of their own nation. This is not like Australia sending an invading force. This is a training mission to go and help them. So if we are going to learn anything from the Iraq conflict, the Greens should be welcoming the fact that Australia is seeking to help build the capacity of the Iraqi military and government to re-establish their own control.

We also have the statement from the Leader of the Greens who is talking about this being a captain's call or a captain's pick. It ignores the fact that there is a system within our form of government whereby it is not just the Prime Minister, it is also the National Security Committee of cabinet and cabinet who approve decisions that are made that result in a deployment of Australian troops. The suggestion that somehow—as Senator Xenophon, who I have a high degree of respect for, indicated—we should have a situation where, in an emergency, people could be deployed and then we could have a debate and the parliament might seek to overturn that ignores the reality of what it means once you have placed men and women in harm's way.

That is part of a plan, normally part of a coalition, and to then seek to extract them exposes them to more risk than it does to follow through with a considered plan. Our government does not act without advice from the Defence Force, from the professionals who have, at their disposal, a range of intelligence that is not available to members of parliament, except to those who have the appropriate clearances and are on roles like the National Security Committee of cabinet. It is certainly not available to the media or to the public. Those people
are informing the government about options, and a debate before a deployment is potentially
dangerous to our troops.

I looked with some horror at the media questioning of the government before we deployed
some ADF and other assets to support the recovery of Australians who were killed in the
incident over Ukraine. The persistent and detailed questioning from media around exactly
who was being deployed, where they were being deployed and what they were being
deployed for was actually putting Australians in that place at risk. If you extrapolate what
happened in that small example to a broader example of a deployment of a force, it is not
appropriate, it is not safe and it is not the precedent in this country which has served us well
over many years for this parliament to usurp the ability of the cabinet to make that decision
that, where it is in Australia's best interest, our Defence Force should be deployed.

**Senator LAMBIE** (Tasmania) (12:57): I rise to speak to the motion before the Senate
regarding the deployment of the ADF personnel to overseas conflicts. While I support the
Greens motion to have a debate about the current military deployment, I do not support the
Green's proposal to change the way the decision-making process is made to send the troops
overseas. All I propose to change is the decision makers, who have clearly made the wrong
call in sending our troops back overseas again. Some people are having difficulty in grasping
this following fact: despite all the terror attacks, despite the fact that our official terrorism
alert is high, which means that an attack by an enemy is likely, we are at war.

Firstly, I would like at least the Liberal Party to be big enough to say it as it is: we are at
war. Let us just say it. Let us be honest. It is a war that we did not want. It is a war that other
people have declared on us because they do not like our freedom, our democracy and our way
of life, and they do not like the fact that our women and gay people have the same rights as
men. They do not like the fact that we do not worship and pray to the same god that they
worship and pray to. Therefore, they want to kill and enslave us.

Secondly, for anybody that does not know, out of all the troops that we have—which is
about enough full-time troops to half fill the MCG, and then we have reserves on top of that—
if you take everything away, we have about 3,000 combat troops. Three thousand combat
troops in the last 12 years have shared this war between them. Some of them have done six to
10 tours. That means they have already spent five or six years in the war zone. Some of them
we are sending back on anti-psychotic drugs.

We are not ready for this war because we stopped spending what we should have spent out
of our GDP. That is what the problem is, and we just have not been restocking for years. This
is caused by both major sides of politics. And now you are going to send these men and
women back into the war zone. Not only that, you still have not returned the 1.5 per cent pay
rise that you ripped out of them, that you stole from them. But you can stand in front of their
faces and tell them they are going back to war. What sort of men does that make on your
cabinet, let alone your PM?

But, for the worst of this, let's go into Veterans' Affairs. Let's go into the theory of 'don't
send them to war when you cannot look after them when they return'. Right now you people
have put in place a system—

**The ACTING DEPUTY PRESIDENT (Senator Williams):** Senator Lambie, direct your
comments through the chair, please. Continue on.
Senator LAMBIE: Acting Deputy President, the Liberal Party set up a system which is called 'offsetting'. It is under three different acts, so now when these men return you are ripping them off. They are not getting paid out in full for their injuries and they are suffering. You know about this but you still refuse to fix it. You know this offsetting is an issue. Veterans' Affairs is in chaos, but you are prepared to sit there and you are prepared to send these men back into war. Well, you know what? I suggest you go and clean up a little bit, because you are out of order. How easy it is for you people to sit over there and say: 'Guess what, men? You're going back into war.'

The ACTING DEPUTY PRESIDENT: Senator Lambie, please direct your comments through the chair.

Senator LAMBIE: Like I said, that is after you rip 1.5 per cent of their pay rise off them, off their families. How is their morale going? That is how you are going to send them back into war. You should be bloody proud of yourselves! As a matter of fact, you should be absolutely ashamed of yourselves. It is an absolute disgrace. Why don't you start looking after them and leading by example?

The ACTING DEPUTY PRESIDENT (Senator Williams): The time for the debate has now expired. The question is the motion to suspend standing orders moved by Senator Milne be agreed to.

The Senate divided. [13:06]

(The Acting Deputy President—Senator Williams)

Ayes .................12
Noes .................40
Majority .............28

AYES
Di Natale, R
Lambie, J
Milne, C
Rice, J
Waters, LJ
Wright, PL

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

NOES
Back, CJ
Bushby, DC
Canavan, M.J.
Colbeck, R
Cormann, M
Day, R.J.
Fawcett, DJ
Gallacher, AM
Lazarus, GP
Lundy, KA
Madigan, JJ
Mason, B
McKenzie, B
Muir, R
Bullock, I.W.
Cameron, DN
Carr, KJ
Collins, JMA
Dastyari, S
Edwards, S
Field, MP
Ketter, CR
Ludwig, JW
Macdonald, ID
Marshall, GM
McGrath, J
Moore, CM
O'Neill, DM

CHAMBER
Question negatived.

**DOCUMENTS**

**Tabling**

The Clerk: I table documents pursuant to statute and returns to order in accordance with the list circulated in the chamber. 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**

**Meeting**

The Clerk: Proposals to meet have been lodged as follows:

- Education and Employment Legislation Committee—public meeting during the sitting of the Senate on Thursday, 5 March 2015, from 4 pm, for the committee’s consideration of the 2014-15 additional estimates.
- Joint Standing Committee on Electoral Matters—public meeting during the sitting of the Senate on Wednesday, 4 March 2015, from 10.30 am, to take evidence for the committee’s inquiry into the 2013 federal election.
- Rural and Regional Affairs and Transport Legislation Committee—public meeting during the sitting of the Senate on Thursday, 5 March 2015, from 11 am, for the committee’s consideration of the 2014-15 additional estimates.

The ACTING DEPUTY PRESIDENT (Senator Williams) (13:09): I remind senators that the question may be put on any proposal at the request of any senators.

**BILLS**

**Broadcasting and Other Legislation Amendment (Deregulation) Bill 2015**

In Committee

Debate resumed.

The TEMPORARY CHAIRMAN (Senator Williams) (13:10): Is it the wish of the committee that the bill be taken as a whole? There being no objection, it is so ordered. The question is that the bill stand as printed.

Senator XENOPHON (South Australia) (13:10): I have some amendments that have, as I understand it, been circulated in respect of this bill.

The TEMPORARY CHAIRMAN: Yes, Senator Xenophon, they have been circulated.

Senator XENOPHON: by leave—I move amendments (1) and (2), together, on sheet 7666:

<table>
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<td>O’Sullivan, B</td>
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<td>Polley, H</td>
<td>Reynolds, L</td>
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<tr>
<td>Ruston, A</td>
<td>Seselja, Z</td>
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<tr>
<td>Singh, LM</td>
<td>Smith, D</td>
</tr>
<tr>
<td>Urquhart, AE (teller)</td>
<td>Wang, Z</td>
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<tr>
<td>Williams, JR</td>
<td>Wong, P</td>
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I spoke largely to this during my second reading contribution. Essentially, these amendments would require local content in South Australia, because South Australia was never included in the context of broadcasting legislation to have local content and local news bulletins in particular. The legislation did not include Western Australia or the Northern Territory because of a number of regional factors. South Australia lost regional television services in the south-east of South Australia and in the Riverland, but I am completely open as to whether there ought to be additional safeguards in Western Australia. There is quite a different media market there in terms of the size of that state and the population distribution. But this is basically saying that if regional communities had local television content—I know the importance of local coverage in New South Wales, Victoria, Queensland and Tasmania—they are all covered by the broadcasting act, but South Australia has been omitted. This is about rectifying that. I have had discussions, as recently as yesterday, with Harold Mitchell from Free TV to express my concerns about the need for commercial broadcasters to provide local coverage. I have had discussions with Bruce Gordon, the owner of WIN Television, about this issue as well. Losing their local content has been a real body blow for the communities in the south-east of South Australia, in Mount Gambier and surrounding communities, in the Riverland, Renmark, Loxton, Berri, Barmera and other surrounding communities. Losing their half hour news service has been a real body blow to that community infrastructure and that dissemination of information. This is what these amendments seek to deal with, that is why I am here and that is why I am moving them.

Senator IAN MACDONALD (Queensland) (13:13): I would like to ask the mover of the amendments why he thinks this is necessary. This is a question that has come up over a long period of time in this chamber. It is a question of whether the parliament should regulate to indicate how broadcasting stations and media outlets should operate their businesses. I have always been of the view that if people want that sort of service they will watch the TV or listen to the radio that provides that service and the increased number of viewers or listeners will then make that a very attractive proposition for advertisers. So advertisers will flock to the stations that do that, and, because of the interest shown by locals, the service will happen. But, if there is not viewer or listener support for a locally produced news outlet, then no advertisers are going to support it and life will move on.

So really my question to the mover is: why should this be regulated? Why wouldn't the market forces demand that this happen if it were wanted? Is this what viewers in this part of South Australia that Senator Xenophon speaks about want? If it is what they want, you would think that the advertisers would come in and support such an issue. I do not know the particular area that Senator Xenophon talks about, although the amendment does seem sort of specific to an area. I am not sure whether we can pass laws here for a specific part of our country, but no doubt Senator Xenophon has considered that.
I do remember that, when the issue arose in Queensland some years ago and there was an attempt made to regulate or legislate to provide for these services, the broadcasting outlets involved indicated that none of their listeners particularly wanted to do this and therefore they were not interested in doing it. But more importantly—they were commercial radio stations—none of the advertisers were interested, because it became a turn-off for the local area. I am curious, having only just come into this debate, about Senator Xenophon's reasons for raising this. I would be very interested to hear them. I am sure he has thought about these things, so I will listen intently to the answers he gives.

Senator XENOPHON (South Australia) (13:17): When crossbenchers move amendments, there is often not enough questioning about them, so I genuinely am grateful to Senator Macdonald. In terms of the history of this, section 43A of the Broadcasting Services Act places an obligation on holders of regional aggregated commercial television broadcasting licences to produce a minimum level of material of local significance to each area. That has been the history of the legislation for some 23 years. The policy rationale for that, as I understand it, was that, by virtue of getting a commercial television licence—the gift of a licence, if you like—there ought to be certain community service obligations, in a sense. That was the case in New South Wales, Queensland and Victoria—not Tasmania, but Tasmania was subsequently included, as I understand. South Australia—and, I think, WA and the Northern Territory—were subject to a review. That review of ACMA, or consideration of the markets in South Australia, Western Australia and the Northern Territory, was intended to take place following this, because the areas listed under subsection 43A(2) excluded Tasmania, which was added in 2008. They were originally set out in the act in the late 1980s. I apologise for that. It was in the late 1980s, so this has been going for quite a few years. The review never actually occurred. That is referred to in the Australian Broadcasting Tribunal's Broadcasting in Australia 1989 report, Sydney July 1990, at page 3. I do not have that in front of me, but that is the reference for it. So it did not occur.

The trigger for these amendments and for the previous bill I introduced was back in February 2013 when WIN TV decided to remove their local news bulletins in the south-east of South Australia, centred around Mount Gambier, and in the Riverland of South Australia, centred around their Loxton studio. At that stage, there had already been an aggregation of news services, so about half was from the south-east and half was from the Riverland, because of cost-cutting. I have had discussions about Bruce Gordon, the legendary Australian, the owner of WIN. I am not referring to Bruce Gordon in respect of this, but my understanding from speaking to those in television is that, because there was a requirement to have local content on the eastern seaboard but not one to have it in South Australia, it was much easier for there to be a rationalisation to get rid of the bulletins in South Australia’s Riverland and in the south-east. I hope that explains to Senator Macdonald the history of that.

The issue of what consumers want is this. Advertisers are concerned about how many viewers are listed as watching a particular program. We have requirements in terms of local content more broadly. Advertisers are interested in how many viewers there are—the bang for their buck, in terms of advertising. I understand that. I am not being critical of them. Market failure is perhaps not the right way to put it, but it is a case where there was a community demand for those programs in terms of local sports coverage and local government coverage. Local politicians, state and federal, got good coverage about local issues. Particularly during
the drought in South Australia, the Riverland WIN TV had a key role. WIN TV's local bulletin in the south-east of South Australia covered forestry issues exceptionally well, whereas the metropolitan media did not.

What I was trying to do through these amendments was to remedy what I saw as an anomaly under section 43A of the act: that other states were included, but South Australia, Western Australia and the Northern Territory missed out—although there are regional differences between WA and the Northern Territory. That is the basis of the amendments: that there is a case of, if not market failure, market distortion by not including South Australia in 43A, the amendment that gave protection to local coverage. Senator Macdonald, it is always a pleasure to get a question from you. I hope I have answered it in part at least.

**Senator IAN MACDONALD** (Queensland) (13:21): Senator Xenophon, with respect to you and others of my colleagues, I think you hit the nail on the head when you said politicians, state and federal, want to be able to get their message across. I say with the greatest respect to former colleagues of mine that I have the feeling that their great interest in this was not so much in community demand but in their wish to be able to have a dedicated medium to distribute their message.

**Senator Xenophon:** There's nothing wrong with that.

**Senator IAN MACDONALD:** There is nothing wrong with that, I agree, but perhaps the viewing public are not quite so keen. Of course, the private owners that have to pay for these things but cannot get advertisers because no viewers really want it might not quite have the same view.

You talk about section 43A. I confess to not knowing if that is still in force and applying to Queensland. I can only say from my own experience in the regional market of Townsville—and I could say Cairns as well, and indeed Rockhampton and Mackay—that both WIN and the Seven Network compete for the local news. And why? Their research shows that, if they can capture the viewing audience for the Channel Seven news in Townsville, people will stick on Channel Seven and go through, because it is such a popular show. It is not popular because Ewen Jones, Warren Entsch and I regularly appear on these—

**Senator Fifield:** No!

**Senator Colbeck:** You undersell yourselves.

**Senator IAN MACDONALD:** Well, you may be surprised, Minister and Senator Colbeck, but it is not the fact that we are on those, and I must say that both Mr Entsch and Mr Jones appear much more regularly than I. That is not what gives it the attraction to the TV stations and then to the advertisers. It is because people do like to know what is happening in their area in Townsville and Cairns.

I am surprised that you are telling me that in a part of Western Australia that I am not terribly familiar with—it is a lovely part of South Australia; I am sorry. There are lovely people there and lots going for it, but I would have thought that commercial forces would have applied in Mount Gambier as they do in Townsville, Cairns, Mackay and Rockhampton. That is the bit that I hesitate on when you—

**Senator Hanson-Young:** Why do you hate people in Mount Gambier so much?

**The TEMPORARY CHAIRMAN (Senator Seselja):** Order!
Senator IAN MACDONALD: I beg your pardon?

The TEMPORARY CHAIRMAN: There is plenty of opportunity to go back and forth. We are in committee.

Senator IAN MACDONALD: Another silly comment from Senator Hanson-Young.

The TEMPORARY CHAIRMAN: Senator Macdonald, I will ask you—

Senator Hanson-Young: Why don't you shush me?

The TEMPORARY CHAIRMAN: Order, Senator Hanson-Young! I will not make any comment on the comment, but I will ask you not to respond to it nonetheless.

Senator IAN MACDONALD: Thank you, Mr Temporary Chairman. I must say, though, that Senator Hanson-Young has form. I chaired a committee meeting recently where, as chairman, I had to put up with a continual series of interjections from Senator Hanson-Young, and Senator Wong, I might say—continuously interjecting, contrary to standing orders, to the extent that I asked Senator Hanson-Young to leave the room.

Senator Ludlam: Mr Temporary Chairman, on a point of order, I just ask you to call Senator Macdonald to the question that is before the chair so we can get on with this debate.

The TEMPORARY CHAIRMAN: Thank you. I think the senator has a point, Senator Macdonald. We will come back to the amendments that are before the committee.

Senator IAN MACDONALD: Thank you, Mr Temporary Chairman. The interjection was—

Senator Jacinta Collins: He's ignoring you, Mr Chairman.

Senator IAN MACDONALD: Sorry?

Senator Jacinta Collins: He's ignoring the chair. He said, 'Get back to the point.'

Senator IAN MACDONALD: Well, the interjection was: why do I hate Mount Gambier? It was such a stupid, irrelevant interjection and accusation against me that I want to respond to it. If you want to ask Senator Hanson-Young to withdraw the interjection then I will not need to answer it.

The TEMPORARY CHAIRMAN: Senator Macdonald, as I said, responding to interjections is disorderly. I have asked Senator Hanson-Young not to interject, and she would help the situation if she were to no longer interject. Senator Macdonald, in dealing with the amendments, if you want to deal with the broad subject matter, you can, but I would ask you not to respond to interjections and I would ask you to focus on the amendments which are before the committee.

Senator IAN MACDONALD: Thank you, Mr Chairman. When you have stupid, irrelevant interjections like that, they have to be answered. I am sorry. They are on the record and they need to be answered, because I can assure you, Mr Temporary Chairman, that Senator Hanson-Young will have a media release out within half an hour saying, 'Liberal senator attacks Mount Gambier'. If she had listened, which she rarely does, she would have heard me say to Senator Xenophon just a fraction before that it was a lovely part of the world. I indicated that I was not terribly familiar with that area, but from what I have seen of it over the years it is a lovely part of the world. There are lovely people there. It is a very important part of the Australian regional economy.
But I am drawing the likeness to Senator Xenophon's attention. In Townsville, Cairns, Mackay and Rockhampton, which I am familiar with—and, I am sure, in many other parts of regional Australia—you do not need to regulate for this. If there are regulations—I am not sure that there are, but if there are—they are certainly not needed in those places, because again I repeat that the Channel Seven and Channel Nine affiliates, WIN and Prime or Channel Seven, actually compete for the local news, because it is good for viewer participation. Viewers do watch the local news. That attracts advertisers, and that, of course, attracts the businesses that run these organisations. I repeat that I am not familiar with the Mount Gambier area, but if there were a demand in the Mount Gambier area then one would think that the first people to know about that would be WIN Television, and the second lot of people to know about it would be the advertisers. If the viewer demand is not there then one would wonder why the federal parliament should be regulating to provide a service that clearly nobody wants.

Senator XENOPHON (South Australia) (13:29): I will just respond to Senator Macdonald's comments and, I think, additional questions inherent in that. There are a few things. Firstly, producing local television is always expensive. That is why you get the ABC and commercial networks buying stuff from overseas. For instance, for Channel Ten, I do not know how much The Bold and the Beautiful actually costs to bring into the country, but presumably it is not very much compared to, say, producing their flagship current affairs shows or news program, The Project.

One of the issues has been that this is a case where the market has been modified by virtue of the operation of section 43A in the context of those requirements for local content. We know that the Seven Network's Today Tonight program is no longer running on the eastern seaboard but has been kept alive and is still doing very well in Western Australia and South Australia. This is not because of any legislative requirements but because television stations will try and save money. I am not having a go at them for that, but the consequence is that local television production costs more than a program beamed in from Sydney or Melbourne. There is an anomaly in the legislation, in my view, given the way section 43A was operating. And there was an intention for it to be further reviewed but that review was never completed. I have made reference to the Australian Broadcasting Tribunal's 1989 report Broadcasting in Australia. All I am trying to do with this amendment is to bring at least South Australia in line to deal with that particular issue.

The other issue is that producing local television content is quite different now than 20 or 30 years ago. A Betacam costs about $100,000. You can have broadcast quality equipment for $6,000 or $7,000, which journalists in the Southern Cross Network use out of Port Lincoln, Whyalla, Port Augusta and Port Pirie, and they seem to be able to put together a very comprehensive news bulletin. So I think the media has changed and it is just convenient to drop South Australia from that by virtue of a lack of a requirement in section 43A. I hope that answers Senator MacDonald's questions, but I think he has raised some very important issues. In terms of local advertisers, as long as they have got the viewers there they do not care whether they are watching The Bold and the Beautiful or the local news bulletin; what they are interested in is the number of eyes on the television set.

Senator IAN MACDONALD (Queensland) (13:32): I thank Senator Xenophon for those answers. I acknowledge his passion for his electorate and the place where he gets votes. His
passion for South Australia almost matches that of my colleagues on this side from South Australia—and one of them has just walked into the room. With respect, you almost get tired of the way they continually advocate for, promote and support South Australia. They are fabulous supporters of and advocates for South Australia—and Senator Xenophon is another one in that same category. Having said that, Senator Xenophon, I have heard what you have said. Thank you for your answers, but I am afraid you have not convinced me, so I will be voting against the amendment.

Senator LUDLAM (Western Australia) (13:33): The Australian Greens will be supporting Senator Xenophon's amendment. I did listen to Senator Macdonald's contribution because I guess the committee stage is precisely so that these sorts of questions can be asked of the movers of amendments. For Senator Macdonald's benefit, a similar situation prevails in regional Western Australia. These networks have to be heavily regulated or they would barely exist at all—whether it be broadcast radio or broadcast television. Quite a strong framework of legislation remains in place around things like local content and the media regulations that were in part installed by a former iteration of your government, Senator Macdonald. My understanding of the amendments that Senator Xenophon has brought forward is that the very regulatory framework that prevails in regional Queensland, which does provide for a measure of local content—news, current affairs and so on—is lacking in the parts of regional Australia that Senator Xenophon has highlighted. This amendment will go some way towards enforcing a similar measure of regulation.

In a country as heavily urbanised as Australia it means that the representation that comes into this place will be predominantly representing urban or peri-urban electorates. I think it is important we keep in mind that, in regional areas, locally produced regional media can be a tremendously important voice. And that is partly why we stand up so strongly for regional ABC broadcasters—because, in some instances, commercial players simply cannot maintain that service. So we will be supporting this amendment when it is committed to a vote.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (13:34): I have enjoyed the contributions of my colleagues in the committee stage and I think it demonstrates one of the many virtues of the way this place operates. I think Senator Xenophon's proposition for an amendment to add regional South Australia to the list of commercial television licence areas that are subject to local content licence conditions has been well canvassed. While the government clearly does support the provision of local news and content to the people of South Australia, we believe the amendment proposed by Senator Xenophon is not necessary.

In 2013 the ACMA conducted an inquiry into the provision of local content in South Australia. It found that in Mount Gambier and the Riverland, the two licence areas where commercial television licensees do not produce local content, 86 per cent of residents were generally satisfied with the level of local content available. This included local content sourced from state based television news produced in Adelaide, services produced by the ABC and via commercial radio, print and online news sources. The ACMA concluded that the local content obligations were operating effectively and that there was no clear case for an extension of local content obligations to additional regional areas given the high level of satisfaction reported by residents in regard to their access to local content, the high cost of
providing local content and the adverse financial impact this would have on the relevant licensees.

Senator Xenophon was not expecting government support on his amendment, and I confirm that.

Senator XENOPHON (South Australia) (13:36): I am not intending to have a division. I am grateful that the opposition, the Greens and the government have indicated their positions. In relation to that ACMA report, there were criticisms about the methodology and the questions asked. I can tell you that, in the local communities of Mount Gambier, in the south-east and in the Riverland, there was a real sense of loss felt when those local bulletins went. It was not just political coverage—far from it—but sports and local coverage of issues of interest to the local communities. There was a powerful sense of loss of community. I do not think the ACMA survey was the be all and end all in its methodology and some of the questions asked.

Having said that, I am grateful for my colleagues indicating where they stand on this. I know the amendments will be defeated, but at least we have had that debate at this stage. But it will not go away. I still hope that Bruce Gordon one day will change his mind and bring back local content to the south-east and the Riverland.

Question negatived.

Bill agreed to.

Bill reported without amendments; report adopted.

Third Reading

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (13:38): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

BUSINESS

Rearrangement

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (13:39): I move:

That government business order of the day No. 2, Parliamentary Service Amendment Bill 2014, be postponed till the next day of sitting.

Question agreed to.

BILLS

Tax and Superannuation Laws Amendment (2014 Measures No. 7) Bill 2014

Excess Exploration Credit Tax Bill 2014

Second Reading

Debate resumed on the motion:

That these bills be now read a second time.
The opposition supports the Tax and Superannuation Laws Amendment (2014 Measures No. 7) Bill 2014 and the Excess Exploration Credit Tax Bill 2014. There are obviously a number of schedules in the bills before the parliament which deal with a range of issues such as the making of excess non-concessional superannuation contributions, the management of tax investigation and complaint-handling functions, the exemption of certain compensation payments from CGT, and other matters. In my remarks today I want to briefly focus on schedule 6, which introduces an exploration development incentive to encourage investment in small mineral exploration companies which are undertaking greenfield mineral exploration in Australia. It provides Australian resident shareholders of junior explorers with a refundable tax offset.

I will make some observations about this point. This is a measure which has been mooted for many years in Australia. In fact, there are several of these facilities which are already in place. I note that the minister's second reading speech in the other place alluded to the fact that these measures are designed in part to reverse the slump in exploration for mineral resources, and I want to make just a couple of points about that. Obviously, the opposition recognises the importance of exploration activities to Australia's resources sector and to our economy more broadly. These activities not only drive the exploration economy but obviously also are critical to the development and ultimately the production and export of these resources. We also understand the length of time which is associated with many of these projects. Western Mining found uranium in Olympic Dam, in South Australia, my home state, I think in the early 1970s, 1974 or thereabouts, and we recall that the first ore was not extracted until the mid-1980s.

When the Labor government was in office, there was an estimated $270 billion in committed capital investments, and direct employment in resource operations across our country was some 250,000 people. In the first year of this government, we have seen this reduced to employment of under 230,000. We have seen significant decreases in mining exploration. If the government were in opposition now, no doubt it would rail as to why this was entirely the government's fault. I would make this point: the exploration cycle, the exploration economy, is largely driven by the commodity cycle, and no amount of partisan posturing by those opposite can get away from the fundamental economics, which are these. The incentive to explore, for example for iron ore, is high when the iron price is high, and clearly, when the iron ore price is dropping to the levels we have seen, there is not only pressure to contain costs but also less financial incentive and economic incentive for exploration activity.

In Australia we had a flow-through share scheme similar to this in the 1950s, which was subsequently curtailed in 1973. Another scheme was introduced in the late seventies under the Fraser government. It was wound up in 1985. Those schemes over that period were based on providing tax deduction on funds invested in resources companies for the purpose of exploration. The scheme was abolished because it was used for tax avoidance, and inquiries found that it contributed little towards mineral exploration. The flow-through share scheme, which operated in the period 1978 to 1985, was predicated on the provision of a rebate.

Labor is supporting the measure before the chamber. We want to make clear that we want this measure to work. We also recognise, however, the economics and the cost pressures
which are currently facing the industry. These are amply demonstrated by the *Resources and Energy Quarterly* issued by the Department of Industry last year, which showed that exploration expenditure declined by some 29 per cent year on year in the September quarter as lower commodity prices encouraged firms to look at cost reduction, including reduced exploration activity, across the mineral sector. The report says:

With lower commodity prices forecast in 2014-15, a rebound in exploration expenditure appears unlikely in the short term. While minerals exploration declined, exploration for petroleum increased.

That fact was driven by many different factors, some associated with coal seam gas extraction on the east coast. The report also notes:

... the rapid decline in oil prices may affect petroleum exploration expenditure over the remainder of 2014-15.

Exploration at new deposits fell 47 per cent compared with the September quarter of 2013, while exploration at existing deposits fell 18 per cent. In the September quarter alone, exploration expenditure in Western Australia fell 25 per cent, year on year, to less than $860 million. The only jurisdiction showing a difference to that was the Northern Territory, where exploration expenditure increased by 43 per cent. Every other state has shown large declines in exploration expenditure.

The exploration economy is ultimately driven by global markets and prices. Whilst a tax break may make policy sense and economic sense, fundamentally the economics of global markets and prices will be the fundamental drivers of exploration activity.

The slump in the price of iron ore and the significant increase in Australian supply—which have been well documented—have reduced the incentive to search for new deposits. Based on forecast lower prices in 2015, projected expenditure for exploration for iron ore may not rebound in the short term.

If we look at other commodity groups we see similar stories. If we look at coal, we see Australia's coal exports in thermal coal under pressure on price and on industries and businesses performing. But Australia's coal exploration expenditure in the September quarter was around $80 million—about one per cent lower than the preceding quarter and 27 per cent lower than the September quarter 2013. Lower coal prices self-evidently reduced the incentive to invest in exploration during 2014.

It is interesting to note that partisan politics by some in this place and in the other place have seen government senators and members assert that exploration has fallen off because of the former Labor government's policy settings. That is inaccurate, and it is another example of this government's partisan politics, demonstrating their willingness to engage in a fear campaign and in political partisanship rather than understanding the economic issues at hand. The real reason exploration dollars have been held back is that commodity prices have fallen.

Ultimately, exploration activities are not driven by the taxation regime—a point made ably by my colleague Mr Gray in the other place. Exploration activities are driven by a belief that there are minerals out there which can be found and that there are customers who need those minerals, and by a great belief in the mission that our explorers have to do their jobs as well as they can and as safely as they can.

Minerals exploration in Australia has been supported by innovative and creative programs that have been put together by Geoscience Australia and, through Geoscience Australia, by
state government exploration programs. In South Australia, the PACE program drove the discovery of the Carrapateena resource in 2006. It is an impressive resource discovery—a copper-gold formation near the Woomera Prohibited Area and near Roxby Downs in northern South Australia. It is one of the discoveries that we hope will drive new minerals production through the coming decade and, hopefully, for 20 years. But, obviously, it was not discovered as a consequence of a tax break. It was discovered because of the prize or the outcome, because of the economics, because of the international commodity price cycle, because of the belief by minerals explorers that their understanding of the geology was superior, and by their scientific conviction that they could find a resource in the area in which they were looking. This is the spirit that drives exploration.

Labor will watch with great interest how the mechanism before the chamber works in practice. It is a thoughtfully constructed mechanism. It is also expensive. It costs a significant amount of money, but it is a mechanism that we hope will add some incentive to an industry that is currently facing some challenges for the economic reasons that I have outlined.

Exploration for minerals does drive significant economic development. It is one of the most substantial ways in which regional development can occur. The discovery of nickel, gold or copper, the discovery of a new iron ore belt or the discovery of uranium can drive the construction of a town, a locality or a region. It is work that has enabled many lives to be enriched. It has enabled prosperity through employment for local communities and because of investment in infrastructure and the like.

The opposition does support these bills before the Senate. We look forward to their prompt passage.

**Senator SMITH** (Western Australia) (13:50): I am also grateful for the opportunity this afternoon to make a contribution on these bills today, because their provisions give effect to a very important aspect of public policy for my home state of Western Australia—namely, the exploration development incentive.

This is consistent with a promise the coalition made prior to the 2013 federal election, to provide an incentive to undertake exploration for mineral resources. I think all of us in this place have an understanding of just how important the mining sector is to our economy, although the Greens never miss an opportunity to try and damage that sector. I note, disappointingly, that they are opposing this legislation today.

Together with the Labor Party, the Greens spent six years finding ways to frustrate Australia's mining and resources sector. Their showpiece, of course, was the shambolic, discredited and now, thankfully, abolished mining tax. Labor's mining tax failed to go close to raising—

**Senator Wong**: There was less exploration under you.

**The ACTING DEPUTY PRESIDENT (Senator Seselja)**: Order! Senator Wong, you have had your opportunity. Now Senator Smith has his opportunity.

**Senator SMITH**: I am excited that the Leader of the Opposition in the Senate is paying such close attention to my speech this afternoon, and I look forward to her conversion as more of my evidence—

**Senator Wong**: Mr Acting Deputy President, a point of order: there is less exploration under your government than under ours.
The ACTING DEPUTY PRESIDENT: We do not need frivolous points of order. You know that is not a point of order.

Senator SMITH: As I was saying, Labor's mining tax failed to go close to raising the levels of revenue the former government anticipated—although of course that did not stop Labor from locking in billions of dollars in spending on the basis of that unrealised revenue, including cynical pre-election promises made to regional communities across my home state of Western Australia. Labor made promises to regional communities that they would receive significant new infrastructure projects, all the while knowing that there was no money there to fund them. The cynicism was sickening.

Abolishing the mining tax will save the budget around $50 billion over the next decade. The exploration development incentive contained in this bill is a recognition that mining is a capital-intensive undertaking. It is high risk, and if the sector is to continue growing and creating jobs we need to provide some support to smaller mining companies, particularly when they are commencing their operations. There is some history to this issue, of course. The Henry tax review, no less, recommended that if earlier access to tax benefits from exploration expenses is provided then it should take the form of a refundable tax offset at the company level for exploration expenses incurred by Australian small listed exploration companies, with the offset set at the company income tax rate. Smaller miners have long called for a recognition in taxation arrangements of the long lead times between investment, exploration and production. Small exploration companies often must wait many years before tax losses from exploration expenses can be utilised. Many will never generate sufficient income to utilise their losses.

This government is committed to doing something to assist in a responsible, economically effective manner. The tax offsets provided though the incentive set out in this bill are capped at $100 million over three years. Schedule 6 of the bill provides refundable tax offsets to shareholders of small mineral exploration companies undertaking greenfields exploration activities. The discovery of new resources is, self-evidently, vital for the future of the mining and resources sector, certainly in my home state of Western Australia but across the whole country no less, as existing resources are depleted.

Exploration is high-risk, but it can also be of very high reward in terms of job creation and in terms of revenue flowing to government through royalties. The exploration development incentive is a recognition of this important fact. It is an investment in the future of Australia’s mining sector. The plain fact is that smaller mining companies have been experiencing difficulties in raising the sort of capital they need to continue exploration activities. And of course exploration underpins development. You cannot have minerals and resource development unless you have minerals and resource exploration. Greenfields exploration has fallen as a proportion of total exploration from 40 per cent to 33 per cent over the last decade. The exploration development incentive is a show of good faith by this government in the mining and resources sector. We understand that our continued economic prosperity is dependent on the ability of smaller companies to make new mineral discoveries.

I cannot stress how important this commitment will be to my home state of Western Australia, and I am pleased that it has been welcomed by the Association of Mining and Exploration Companies, who have noted:
The EDI will encourage much-needed investment in greenfields exploration which is at historic lows. It will also create jobs for exploration support services such as drilling contractors and geoscientists.

Along with the repeal of the carbon tax and the mining tax, the establishment of the exploration development incentive is another demonstration of the government's commitment to a sustainable, profitable and job-creating mining and resources sector that will continue to contribute to the nation's economic health for decades to come.

Senator WHISH-WILSON (Tasmania) (13:56): Perhaps I can get in a few quick comments in response to Senator Smith talking about it being necessary for mining exploration companies, be they oil and gas or be they other minerals, to have a free ride on behalf of the Australian taxpayer. Having been a stockbroker in a former life, I understand risk return quite well, and I know that most of these companies raise capital from their shareholders and are in a high-risk business. And anybody who buys equity in their shares understands that it is a very large risk-reward pay-off.

Why the Australian taxpayer should be taking that risk on behalf of mining exploration companies is totally beyond the Greens. We see corporate welfare right across the board with the Liberal-Nationals party. Let us have a look at the big picture in the Australian mining industry. We have had accelerated depreciation for capital, material and exploration in place for some time now. We have seen fuel tax credits and the removal of the mineral resources rent tax, which let the big miners off the hook. While we are trying to slug poorer Australians, who can least afford it, we let the big miners off the hook. We have had the carbon price removed—the carbon price that taxes the dirty polluters that are causing externalities that are leading to the rapid demise of our planet, and we have seen fugitive emissions from fuel use. And now, on top of this, we are in disbelief that we are letting high-risk mining explorers off the hook as well by giving them subsidies from the Australian taxpayer.

Let me ask this question: if I go out and explore for gold and 300 metres under the surface I find some rich mineralisation and my share price goes through the roof, do I give that money back to the Australian taxpayer? No, I do not. I buy myself a 50-foot boat, I get a mooring at Rottnest and I live the good life for a long time. I do not give that money back to the Australian taxpayer. So, let's get this straight: no more corporate welfare for the mining industry.

Debate interrupted.

QUESTIONS WITHOUT NOTICE

Health Care

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:00): My question is to the Minister representing the Prime Minister, Senator Abetz. Does the Prime Minister stand by his claim that his unfair GP tax is 'good policy'?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:00): The government has made an announcement in relation to the GP co-payment through Minister Ley. Minister Ley has, a short time ago, indicated that the GP co-payment as proposed is off the table for good, and that is where the government's policy position is.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:00): Mr President, I ask a supplementary question. Does the Prime Minister stand by his claim that his
unfair GP tax 'makes economic sense, it makes health policy sense. Frankly, it makes fairness sense?' Does the Prime Minister stand by that claim?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:01): I recall somebody in this chamber saying that the emissions trading scheme and the carbon tax was the greatest moral challenge of our time, and then we saw them dump it. Senator Wong hardly comes with any credibility to this debate. Governments do from time to time change their position—

Senator Moore: Mr President, I rise on a point of order on direct relevance to the question asked by Senator Wong. We have not got near an answer—we have heard about previous governments.

The PRESIDENT: The minister has more than half of his time left to answer the question. I remind the minister of the question.

Senator ABETZ: In relation to Medicare, we make no apology for saying that we are concerned about its sustainability, especially in circumstances where spending on Medicare has more than doubled in the last decade, from $8 billion in 2004 to $20 billion today, and it is expected to climb even higher, to $34 billion, by 2024. That is the trajectory and any responsible government would seek to deal—

Senator Moore: Mr President, I again raise a point of order on direct relevance. The question was about the Prime Minister's claim about the GP tax. We have not got close to that, and there are six seconds left.

The PRESIDENT: I remind the minister that he has six seconds left in which to answer the question.

Senator ABETZ: All these statements were made in the context of having a sustainable Medicare, and that is what we are working towards. (Time expired)

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:03): Mr President, I ask a further supplementary question. Will the minister confirm that in relation to the GP tax this Prime Minister ignored the doctors, ignored the voters and ignored his own backbench and is now only dumping this attack on Medicare to save his political skin?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:03): The short answer to that is no. Prime Minister Abbott was an exceptionally good minister for health and a very, very good friend of Medicare. Everybody in Australia who has any depth of knowledge in the health area acknowledges that. Of course those opposite do not have that depth of knowledge and that is why we have these immature squeaks of laughter from them when those facts are laid on the table. The government and the Prime Minister are absolutely concerned to make sure that Medicare is sustainable into the future. The big question is, what is Labor's answer to this dilemma or indeed any other dilemma that the Australian people face in the budgetary context? It is borrow, borrow, borrow, borrow and to hell with the next generation. They are not concerned about deferring today's responsibilities to the next generation but we are concerned about that. We want to ensure that the budget parameters, in health as well, are within the confines of a responsible budget. (Time expired)
Iraq

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (14:04): My question is to the Leader of the Government in the Senate, Senator Abetz. Will the minister advise the Senate how the Australian government is fulfilling its commitment to supporting stability in Iraq and the Middle East by contributing to the international Building Partner Capacity mission in Iraq?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:04): I thank Senator Fawcett for the question and acknowledge his longstanding interest in all matters defence. The government has decided to commence the preparation and training of an Australian force to contribute to the international Building Partner Capacity mission in Iraq. This decision marks the next phase of Australia's contribution to the international coalition to disrupt, degrade and ultimately defeat ISIL, or Daesh. It builds on the active contributions of our Air Task Group and Special Operations Task Group to international efforts to counter Daesh. This step is being taken following requests for our participation from both the Iraqi and United States governments. Working together, the Iraqi security forces and their coalition partners have stemmed Daesh's onslaught. Now, Iraq's security forces require international training support to conduct effective counteroffensive operations against Daesh and ultimately to take responsibility for their country's security.

The Australian force will be based at Taji, north-west of Baghdad, and the mission is expected to commence in May this year. The government will consider the overall size and nature of Australia's commitment in Iraq in the second half of this year, taking into account the increasing focus of coalition efforts on building the capacity of Iraq's security forces. The government is working with Iraq, with the United States and, I especially remind the Australian Greens, with 60 coalition partners from around the world to help defeat this evil—an evil that has seen people beheaded and people sold into sexual servitude. This is what we are fighting against and I call on all senators to support us. (Time expired)

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (14:06): Mr President, I ask a supplementary question. Will the minister explain to the Senate how this commitment helps to stop the spread of violent extremism to Australia and our region?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:07): I can inform the Senate and Senator Fawcett that Australia is reluctant to reach out to faraway conflicts, but this terrorist violence has reached out to us. It must be resisted at home and abroad. Recent attacks in Australia and elsewhere around the world show that no country is immune from the threat of terrorism. There are at least 90 Australians fighting with Daesh and other terrorist groups in Iraq and Syria, and another 140 or so supporting these extremists. The Daesh cult is ideologically anti-Western and propagates a virulent anti-Western message. International efforts to disrupt and ultimately defeat Daesh are as much a matter of domestic security as a matter of international security. As part of a coalition of some 60 countries, Australia will be an important partner in the process. (Time expired)

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (14:08): Mr President, I ask a further supplementary question. Can the minister provide any further
information to the Senate about the Australian troops to be deployed and who they will be training?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:08): The Australian contribution is anticipated to include around 300 ADF personnel centred on a training team. The force would also comprise a substantial force protection element, along with command and support elements. The personnel to be prepared for this mission will be drawn largely from conventional army units within Australia. The proposed Australian BPC force will train Iraqi army forces to improve their ability to conduct effective, independent offensive action against Daesh. This will include increasing the ability of Iraqi forces to coordinate operations, coordinate movement with fire support, provide logistics support and use intelligence effectively. The Australian force would work closely with personnel from the New Zealand Defence Force, who will be involved with the international mission, which also includes forces from the US, Spain, Italy, Germany, Denmark and the Netherlands. (Time expired)

Workplace Relations

Senator LINES (Western Australia) (14:09): My question is to the Minister for Employment, Senator Abetz. I refer to the government's decision to tear up the Commonwealth Cleaning Services Guideline and the Prime Minister's statement:

I want to make it absolutely crystal clear that no cleaner's pay is reduced.

Can the minister confirm that cleaners at the Department of Immigration and Border Protection have suffered a pay cut of $2 per hour as a result of yet another broken promise by the Prime Minister?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:10): I thank Senator Lines for the question. The simple reality is that when the guidelines were removed in July, nobody's pay was cut. Nor was anybody's pay cut in August or in September or in October. I understand that a situation has arisen in the Department of Immigration and Border Protection where some workers are now subject to a new contract regime. So let's get this clear: it had nothing to do with the removal of guidelines, which was a vote of no confidence both in the trade union movement and in the Fair Work Commission. What these guidelines basically meant was that the union movement's enterprise bargaining agreements were not seen as good enough where the unions had signed off on them and where they had gone to the Fair Work Commission in the modern award saying, 'This is something that we agreed to', and signed off on. What they did as a government towards the end of their term was to seek to boost certain wage outcomes in only a very few offices of one per cent of cleaners, where you had, for example, offices owned or operated by Comcare being cleaned by cleaners on different pay scales.

What we say to those opposite is very clear: wages should be set either by an enterprise agreement or under the modern award and not by government interference. The changes that have occurred at the Department of Immigration and Border Protection are a result of new contractual arrangements because the contract—

Senator Wong: It is because of your guidelines being removed. It is you!
Senator ABETZ: Senator Wong, whenever you point at me or anybody else on this side, can I remind you there are always three fingers pointing back at you.

Senator LINES (Western Australia) (14:12): Mr President, I ask a supplementary question. I refer to a promise made last year by the Minister, Senator Abetz, that:
No cleaner will have their wages reduced as a result of the Guidelines ceasing to apply.

What sort of minister makes cutting the wages of cleaners a priority and fails to honour promises made to low-paid workers who clean his office and the offices of his ministerial colleagues?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:12): Whenever a contracting company negotiates a new contract under new circumstances, they need to—

Senator Kim Carr: You had nothing to do with it!

Senator Lines: You cut their wages!

The PRESIDENT: On my left.

Senator ABETZ: Those opposite are just shouting their no confidence in the trade union movement’s capacity to negotiate enterprise bargaining agreements. What you are saying is: the enterprise bargaining agreement, under which these workers are now operating, is unsatisfactory and is not paying workers what they deserve. If that is the case, they should go to the Fair Work Commission, argue their case and get a pay increase through that mechanism rather than have a Labor Party government, as happened, trying to throw around money to placate a trade union including, as part of the deal, that every cleaner had to be introduced to the trade union. I wonder why that might be! It was for the dividend, which would have cost more than $2 an hour, I am sure. (Time expired)

Senator LINES (Western Australia) (14:13): Mr President, I ask a further supplementary question. I refer to a letter sent by the cleaners to the Minister for Immigration and Border Protection, which said that the pay cut:
… may not seem like much to you but when you don’t earn a lot this really does make a big difference. Has the minister been provided a copy of the letter? And what is the government’s response?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:14): At this stage I have not been provided with a copy of the letter, but I fully understand that any worker who has their pay reduced—

Senator Lines: By you! By you!

Senator ABETZ: would find that very difficult. But I say to Senator Lines, shouting as she always does, from her own home state of Western Australia the CFMEU negotiated a wage decrease with a builder to keep that business—

Senator Wong: Mr President, I raise a point of order on relevance. The question was about cleaners in the department of immigration. It is not about any other industrial matter, as much as the minister would like to ignore it. While I am on my feet, if I may, Mr President, could I respectfully request that you consider the Hānsdræd subsequent to this question time as to whether this minister, in fact, misled the Senate when he said that the pay cut was ‘nothing to do with the removal of the guidelines’? I would ask that you consider that subsequently.
The PRESIDENT: Firstly, Senator Wong, the second matter is not in order for you to raise with me, in the context of a point of order in relation to the question. Secondly, the minister was directly relevant. He answered the question up-front and he has continued his answer. I suggest you reflect on *Hansard* there. Minister, you are relevant; you have the call.

Senator ABETZ: What those opposite do not want to hear as well is that, if I recall correctly, the National Union of Workers, for their warehouse workers of the Coca-Cola Amatil warehouse in New South Wales—

The PRESIDENT: Pause the clock! Point of order—Senator Conroy?

Senator Conroy: Mr President, I am struggling on a point of order of relevance to see how the NUW have anything to do with the cleaners in this building. I would ask you to rule his answer not relevant and ask him to come back to the question.

The PRESIDENT: It has been a consistent practice over many years, Senator Conroy, that once a minister has answered the question and has been directly relevant the minister can enhance their answers if they wish to. That has been a constant practice for many, many years—ever since I have been in this chamber. Minister, you have the call.

Senator ABETZ: When contracts are renegotiated sometimes, regrettably, it does mean that wages need to be renegotiated as well. The CFMEU has acknowledged that, the NUW has acknowledged that, as has the AMWU or the AWU, in relation to SPC. It is matter of regret, but it is what— *(Time expired)*

**Medicare**

Senator DI NATALE (Victoria) (14:17): My question is to the Minister representing the Minister for Health. While it might not come as a sudden shock, on 1 July, freezing Medicare rebates will have a bigger financial impact on the cost of seeing a doctor than the $5 rebate cut would have delivered. To borrow a line from the Prime Minister, it is a python squeeze rather than a cobra strike. Will the minister explain why today's announcement is not simply the introduction of a co-payment by stealth?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:17): I completely reject the assertion that it is going to be a co-payment introduced by stealth. The Minister, Sussan Ley, could not have been more clear today in saying that both the $5 co-payment and the $5 reduction to the Medicare rebate are completely off the table and will not proceed. She could not have been more clear about that, so I completely reject that assertion.

In terms of the indexation, the minister has indicated that there will be a pause on the indexation while there is further consultation across the sector with professionals, with doctors and with those in the community. Indeed, the AMA President, Brian Owler, has recently said that continuing consultation to look at those innovative ideas and ways to improve and enhance sustainability are the important thing to consider. I certainly do not want that to be taken as a quote, but that is the intent of what he said. I would invite colleagues to go and look at those comments.

It is indeed the profession, it is indeed the AMA and others right across this sector, that have very much welcomed the consultation period that the minister has undertaken. They have appreciated the opportunity to be able to put their views forward on ways that we can enhance and make the system sustainable. The policy position of this government has not
changed. We are going to ensure that there is a sustainable health system into the future and, indeed, I would say that all those around the chamber would agree that that is what we need to do—something that was not done by the previous Labor government. But it is something that this government is focused on to ensure—and will continue the consultation across the sector to ensure—that we can have that sustainability into the future.

Senator DI NATALE (Victoria) (14:19): Mr President, I have a supplementary question. Given that the Prime Minister promised not to introduce any health policy without the support of the medical profession, in the government's extensive and exhaustive consultation with experts and medical professionals can the minister name one medical group—just one—that supports the freeze on Medicare rebates?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:19): What I can inform the senator is, indeed, as recently as the last hour or so, when asked—

An opposition senator interjecting—

Senator NASH: I am getting to that. As recently as within the last hour or so, the AMA President, Brian Owler, has noted concerns. But he went on to say, as I said earlier, that the important thing is the minister is leading the way, in terms of the consultation, to look at how we make the system sustainable. Unlike the senator, those across the sector, including those like Professor Brian Owler, recognise that we need to find ways to make the system sustainable and, indeed, are working constructively to do so. People across the profession, across the sector, have welcomed the consultation and welcome the opportunity to have input into ensuring that sustainability.

Senator DI NATALE (Victoria) (14:20): Mr President, I have a further supplementary question. How can the government criticise the opposition party stating that doing nothing is not an option when, after a year of chaos and now four versions of health policy, the government's only health policy remains to continue the Labor Party's freeze on Medicare indexation?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:21): I reject that. That is quite clearly not the only policy. The major policy that the senator has refused to indicate is the fact that this government has a policy—unlike those on the crossbenches—of making the health-care system sustainable. Those on the other side of the chamber might not care about economic responsibility. The Greens—when they were in partnership with the previous Labor government—left us a trajectory of debt of $667 billion. Our policy will, indeed, include economic responsibility—and that includes ensuring we make absolutely sure the health policy delivers a sustainable nature to this nation.

We are prepared to take that responsibility. The minister has indicated she will continue to consult. She has done so widely—broad ranging—up until this point in time, which has been very well received by the sector—indeed, by those right across the profession. She will continue to do so, so that we ensure that we get health policy right. (Time expired)

National Security

Senator JOHNSTON (Western Australia) (14:22): My question is to the Attorney-General, Senator Brandis. Can the Attorney-General update the Senate on the government's
response to the Parliamentary Joint Committee on Intelligence and Security report into the data retention bill?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:22): Thank you very much indeed, Senator Johnston. I acknowledge your work, particularly in the early to middle part of last year as a member of the National Security Committee of cabinet in crafting the government's response to the threat to Australia from terrorism, of which this forms part.

The PJCIS released its report into the data retention bill on Friday. It makes 39 recommendations, the most important of which of course is that the bill be passed. Significantly, the report was bipartisan. Its concluding comments—

Senator Kim Carr: Do you pull the wings off butterflies as well? I bet you do!

Senator BRANDIS: Senator Carr, I thought you might take this issue seriously, but apparently you are incapable of treating threats to the security of the Australian people seriously.

The PRESIDENT: To the chair!

Senator BRANDIS: The report was bipartisan, notwithstanding the bleatings we hear from Senator Carr. In its concluding comments the committee states that it considered carefully the rationale for a mandatory data retention scheme and that, in the words of the committee:

… such a regime is justified as a necessary, effective and proportionate response.

The committee endorsed key elements of the scheme, including supporting the proposed two-year retention period on the basis that it was necessary and proportionate for a range of investigations into particularly serious types of criminal and security related activity.

The committee's recommendations are largely focused on two areas. First of all, ensuring that the data set and the agencies which can access the data are specified in the primary legislation rather than in the regulations, and in increasing the oversight mechanisms and privacy protections in the bill.

The government has announced that it will support all of the committee's recommendations, and I take this opportunity to thank the chair of the committee, Dan Tehan, and the deputy chair, Anthony Byrne, for their work in achieving a bipartisan agreement on this important measure.

Senator JOHNSTON (Western Australia) (14:24): Mr President, I ask a supplementary question. Can the Attorney-General further inform the Senate why a mandatory data retention scheme is necessary?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:24): As Senator Johnston knows, metadata is used in a very large number of serious criminal and security related investigations, including murder, sexual assault, child exploitation, organised crime and, of course, counterterrorism. The Commissioner of the Australian Federal Police, Andrew Colvin, recently advised that between July and September 2014 metadata was used in 92 per cent of all counterterrorism investigations.
The bill does not provide any new powers to the agencies. The records kept by service providers have long provided Australia's law enforcement and security agencies with valuable intelligence and evidence. However, service providers are not obliged to retain this data, and changing technologies and business practices have meant that less information is being retained than was hitherto the case, and for shorter periods. This is having a critical impact on the capacity of law enforcement and national security agencies, and the legislation addresses that gap. (Time expired)

Senator JOHNSTON (Western Australia) (14:25): Mr President, I ask a further supplementary question. Can the Attorney-General inform the Senate whether any Australian investigations have been impacted by a lack of retained metadata?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:26): Yes, Senator Johnston, I can. Unfortunately, there are many investigations, both in Australia and overseas, that are either limited or in fact cannot proceed due to a lack of retained data.

To give you just one example, Senator Johnston, in June of last year the AFP received information from Interpol about a suspect who had made a statement online that they intended to sexually assault a baby. Interpol provided IP address details belonging to an Australian carrier. As the Australian carrier only retained data for a maximum of seven days, no results were available and the suspect was unable to be identified. No government can stand by and allow such degradation of investigative capabilities to continue. I look forward to the Senate joining me in coming days in passing this important bill.

Australian Human Rights Commission

Senator JACINTA COLLINS (Victoria) (14:27): My question is to the Attorney-General, Senator Brandis. I refer to confirmation by the Secretary of the Attorney-General's Department that the Attorney-General asked him to, 'Formally put on the table with Professor Triggs a specific role.' Was the specific role discussed with the Prime Minister, his chief of staff or any member of his office before it was put on the table?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:27): Senator Collins, I addressed this issue yesterday, as a matter of fact. And as I said to you yesterday—or perhaps it was to Senator Wong—the evidence that Mr Moraitis gave to the Senate estimates committee last Tuesday and the evidence that I gave to the Senate estimates committee last Tuesday was entirely accurate and I have nothing to add to it.

I know you find it very difficult—

The PRESIDENT: Pause the clock! Senator Wong—a point of order?

Senator Wong: Yes, Mr President. My point of order is relevance. The question was not in relation to the Senate estimates point; the question was in relation to whether or not the role about which evidence was given was discussed with the PM, his chief of staff or any member of his office before it was put on the table. That is the only question the minister was asked.

The PRESIDENT: Thank you, Senator Wong. I will remind the Attorney-General of the question, although there was a reference at the beginning of the question to matters that were made in the public arena at estimates. But I remind the attorney of the question.
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Senator BRANDIS: Thank you, Mr President. I know the Labor Party have tried to create a false impression about what Mr Moraitis, according to his evidence and at my request, suggested to Professor Triggs. It is no secret that I have lost confidence in Professor Triggs, and in the debate yesterday I explained why. But it is also the case that, as I said to the Senate estimates committee last Tuesday—

The PRESIDENT: Pause the clock! Senator Carr—a point of order?

Senator Kim Carr: Yes, Mr President. It is a question of relevance. The question was, 'Was the specific role discussed with the Prime Minister, his chief of staff or any member of his office before it was put on the table?' I would ask that you ask the minister to respond directly to the question.

The PRESIDENT: Thank you, Senator Carr. I do remind the Attorney-General of the question.

Senator BRANDIS: This is what I said: it was not my wish that Professor Triggs be reputationally damaged. And so, as a matter of goodwill towards her and in earnest of my good intentions towards her, I did say to Mr Moraitis that I hoped Professor Triggs could be encouraged or would be willing to serve the government in other capacities. Now, I know you have difficulty grasping the notion that, because a person may be bad—

Senator Kim Carr: Mr President, I rise on a point of order on relevance. I draw the minister's attention through you to the specific question. We know what he said at the estimates. We know that his secretary acted on his behalf. The question went to whether or not the minister discussed the matter with the Prime Minister, his chief of staff or any member of his office before that matter was put on the table.

The PRESIDENT: The minister has plenty of time left in his response to the question. I call the Attorney-General.

Senator BRANDIS: To come directly to the question: the decision to give Mr Moraitis the instructions that I gave him was entirely my own.

Senator JACINTA COLLINS (Victoria) (14:32): Mr President, I ask a supplementary question. I ask again: was the specific role discussed with the Prime Minister, his chief of staff or any member of his office before it was put on the table, and was the specific role discussed with the foreign minister or her office before it was put on the table—not who decided it, who was it discussed with?
Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:32): The decision to instruct Mr Moraitis as I instructed him was mine and mine alone.

Senator JACINTA COLLINS (Victoria) (14:32): Mr President, I ask a further supplementary question. I will try a different matter. Can the Attorney-General explain the difference between putting a senior role on the table and making a job offer?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:33): I think I can. I cannot do any better than reminding Senator Collins again of what I said at the Senate estimates: that, as a matter of goodwill towards Professor Triggs and in earnest of my good intentions towards her, I did say to Mr Moraitis that I hoped Professor Triggs could be encouraged or would be willing to serve the government in other capacities. I do not see anything unusual or irregular about that whatsoever.

Budget

Senator McGrath (Queensland) (14:33): My question is to Senator Cormann, the Minister for Finance and the Minister representing the Treasurer. What is the government’s response to calls by the Business Council of Australia for a long-term plan to return the budget to surplus and the BCA’s assessment of the consequences of inaction?

Senator Cormann (Western Australia—Minister for Finance) (14:34): I thank Senator McGrath for that question. Of course we agree with the Business Council of Australia that we need to work to put Australia on a stronger foundation for the medium-to-long term. The consequences of doing nothing—the consequences of keeping in place the policy settings that we inherited from Labor—would be weakening economic growth and a lowering of living standards over time. That is not an option for this government.

We need to ensure that spending growth is affordable and sustainable over the medium-to-long term. The situation that we inherited from Labor was one where, within the decade, we were on track for $667 billion of government debt—and rising. Right now we are spending $1 billion a month on Labor’s public debt interest. As the Business Council said today, there is actually an opportunity cost here. We are spending more on Labor’s debt interest a month than we are spending on higher education right now. That is the opportunity cost because of the debt that Labor has exposed Australia to.

The truth is that not only did we inherit a challenging starting position; not only did Labor put us on a difficult forward trajectory over the medium-to-long term; we are actually facing some structural challenges as a nation in any event, related to the ageing of the population, which is putting upward pressure on expenditure and which is also having implications for economic growth given that the ageing of the population results in lower workforce participation. We are also facing challenges as a result of volatility in terms of trade, and we cannot keep spending money that we have not got. We cannot stay on the trajectory that Labor put Australia on, because over time, as we continue to grow the public debt burden, it crowds out private sector investment, it crowds out the opportunity to grow the economy and that— (Time expired)
Senator McGrath (Queensland) (14:36): Mr President, I ask a supplementary question. Can the minister advise the Senate whether he agrees with the Business Council of Australia's claims that Australia has a spending problem rather than a revenue problem?

Senator Cormann (Western Australia—Minister for Finance) (14:36): The previous Labor government has exposed Australia to excessive levels of spending. Spending grew by way too much under the previous government—by 17 per cent above inflation in their first two years in government. But later in their period in government they started to say, 'Well, revenue is falling, and the reason we have all these deficits is because revenue is now lower than what we thought it would be.' And to a degree that was true, because the terms of trade were starting to come down. But the problem is that at that time, instead of adjusting spending growth moving forward, Labor decided to ramp up spending by more, permanently, into the future. In the first year outside the final published Labor budget forward estimates, Labor increased spending by a massive six per cent above inflation—when they said that their fiscal rule was somehow to constrain spending growth to two per cent. We were on a trajectory of government spending well in excess of 30 per cent as a share of the economy when our revenue is much lower than that. (Time expired)

Senator McGrath (Queensland) (14:37): Mr President, I ask a further supplementary question. Will the minister advise the Senate whether he accepts the Business Council of Australia's assessment that Labor's tax proposals will cost Australian jobs?

Senator Cormann (Western Australia—Minister for Finance) (14:38): Over the last six years of Labor, whenever they ran into trouble with spending—which was always—their instinct was always to run for another tax grab, one after the other. More taxes mean lower growth and fewer jobs. That is the reality of it.

Now, all of us are in favour of making sure that multinational companies pay their fair share of tax in Australia, and our government has legislated to significantly tighten and significantly improve the thin capitalisation rules, for example. But when we came into government what did we find? That Labor talks a lot about strengthening our tax policy framework but they do not do a lot—there were 96 unlegislated tax measures which they had announced but which had not been legislated, including a proposal to tighten tax arrangements for multinationals. That was not legislated. When we came into government we were told by Treasury it was unimplementable. This latest thought bubble, we are advised, would hurt the economy and cost jobs because it would prevent legitimate business activity. (Time expired)

National Security

Senator Lambie (Tasmania) (14:39): Mr President, I refer the Attorney-General to the Commonwealth Criminal Code Act 1995 which states that if any Australian engages in conduct that assists by any means whatever, with intent to assist, another country or an organisation that is engaged in armed hostilities against the Australian Defence Force, they are guilty of treason and should face life in jail. I also refer the Attorney-General to the fact that his government acknowledges more than 120 Australian citizens are engaged in armed hostilities against the Australian Defence Force and fighting for Islamic State. His government has identified hundreds of Islamic Australian citizens living on home soil who have assisted Islamic State. Can the Attorney-General explained why those citizens have not been charged with the high crime of treason or sedition?
Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:40): Senator Lambie, the problem you identify of Australian citizens who are engaged in fighting with ISIL, or Daesh, as people more commonly refer to them today, is indeed a very grave problem. I can tell you, Senator Lambie, and indeed the Senate, that the last figures on which I was briefed by ASIO tell me that the assessment of the current number is 92. That number has grown significantly over recent months.

Those people do commit a crime. I am not going to prejudge any issues but undoubtedly, if you fight in a foreign civil war—particularly if you fight against Australian personnel—you commit a crime against Australian law. The crime, Senator Lambie, is much more specific than the treason and sedition offences in the Criminal Code. Indeed, one of the measures that this Senate passed last year—with your support, Senator Lambie, for which I am grateful—is the foreign fighters bill which, among other things, incorporated some pre-existing provisions from 1979 into the Criminal Code which make it clear that, if you are an Australian citizen and you are engaged in fighting in a foreign civil war, that is an offence against Australian law. People have been prosecuted and convicted of that offence—not just in the Middle East, by the way, but in other theatres as well.

You asked me about the Australians onshore who are engaged in supporting or assisting those people. To facilitate terrorism—to finance terrorism—is also an offence against other provisions of the Criminal Code and again, Senator Lambie, those are much more specific and targeted provisions than the treason and sedition offences you identify. Perhaps your supplementary will give you the opportunity to— (Time expired)

Senator LAMBIE (Tasmania) (14:42): Mr President, I ask a supplementary question. I refer the Attorney-General to the fact his government has sufficient evidence to take away the passports and prevent the travel of hundreds of Australian citizens who have tried to assist the Islamic State enemy. If the Attorney-General has enough evidence to take away the passports of Australian citizens who want to assist the Islamic State enemy, can the Attorney-General detail why he has failed to use that evidence to lay charges of treason or sedition?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:42): There are three answers to that, Senator Lambie. First of all, the test for withdrawing a passport is a different test from the test for commencing a prosecution. There must be a reasonable belief held by the foreign minister, who is the minister of the government who cancels passports, and the Attorney-General must advise the Foreign Minister to that effect. The test for a criminal prosecution, of course, is proof beyond reasonable doubt, which is a much higher threshold. Secondly, as I indicated in my answer to your primary question, the relevant offences in the circumstances you have described are much more specific than treason and sedition, and I mentioned what the particular offences would be. Thirdly, Senator Lambie, in our system—except in very rare circumstances—the Attorney-General has no involvement in the decision to initiate a prosecution. That is a matter for the Commonwealth Director of Public Prosecutions.

Senator LAMBIE (Tasmania) (14:43): Mr President, I ask a further supplementary question. I again refer the Attorney-General to division 80 of the Commonwealth Criminal Code Act 1995, which states that if any Australian engages in conduct that assists by any
means whatever, with intent to assist, an organisation that is engaged in armed hostilities against the Australian Defence Force, they are guilty of treason or sedition. Which part of 'conduct that assists by any means whatever' does the Attorney-General not understand? It is time he started cleaning up his own backyard first, before he sends troops overseas. *(Time expired)*

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) *(14:44)*: Senator Lambie, if I may say so with respect, I think I do understand those provisions very well; and I hope I also understand very well the more specific provisions which have a direct bearing on the question of foreign fighters to which I referred in my answer to your primary question, because I was involved in the drafting of those provisions myself. So I certainly hope I understand them.

Senator Lambie, you are absolutely right to identify the gravity of these circumstances. You are absolutely right in your acknowledgment by implication that the government has, by the measures that you supported in the Senate last year, acted swiftly and properly to deal with the threat by introducing these provisions and expanding their reach. But, as I said a moment ago, it is not for me; it is for the Commonwealth Director of Public Prosecutions to make these decisions.

**Foreign Investment**

Senator WONG (South Australia—Leader of the Opposition in the Senate) *(14:45)*: My question is to Senator Abetz, the Minister representing the Minister for Agriculture. I refer to his answer in question time yesterday in relation to the revised thresholds for foreign investment in agricultural land. He said:

... FIRB scrutiny threshold for private sector foreign purchases of agricultural land will be reduced from the current level of $252 million down to $15 million.

Can the minister confirm that, in actuality, the threshold is variously: $1 billion for investors from United States, New Zealand and Chile; $50 million for investors from Singapore and Thailand; and $15 million for investors from China, Korea and Japan?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) *(14:46)*: The answer that I gave yesterday stands. It is correct. I am happy to have a look at the answer to see if further information is required, but the simple fact is we as a government have said that investment in agricultural land and agribusinesses is of concern to us and to the community. At the moment, as it stands, under the shadow minister for trade, Senator Wong, the Australian Labor Party has a threshold of $1,000 million. In general terms, chances are that that amount could purchase one-third—I think Senator Colbeck could assist me on this—of Tasmania's agricultural land in one single purchase.

So can I say to the honourable senator that there is no doubt that our policy has moved in the right direction. It is in accordance with the wish of the Australian people that there be some greater circumspection and investigation in relation to matters of foreign investment, especially in the agricultural land acquisition area and that is what my colleague the Minister for Agriculture, Minister Joyce, and the cabinet have agreed upon and have announced.
Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:47): Mr President, I ask a supplementary question. In light of his comments, and in light of the Minister for Agriculture’s comments—‘A $1 billion dollar threshold for foreign investment screening is an absurdity’—I ask the minister, can he explain the policy rationale for the $1 billion threshold that remains applicable to the purchase of agricultural land by investors from the United States, Chile and New Zealand? And will he rule out renegotiating any of those agreements?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:48): In relation to agreements, I would never rule out renegotiation of agreements generally.

Senator Wong: Andrew Robb is going to be very unhappy. You just agreed to renegotiating the US free trade agreement.

Senator Abetz: Mr President, I have been going for five seconds and the Leader of the Opposition in the Senate cannot contain herself—rude, obnoxious interjections, non-stop. It is about time that she showed the sort of leadership that the Labor Party in this place needs—and, more importantly, that the Australian people actually expect at question time.

This is a government that is concerned to ensure that foreign investment takes place in this country in a manner that is attuned to public opinion and public views. Let’s be very clear: we on this side have always welcomed foreign investment; foreign investment is vitally important for the agricultural sector; we welcome it, but it needs to be checked.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:49): Mr President, I ask a further supplementary question. Does the minister agree with the Queensland Farmers Federation, which says the government’s foreign investment decision ‘throws barriers in the way of foreign investment and sends the wrong message to overseas investors who see value in investing in Australian agriculture’?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:49): It will not surprise the honourable senator that chances are I do not agree with that assertion.

As I understand it, around the world, agribusinesses and agricultural land are seen as absolutely prized assets, and that is even more the case in our country, Australia, because of the regimes we have in place, the rule of law that applies and the general stability that we enjoy in our country. As a result I have no doubt that Australia will still be seen as a very good place to invest, both with domestic money and with international money. All we are seeking to do is ensure that there is an appropriate regime around foreign investment to ensure that we know what is going on. That is why, through the Australian Taxation Office, we will establish a register of agricultural lands owned by foreign enterprises.

Higher Education

Senator MASON (Queensland) (14:50): My question is to the Assistant Minister for Education and Training, Senator Birmingham, representing the Minister for Education and Training. Can the minister outline to the Senate how the government’s approach to funding higher education differs from alternative approaches which have been proposed?
Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (14:51): I thank Senator Mason—who has great expertise in the area of higher education—for his question.

Opposition senators interjecting—


Senator BIRMINGHAM: Our government's reforms ensure that we can maintain the uncapped demand-driven system of providing undergraduate university places; we can ensure we maintain taxpayer subsidised places for every single undergraduate student who is admitted by a university

That should be welcomed. It should be welcomed by those opposite, because none less than the former Prime Minister Ms Gillard in her book My Story cites the uncapping of university places as 'a particularly proud moment, a particularly proud decision to unchain Australian universities.'

Our reforms move even further in the unchaining of Australian universities. They lift the shackles in relation to pathway courses and diploma courses. They ensure there will be more opportunities for more students, particularly more students from disadvantaged backgrounds, to take advantage of those pathway places. But it is acknowledged that current funding models are unsustainable. Our reforms ensure that we address that unsustainability.

Senator Kim Carr interjecting—

Senator BIRMINGHAM: The opposition, though, offers no alternative—except for Senator Carr. Senator Carr has said:

The demand driven system is for a finite period.

That is not what the legislation says. That is not what Ms Gillard says about her proud achievement. That is not what universities believe to be the case. Our reforms are about trying to maintain the fine achievements that Ms Gillard speaks of. It seems that Senator Carr wants to come along and undo those reforms by denying university students their right to a place. (Time expired)

Senator MASON (Queensland) (14:54): Mr President, I ask a supplementary question. Can the minister advise the Senate of the consequences should the government's higher education reforms not proceed?

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (14:54): If our reforms do not pass, we will be consigning Australian universities and through them, students, to a 'decline into mediocrity'. They are not my words. They are the words of Universities Australia. Universities Australia recognises that the current system is unsustainable. Universities will be stuck with inadequate and unpredictable resources and an unsustainable status quo. Worse still, they will face the continued fear, the continued threat that Senator Carr would get his way and would manage to put a cap back in place in relation to university places. Universities would face that constant fear, as would students, that the vulnerable and the disadvantaged may be denied a place at university because the cap would be reinstated, as Senator Carr seems to want to do. In fact, as one economist has described it,
he wants to bring back 'Moscow on the Molonglo'. He wants to put the bureaucrats back in charge of deciding who goes to university— *(Time expired)*

**Senator MASON** (Queensland) (14:55): Mr President, I ask a further supplementary question. Can the minister advise the Senate of any other potential consequences should the government's higher education reforms not proceed.

**Senator BIRMINGHAM** (South Australia—Assistant Minister for Education and Training) (14:55): I thank Senator Mason again. There are serious consequences. Without these reforms, some 80,000 students each year would miss out on Commonwealth support for their higher education places, meaning that either there would not be places for them or they would have to pay higher fees. Without these reforms, the unfair loan fees on FEE-HELP and VET FEE-HELP would continue. Without these reforms, many thousands of new parents would not have the benefit of the proposed HECS indexation pause. Without these reforms, the ability of regional and other universities to offer diploma and similar courses would be lost. Without these reforms, there would be no Commonwealth scholarships. There would be no higher education participation program scholarships. Without these reforms, there would be a range of losses for future students, especially those from disadvantaged backgrounds. But, worst of all, without these reforms our universities would not be able to stay at the world-class standard they are and would face the constant threat that Senator Carr— *(Time expired)*

**Defence Procurement**

**Senator CONROY** (Victoria—Deputy Leader of the Opposition in the Senate) (14:57): My question is to the Minister representing the Prime Minister, Senator Abetz. Do documents exist that confirm an understanding, agreement or commitment for Japan to build Australia's new submarine fleet?

**Senator ABETZ** (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:57): Not to my knowledge.

**Senator CONROY** (Victoria—Deputy Leader of the Opposition in the Senate) (14:57): Mr President, I ask a supplementary question. I refer the minister to a news report in *The Australian* yesterday, and I quote:

> … the federal government single-mindedly pursued a plan to buy the navy's new submarines from Japan. I ask the minister again: do documents exist that confirm an understanding, agreement or commitment for Japan to build submarines for Australia?

**Senator ABETZ** (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:58): Not to my knowledge—for a second time.

**Senator CONROY** (Victoria—Deputy Leader of the Opposition in the Senate) (14:58): Mr President, I ask a further supplementary question. I refer the minister to Peter Hartcher's article in *The Age*, on 20 February, and I quote:

> The government was on the brink of announcing the decision to buy Japanese.
So I ask the minister again: do documents exist that confirm an understanding, agreement or commitment for Japan to build submarines for Australia?

**Senator ABETZ** (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:58): For the readers of Hansard, see the answers to the two questions above.

**Department of Human Services: ICT System**

**Senator RUSTON** (South Australia—Deputy Government Whip in the Senate) (14:58): My question is to the Minister for Human Services, Senator Payne. Can the minister explain to the Senate how the age and complexity of her department's main ICT system makes it difficult to implement reform?

**Senator PAYNE** (New South Wales—Minister for Human Services) (14:59): I thank Senator Ruston for that question. This is an issue which has been discussed recently both in estimates and elsewhere. We are running an ICT payment system in the Department of Human Services, which is now more than 30 years old. It was, in fact, built in the early 1980s. Some of us in the chamber can still remember those days. I think Mr Hawke was Prime Minister; the late, great Peter Brock was winning at Bathurst; and—it was a very long time ago—the Parramatta Eels won a premiership.

The system originally delivered $10 billion worth of payments to around 2.5 million people, but it has become a critical piece of government infrastructure that is now responsible for delivering payments of about $100 billion to 7.3 million people each year. That equates to about $12 million every hour. The system is stable and it is reliable, but it does not have the sort of flexibility and longevity that we need in that particular system.

To meet today's needs, the original system has been repeatedly upgraded and extended, I am advised, over 350 times. What we now have is a web of interconnected systems with add-ons and attachments. A simple update, for example, often requires changes to many different parts of the system. So if you want to make much-needed policy changes they can, through the ICT process, take a number of months to implement.

We have a very highly skilled and committed team of ICT experts who work in this area in human services. In fact, it speaks for itself when I say that some of them as individuals have actually worked on this same system for more than two decades. But there are very few organisations around the world that still use this type of computer system, and that makes attracting appropriately skilled staff—some of the few who are still familiar with that system—quite difficult, and retaining them is also a significant challenge.

**Senator RUSTON** (South Australia—Deputy Government Whip in the Senate) (15:01): Mr President, I ask a supplementary question. Can the minister inform the Senate how the current ICT system creates extra work and impacts on staff and customers?

**Senator PAYNE** (New South Wales—Minister for Human Services) (15:01): Notwithstanding the efforts that have been made to bring the system into the 21st century—and dragging it through the 20th century, in fact—that 1980s foundation does make things needlessly complicated for staff, for government and, in fact, for our customers on a number of occasions. This is largely because it is built around individual payments and not around the person or their family and their particular circumstances. If you are a customer who starts a new claim, even if you are an existing customer, the current system treats you as a new...
customer; so you are required to provide all of your details again, even if they been provided previously, and it does build a certain level of frustration amongst both staff and customers.

We would like to be able to deliver seamless digital services. They are commonplace in the private sector and there is a certain expectation amongst customers that that is what they should receive. If you want to order online you can often track your delivery. You cannot do the same, necessarily, with your payments. (Time expired)

**Senator RUSTON** (South Australia—Deputy Government Whip in the Senate) (15:02): Mr President, I ask a further supplementary question. Will the minister advise the Senate what the government is doing to improve the current ICT system?

**Senator PAYNE** (New South Wales—Minister for Human Services) (15:02): I do thank Senator Ruston for that question, which we did have an opportunity to canvass briefly in the estimates process. The government is considering a business case to replace the current system. We have made an enormous amount of progress with a suite of digital apps and with online services, but it is a difficult process and the current system no longer meets the expectations of customers.

If we had an appropriately modern ICT system that would definitely improve service delivery, it would remove the ongoing cost to taxpayers—

*Opposition senators interjecting—*

**Senator PAYNE:** which some of us care about—not those opposite, obviously—and it would also increase ability to implement reforms. We would ensure that our welfare system as it stands is able to interact properly and seamlessly with other Commonwealth government departments—which, of course, my colleagues have every right to expect in 2015 and in the years going forward. It would reduce the red-tape burden on customers, on staff and on other government agencies. (Time expired)

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

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

**Health Care**

**Senator McLUCAS** (Queensland) (15:04): I move:

That the Senate take note of the answer given by the Minister for Employment (Senator Abetz) to a question without notice asked by Senator Wong today relating to co-payments for medical services.

Today we saw the next chapter in the saga of dysfunction and chaos that is the Abbott government. What we heard announced this morning by Minister Ley was not designed for the health of our country. It was not designed to improve our health system or to make sure that our doctors are treating patients in a timely way. It was designed for one thing and one thing only. It was designed to save the job of the Prime Minister. Mr Abbott is so desperate to keep his leadership on life support and to save his skin in the next leadership spill that he has made what is, in fact, the fourth policy change in the health financing space since coming into government. This is the only reason Mr Abbott is suggesting changes to the GP tax. He thinks this is the way to keep the support of the backbenchers who are ready—we know from reading the papers—to get rid of him.

Whatever the government tells us today, the truth is that Mr Abbott and this government remain committed to imposing a GP tax on our community. This morning Minister Ley was
asked a question—a very similar question to the one Senator Wong asked of Senator Abetz—about whether the policy intent, to impose a GP tax on the Australian community, was a good one. Her words, and I wrote them down myself—I am not reading from a transcript—were, 'The policy intent was and remains a good one.' That makes it very clear. That is a bit different from the answer that Minister Abetz gave to Senator Wong when she asked, 'Does the Prime Minister stand by his claim that his unfair GP tax is "good policy"?' Senator Abetz avoided answering that question, but Minister Ley did answer it. She said, 'The policy intent was and remains a good one.' The Australian people are now warned. We know what is about to happen; we know what is coming down. We know that, one way or another, this Liberal government will impose a payment on Australians attending the doctor. We have heard it called a number of things. It was a 'small co-payment' from some. Then we heard the 'value' description, where we had to put a 'value signal' on going to the doctor.

That is gone now today, apparently. But what we have seen is the minister saying that today we will remove the $5 tax on going to the doctor, and we will consult more.

The Senate Select Committee on Health has been consulting too. They have heard that doctors have been spending hours upon hours having to respond to the now four policy positions of this government when it comes to the price of going to the doctor. We have seen the $7 GP tax, we have seen the $20 cut, we have seen the $5 tax and we have seen the four years worth of cuts to Medicare rebates. This has resulted in chaos and dysfunction in the Liberal Party—we have all seen that. But it has also resulted in chaos and dysfunction and work being done in the small businesses that are doctors' surgeries right across this country. We have also seen, though, another impact as well. Not only have we seen doctors having to respond to four different policy positions of the government, we now know that there have been delays in people attending doctors. We know that there have been delays in people undertaking the right level of pathology that their doctors are telling them to do.

We need a policy that has Medicare at its heart. We want a policy that will deliver good quality health outcomes to our community. We want a policy that values the universality of Medicare. We want a policy that Labor will support, and that is a Medicare which is sustainable. It is an absolute furphy to say that Medicare in its current iteration is unsustainable. Rather than quote whole figures, let's start having a look at Medicare expenses as a proportion of GDP. *(Time expired)*

Question agreed to.

**Health Care**

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (15:09):

I rise to take note of the answer to the question that was asked of Senator Abetz about the Medicare payment, and I am thrilled that the Senate opposite has just highlighted the underlying problem with this whole affair. It is that Labor do not acknowledge that so much of the structural spend that they have put in place over the last six years has put Australia on an unsustainable footing into the future. If you look at the policy intent around the coalition's policy for Medicare it is about sustainability for the long term to make sure that not only we here in this chamber, in our old age, but also our children and their children have a system that will support us.
The narrative that those opposite seek to paint into the Australian community is somehow that coalition senators do not care about Medicare and that the Labor Party is the sole protector of our healthcare system. I want to take you back to the former coalition government under Prime Minister Howard. When we had Prime Ministers Rudd, Gillard and Rudd, their constant refrain and attack was that the coalition was all about cutting funding to health care. I draw the attention of the Senate to the fact sheets that the Museum of Australian Democracy has on different prime ministers. They highlight just a few of the key achievements of those ministers. For Prime Minister John Winston Howard, AC, one of those key achievements was record health funding, which back then was $46.7 billion in 2006-2007. Just in case you think this is some kind of conservative think tank, the four people who were ex-members of parliament on their board included two members of the Labor Party, one Democrat and only one Liberal. So the facts speak for themselves. The coalition actually makes record investments into health care.

Let us contrast that with the ALP when they were in government. Let us go and have a look at the 2012-13 MYEFO and look at the evaluation that was conducted there not by the Liberal Party but by the Australian Primary Health Care Research Institute at the Australian National University, an organisation that is not known for being a strong supporter of the conservative side of politics all the time. What they said was:

The hidden disaster in the 2012-13 MYEFO is the hit (unacknowledged by anyone in the Government) taken by preventive and public health. We know that $1.5 billion over four years ($254 million in 2012-13) has been cut from the National Health Reform (NHR) funding.

What we see is absolute hypocrisy here from the members opposite who seek to say that the ALP are the only people who care about health care, whereas the policy intent from the coalition is clearly about making sure that not only do we provide, as we have in the past, record funding but also we provide sustainable funding for the healthcare system for Australia.

*Senator O'Neill interjecting—*

**Senator FAWCETT:** They do not like hearing that, do they? They interject because they do not like to hear it. Anyone who is listening to this broadcast can recognise that senators opposite do not like to hear the facts and so they interject to try and muddy the argument. But let us look at the facts. Medicare has more than doubled in expenditure from around $8 billion to about $20 billion over the past decade, despite the proportion of Medicare spending covered by the Medicare levy falling backwards from about 67 per cent to 54 per cent.

The consultation that is ongoing now is because the government has realised that there is clearly not support in the public and there is clearly not support from members opposite nor from the crossbench to put in place measures to make Medicare sustainable. The consultation that is going ahead now is to work with the AMA and other groups who are stakeholders in the industry to say, 'Where can we make this more efficient?' What I hear is the AMA saying there are savings that can be made, there are efficiencies can be made. But, as Andrew Leigh, the shadow Treasurer, has indicated in the past, one of the viable methods for that, which and he has clearly supported, is the concept of having price signals. The government has accepted that there is no support here for that and we are looking for other savings. But the point is that the policy intent of the coalition in this area is to make sure that Medicare is effective and
sustainable into the future, and our track record shows that we have invested heavily in the health of this nation.

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (15:14): Here we are, chaos and dysfunction again.

Senator Abetz: You are not in government, are you?

Senator URQUHART: No, your chaos and dysfunction, Senator Abetz. We have seen it now since the budget last year. We saw the government introduce a $7 tax which was toxic. There was no discussion, there was no consultation and it was introduced without any discussion with the medical profession or other groups that were expected to introduce it. Then we saw a backflip in December. We saw the $7 dumped and replaced with a $5 discretionary fee—‘to recover income’ was the mantra for that. We then saw the $20 tax introduction. But the government said it would continue to stick with its plan to reduce the Medicare rebate that GPs receive for common consultations by $5 from 1 July. So the government is still heading on with this plan to attack the principal primary healthcare funding.

What happened with the $5 was the government gave the doctors a choice—very generous of them. The doctors could either pass the $5 on or they could bill their patients. Now, here we are at the 11th hour when the government knows that it is not a popular policy so they are making another announcement that they are not pursuing it. However, as Senator McLucas has just indicated, the government said that it does remain good policy. If that is what they are saying, what are they going to come up with next? They will push ahead with the planned freeze on indexation for Medicare rebates to 2018.

So what is next? Mr Hockey has been reported as saying the government listened to the medical community and is going to continue to work closely with the medical community. The Rural Doctors Association of Australia has certainly welcomed this latest backflip by the government. But it is also saying that it has major concerns about the government’s current commitment to maintain the freeze on the indexation of Medicare rebates paid to patients. So what the RDAA is saying is that this big freeze has the potential to increase costs for patients to a greater extent than the proposed co-payment, with the resultant restriction and difficulties in accessing primary care services. So here we are again with a policy that is designed to attack the primary level of health care. The primary purpose for people to go to the doctor is to try and get their health in order before it gets to a stage when they are really sick. So it is a pity that the government had not bothered to listen before putting of these ill-thought-through policies out into the community.

When the government introduced the $7 co-payment and then dropped it back to the $20 tax and then took it to the $5 payment, I bothered to go out and talk to the doctors. I did a survey amongst all the doctors on the north-west coast and on the west coast of Tasmania. The result was astounding. Close to three-quarters of north coast and west coast doctors believed that bulk-billing would decrease or end completely. The north-west coast and the west coast of Tasmania, as Senator Abetz would know, are home to some of the poorest communities in the country, with 85 per cent of doctors actually bulk-billing. People who live in these areas are very vulnerable to health care costs and hikes.
Labor knows that the government GP tax is bad policy but I wanted to learn exactly what the impact would be from my community and from the GPs who serve in my community. They were the statistics that came back. Some of the doctors told me that the government changes were not only cruel and unfair but were economically reckless because of the attack on the primary health care. Some of the other doctors said that this was a blatant attack on Medicare that makes no financial sense. From the doctors that treat the patients in my area in Tasmania, there is no economic sense to introduce these policies.

Doctors tell me—not me reading it or making it up—that evidence tells us that primary health care is the most efficient part of the system and that when it works properly it stops people ending up in hospital where the burden on the budgetary constraints is far greater. So it is ill thought out, it is ill conceived, it is reckless and it is chaotic.

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (15:19): I too rise to take note of the question asked by Senator Wong regarding the GP co-payment payment, which has now been abandoned. I must say, having listened to the contributions of Senator McLucas and Senator Urquhart, I am a little confused. When we originally put on the table this co-payment as a method by which we could try and seek to make Medicare more sustainable, there was an absolute total outcry from those opposite. They were absolutely incensed that we should consider bringing in such a policy.

Now today when we have made the decision, for a whole heap of reasons, that we are going to drop this policy, those opposite are belting the hell out of us for dropping it. Those opposite have to have it one way or the other. Do those opposite support us having the GP co-payment or do they support us no longer continuing with the GP co-payment? Because, I have to say, those opposite cannot have it both ways. I am a little disappointed, given the pressure that those opposite put on the government in relation to this particular co-payment, that when we actually did something and reacted to the response that we have had from those opposite and from the community—that the time is not right for this particular measure—that they do not congratulat us for actually listening to the community, for listening to the medical professional and for doing something that is obviously at the current time in the best interests of Australia. I just put that on the table because it does become rather contradictory when a few months ago those opposite were beating us up over a particular policy and then beating up on us for removing that policy.

Today marked a day when the government recognised that Australia was not ready for this particular reform. The government has listened and has realised that this particular policy is unpalatable to the Australian public so therefore the decision has been made not to pursue it. Notwithstanding that, even though we have made the decision not to pursue this particular policy, it still needs to be recognised that Medicare in its current form is not sustainable into the future without some change being made. So it does not matter what we do or how much we carry on, the option that the Labor Party continue to put on the table—the do-nothing option—quite clearly is not an option.

It is necessary that we look at the fact that government expenditure on Medicare has more than doubled over the last decade, from about $8 billion to $20 billion, and that is despite the proportion of Medicare spending covered by the Medicare levy falling backwards from about 67 per cent to 54 per cent over the same period of time. So to suggest that the trajectory of the cost of this particular service, which Australians justifiably take for granted, is not a problem
is being extraordinarily naïve. The reality is that this is a legacy like many other legacies that have been left to us by those opposite. It tends to make the situation we find ourselves in even more hypocritical.

Amongst all the scaremongering that goes on from those opposite, we do need to seek some alternatives for how we are going to make Medicare sustainable into the future. I for one do not want to continue borrowing money and sticking it on the credit card, because all I am really doing is racking up a debt for my children and their children, and that is not responsible. We certainly would not do it at home. If you decide to buy a car you would not take out a loan in the name of your child, so why on earth would we here think that that is an acceptable way to fund the largesse of our current society and only push the debt repayment of that onto future generations? I do not think borrowing is an acceptable way to do it. The only way we can deal with this is by increasing the level of revenue or decreasing the level of expenditure. For those opposite to sit here and bang on at us about many of the initiatives that we bring into this place to try to get our budget and our debt and deficit situation under control—things like voting against their own savings that they had put into this place before the election—is just unconscionable. They should hang their heads in shame, because they are not doing anything to provide a solution to the problems that this country faces. Today they are just playing politics with issues for the sake of playing politics, with the response that we have seen to the responsible dropping of the GP co-payment, which we quite readily accept did not meet the requirements or the test by the Australian public. I think it is completely irresponsible and to sit here with absolutely no answer is absolutely shameful.

Senator KETTER (Queensland) (15:24): Another day and another barnacle backflip by this government. Today, we see the latest move by this divided and confused government. After three iterations of the GP co-payment, it still cannot work out what to do. It appears today that Minister Ley has finally decided to talk to some in the medical profession. One wonders whether the government is actually going to be listening to what the medical profession has to say. But it is quite clear to us that the argument about the sustainability of the Medicare system is a furphy. This is an argument that cloaks an ideological obsession which is directed at the universality of Medicare. It is somewhat belatedly that this government is talking to the medical profession. The profession has lambasted the government previously in relation to its proposals and I would put that the only reason this consultation is occurring is because the Prime Minister's job is on the line as we speak.

Why did they not listen to the doctors before? I think it is important to quote from the Senate Select Committee on Health and its first interim report, in December last year, when this question of sustainability was totally discredited by the medical profession. I seek to quote from the report, at paragraph 3.12:

This notion of unsustainability has repeatedly been cited as the rationale for the government's $7 co-payment policy intervention. However, the evidence provided to the committee does not support the government's assertions. For example the AMA's submission states that:

The Government is justifying the health budget measures on the basis that Australia's health spending is unsustainable. It is not.

- Health is 16.13% of the total 2014-15 Commonwealth Budget, down from 18.09% in 2006-07.
- Health was 8.9% of Australia's GDP in 2010, stable when compared with 8.2% in 2001, and lower than the OECD average of 9.3%.
The Government fails to acknowledge that Australia's nominal GDP continues to grow at rates that are above OECD averages. Australia can afford the health system it currently has.

Further, a representative from the AMA, Victoria, supported the view that health expenditure is not unsustainable, and he said:

Whichever set of numbers you want to look at, we can look at the percentage of the Commonwealth budget, in terms of health. We have said that it was 18 per cent and it is down to 16 per cent. On that measure alone it is not unsustainable. If we look at general practice, in this whole co-payment argument general practice has been hit over the head with a very big stick as being to blame for the problem, but nothing could be further from the truth. In fact, general practice is the solution to the problem, not the problem.

We have heard the health minister say on the one hand that the government has hit the pause button on its GP tax, but remarkably Senator Abetz and Senator Nash told the chamber in question time today that the government has completely dropped the plan altogether, so effectively it has hit the delete button. It cannot even dump a policy properly. The health minister said today that the government has not yet arrived at a final position. What a shambles it is in.

On top of this latest shift in Medicare policy, the government has a sorry record in health in my home state. This government has no comprehensive rural health policy and has abandoned preventive health in rural and regional communities and sought to axe the Australian National Preventive Health Agency.

In my remaining few minutes I want to look at my home state of Queensland where the former Premier of Queensland, Mr Campbell Newman, identified that the government had treated Queensland very badly when it came to cuts to health-care funding and the GP tax. He made comments to the effect that you cannot just throw health and education issues on the states and not give them money to deal with the problem. He said, 'The federal government is making the states do the heavy lifting and making the tough decisions in relation to health and education and that they are doing it in a non-transparent and non-upfront way.'

We have heard the Prime Minister, on 53 occasions, backing the GP tax as good policy and claiming it to be 'The best friend of Medicare we've ever had.' We have had him support the $7 GP tax, the $20 cut, a $5 GP tax and a four-year freeze on indexation.

Universal health care is being treated as an ideological plaything by this government where a succession of half-baked reforms are trotted out. The Australian public have noticed and they know whatever the latest backflip, pause or about-face is, this government cannot be trusted on Medicare.

Question agreed to.

**National Security**

**Senator LAMBIE** (Tasmania) (15:30): I move:

That the Senate take note of the answer given by the Attorney-General (Senator Brandis) to a question without notice asked by Senator Lambie today relating to the provision of assistance to terrorist organisations by Australian citizens.

The Attorney-General, in answering my question without notice today regarding the laying of treason and sedition charges against Australian citizens who have clearly assisted or fought for Islamic State, shows that this Liberal-National government has gone soft on Australian
citizens who choose to assist or fight for our enemy, an organisation that calls itself Islamic State, or ISIS. If the Liberal and National parties were fair dinkum about addressing the growing threat of Islamic Australian citizens who clearly are assisting the Islamic State organisation, then the Attorney-General and Australian law enforcement agencies would have laid the serious charges of sedition or treason against any Australian citizen who assists, as the legislation reads, 'by any means whatever’—and I will repeat that: 'by any means whatever’—an organisation that is engaged in armed hostilities against the Australian Defence Force.

The government are quick to say to the Australian people that we need to introduce new laws which take away and undermine basic civil rights to privacy because we need to crack down on Australian citizens who fight for or support the Islamic terrorists who want to kill us. But the government, by the Attorney-General's reply to my questions today, have shown that they are too lazy and stupid, or are trying to win political favour with the Australian Islamic community, by not laying the high-crime charges of treason and sedition against the hundreds, probably thousands, of Islamic Australian citizens who assist or have fought for the butchers of Islamic State.

The law which served previous generations of Australians who fought killers who wanted to impose by force a brutal dictatorship on our nation is clear. Division 80 of the Commonwealth Criminal Code Act 1995 states that any Australian who engages in conduct that assists by any means whatsoever, with intent to assist, another country or an organisation that is engaged in armed hostilities against the Australian Defence Force is guilty of treason and/or sedition and should face seven years to life in jail.

The key question Prime Minister Abbott and Attorney-General Brandis must answer before any new anti-terror laws which take away or undermine basic civil democratic rights pass this Senate is this: why have you failed to use tried and tested existing laws which came into being to protect the majority of law-abiding, proud Australians from these exact circumstances, which are coordinated attacks from a group of dirty, savage, filthy traitors?

The Islamic State supporter who carried out the Sydney siege and brutal killing, as well as being a criminal, was an Australian citizen and clearly an Australian traitor. Man Haron Monis's actions were designed to assist the organisation Islamic State. I would like the people of Tasmania and Australia to consider this set of circumstances that could happen in the future. What if a traitorous Australian citizen like Monis survived a siege after killing Australian citizens? Should that person face a maximum penalty of life in jail or should an Australian jury have the option of imposing the death sentence on a killer, traitor and terrorist supporter? While I normally oppose the death penalty, I say yes to the death penalty for only these circumstances.

In closing: as many will know, I have received a letter and photos from a writer who has threatened to behead me if I do not convert to Islam and support sharia law. It could be a hoax. It could be real. Either way, my message to Islamic State supporters in Australia is clear: get stuffed. I will not be intimidated and I will not be threatened. Anybody who supports and advocates for sharia law, the law of our enemies, should be put behind bars or deported. It is as simple as that.

Question agreed to.
NOTICES

Presentation

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (15:35): I give notice that, on the next day of sitting, I shall move:

That the provisions of paragraphs (5) and (8) of standing order 111 not apply to the Aboriginal and Torres Strait Island Peoples Recognition (Sunset Extension) Bill 2015, allowing it to be considered during this period of sittings.

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

Leave granted.

The statement read as follows—

STATEMENT OF REASONS FOR INTRODUCTION AND PASSAGE IN THE 2015 AUTUMN PARLIAMENTARY SITTINGS
ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES RECOGNITION (SUNSET EXTENSION) BILL

Purpose of the Bill
The purpose of the bill is to amend Section 5 of the Aboriginal and Torres Strait Islander Peoples Recognition Act 2013 to extend the sunset of the Act for a further three years.

Reasons for Urgency
Introduction and passage of the bill in the 2015 Autumn sittings is required to ensure the amendments are passed, and the bill receives Royal Assent, prior to the sunset date of 28 March 2015.

If the Act lapses, the Parliament's legislative recognition of Aboriginal and Torres Strait Islander peoples will cease.

Presentation

Senator Fifield to move:

That—

(a) so much of the standing orders be suspended as would prevent the succeeding provisions of this resolution having effect;

(b) on Wednesday, 4 March 2015, the business of the Senate notice of motion proposing the disallowance of the Competition and Consumer (Industry Code—Port Terminal Access (Bulk Wheat)) Regulation 2014, standing in the names of Senators Leyonhjelm and Day, for that day be called on no later than 6.15 pm; and

(c) if consideration of the motion listed in paragraph (b) is not concluded at 6.30 pm, the questions on the unresolved motion shall then be put.

Senator Lines to move:

That the following matter be referred to the Finance and Public Administration References Committee for inquiry and report by 10 August 2015:

Aboriginal and Torres Strait Islander experience of law enforcement and justice services, with particular reference to:

(a) the extent to which Aboriginal and Torres Strait Islander Australians have access to legal assistance services;
(b) the adequacy of resources provided to Aboriginal legal assistance services by state, territory and Commonwealth governments, and the impacts of recent cuts to federal funding to those services;
(c) the benefits provided to Aboriginal and Torres Strait Islander communities by Family Violence Prevention Legal Services, and the impact of any funding uncertainty experienced by those services;
(d) the consequences of mandatory sentencing regimes on Aboriginal and Torres Strait Islander incarceration rates;
(e) the reasons for the high incarceration rates for Aboriginal and Torres Strait Islander men, women and juveniles;
(f) the adequacy of statistical and other information currently collected and made available by state, territory and Commonwealth governments regarding issues in Aboriginal and Torres Strait Islander justice;
(g) the cost, availability and effectiveness of alternatives to imprisonment for Aboriginal and Torres Strait Islander Australians, including prevention, early intervention, diversionary and rehabilitation measures;
(h) the benefits of, and challenges to, implementing a system of ‘justice targets’; and
(i) any other relevant matters.

Senator O’Sullivan to move:
That the Senate—
(a) recognises and commends Forestry Tasmania’s pre-season fuel reduction burn strategy across 3,500 hectares of forestry assets, such as plantations, as well as community assets in high risk areas of the state’s north; and
(b) recognises that Forestry Tasmania:
   (i) staff are trained to be able to support the Tasmania Fire Service when needed while normally being employed in forestry roles, and that this approach expands the state’s firefighting capability in a cost effective way, and
   (ii) is part of the Inter-Agency Fire Management protocol, along with the Tasmania Fire Service and the Parks and Wildlife Service Tasmania, a protocol unique among Australian fire management agencies providing for streamlined communications and a high degree of cooperation between the three organisations.

Senator Rhiannon to move:
That the Senate—
(a) notes that:
   (i) the average unemployment rate in regional New South Wales has risen by 2.6 per cent since the Liberal/National Government came to office in New South Wales,
   (ii) unemployment in regional New South Wales is now 8.5 per cent, compared to 5.8 per cent in the greater Sydney area,
   (iii) more than 10,000 jobs have been lost in the Shoalhaven and Southern Highlands area—16 per cent of the workforce—since the Abbott Government came to office,
   (iv) the positions of the Illawarra Local Employment Coordinator and Employment Project Officer were cut as result of the Abbott Government’s 2014 federal budget,
   (v) Australian Paper has announced the closure of its Shoalhaven Mill, resulting in the loss of 75 jobs in the Shoalhaven community, and
the Construction, Forestry, Mining and Energy Union has estimated that the closure of the mill will lead to the loss of 150 flow-on jobs from Shoalhaven and $20 million in regional household income in the local economy; and

(b) calls on the Government:
   (i) to reinstate the positions of Local Employment Coordinator and Employment Project Officer as a matter of urgency, and
   (ii) to commit to maximising paper purchases from local renewable paper producers.

Senator Lazarus, Wang and Hanson-Young to move:

That the Senate—

(a) recognises that Australia has an obligation to protect the health, safety and welfare of people placed in detention by the Federal Government regardless of the location of the detention centres;
(b) notes the jurisdictional issues involving detention centres, especially those located offshore, lead to allegations of abuse in these centres being referred to local police in relevant states or territories or in the countries in which the detention centres are located; and
(c) calls on the Federal Government to urgently ensure that all allegations of abuse involving children in detention are referred to the Australian Federal Police and investigated on an individual basis.

Senator Waters to move:

That the following bill be introduced: A Bill for an Act to provide Australian landholders the right to refuse the undertaking of gas and coal mining activities on their land without prior written authorisation, to ban hydraulic fracturing, and for related purposes. Landholders’ Right to Refuse (Gas and Coal) Bill 2015.

Senator Ludlam to move:

That the following bill be introduced: A Bill for an Act to amend the law relating to defence to provide for parliamentary approval of overseas service by members of the Defence Force, and for related purposes. Defence Legislation Amendment (Parliamentary Approval of Overseas Service) Bill 2015.

Senators Leyonhjelm, Day and Madigan to move:

That the Senate recognises that:
(a) the Commonwealth Government's net worth is negative (that is, negative $229 billion in 2014-15, according to the Mid-Year Economic and Fiscal Outlook), indicating that the value of liabilities being left for future generations exceeds the value of assets;
(b) budget surpluses improve the Commonwealth Government's net worth;
(c) it is prudent to achieve budget surpluses on average over the medium term; and
(d) based on the expectations for economic growth and commodity prices set out in the Mid-Year Economic and Fiscal Outlook, it would be prudent to achieve budget surpluses at least by 2019-20.

Senators Rice and Cameron to move:

That the Senate—
(a) notes:
   (i) that the Productivity Commission has indicated it would examine penalty rates and the minimum wage in its inquiry into the workplace relations framework, and
   (ii) that the Minister for Employment has:

(a) expressed surprise at the Productivity Commission examining penalty rates and the minimum wage and has ruled out any changes even if the inquiry recommends them, and
(b) at estimates subsequently refused to rule out a review of penalty rates; and
(b) calls on the Government to provide certainty to workers and businesses by directing the Productivity Commission to exclude the minimum wage and penalty rates from its inquiry into the workplace relations framework.

Senator Whish-Wilson to move:
That the Senate—
(a) notes that:
(i) the Australian Southern Bluefin Tuna Fisheries Association (ASBTA) recently donated $320 000 to the federal branch of the South Australian Liberal Party, $250 000 of which was donated before the 2013 federal election,
(ii) Fairfax Media reported on 24 February 2015 that ASBTA Chief Executive, Mr Brian Jeffriess said, 'The donation by the tuna industry [to the Liberal Party] was decided in 2010 after the then [Labor] government broke a promise that the tuna quota would not be reduced in 2010', and
(iii) during the Senate estimates hearing of the Rural and Regional Affairs and Transport Legislation Committee on 23 February 2015, the Parliamentary Secretary for Agriculture, Senator Colbeck, in regards to the setting of fisheries quotas stated, '...they used to be set politically to where they are now set by an independent commission, which is AFMA [Australian Fisheries Management Authority], based on science'; and
(b) calls on the Liberal Party to return the $320 000 donation to ASBTA as an act of good faith to demonstrate that the fisheries quota system is independent, science based and beyond the reach of political donations

Senator Fifield to move:
That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Aboriginal and Torres Strait Islander Peoples Recognition (Sunset Extension) Bill 2015, allowing it to be considered during this period of sittings.

COMMITTEES
Reporting Date

The Clerk: Notifications of extensions of time for committees to report have been lodged in respect of the following:
Economics References Committee—retail leasing—extended from the eighth sitting day of 2015 to 18 March 2015.
Environment and Communications References Committee—invasive species—extended from 4 March to 13 May 2015.

The PRESIDENT (15:36): Thank you, Clerk. I remind senators that the question may be put on any of those proposals at the request of any senator. There being none, we will move on.
BILLS
Criminal Code Amendment (Animal Protection) Bill 2015
Explanatory Memorandum

Senator BACK (Western Australia) (15:36): by leave—I table a correction to the explanatory memorandum for the Criminal Code Amendment (Animal Protection) Bill 2015, which I introduced on Wednesday, 11 February 2015.

MOTIONS
International Women's Day

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (15:37): In relation to general business notice of motion No. 621, I indicate that I will be adding the names of Senators Moore and Waters. I, and also on behalf of Senators Moore and Waters, move:

That the Senate—
(a) notes that:
   (i) 8 March is International Women's Day (IWD) and that the theme for IWD 2015 is 'Empowering Women, Empowering Humanity: Picture it!', and
   (ii) 2015 marks 20 years since the Beijing Declaration and Platform for Action (BPFA), the international plan for achieving gender equality which was agreed by 189 governments, including Australia, at the United Nations Fourth World Conference for Women, held in Beijing, China, in September 1995;
(b) acknowledges:
   (i) the work that UN Women, the United Nations organisation dedicated to gender equality and the empowerment of women, undertakes to improve the conditions of women, both domestically and internationally,
   (ii) the efforts made by successive Australian Governments in progressing the BPFA aims, specifically in removing obstacles for women's active participation in all areas of public and private life and establishing shared responsibility between women and men at home, in the workplace and in the community to build a sustainable, just and developed society, and
   (iii) that, despite the many rights and privileges Australian women enjoy and the years of passage of the BPFA, there remain challenges that we must strive to overcome on a domestic and international basis; and
(c) recognises:
   (i) that in Australia, violence against women is still far too common, with Australian Bureau of Statistics data continuing to show that one in 3 women have experienced physical violence since the age of 15,
   (ii) the collective efforts from Commonwealth, state and territory governments to ensure a significant and sustained reduction in violence against women and their children, pursuant to the National Plan to Reduce Violence Against Women and their Children 2010 2022, and
   (iii) that all Australians have an obligation to speak out and protect the human rights of women, both in Australia and overseas.

Question agreed to.
DOCUMENTS

National Mental Health Commission

Order for the Production of Documents

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:38): At the request of Senator McLucas, I move:

That—

(a) there be laid on the table by the Minister representing the Minister for Health, no later than 9.30 am on Wednesday, 4 March 2015, copies of the following National Mental Health Commission documents in relation to its Mental Health review:

(i) the preliminary report which was completed during February 2014,
(ii) the interim report of the Mental Health Review which was completed in June 2014, and
(iii) the final report which was completed by the end of November 2014; and

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

(i) organisations in the mental health sector are losing staff and being forced to cut services because of the lack of certainty the Government is causing by not releasing the reports,

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

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

(iv) there has been significant demand from the mental health sector for the reports to be made available to allow for an informed debate in the lead up to Government decision making around the 2015 16 Budget, and

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

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

The Senate divided. [15:42]

Ayes ......................36
Noes ......................27
Majority ..........9

AYES

Bilyk, CL
Conroy, SM
Day, R.J.
Gallacher, AM
Ketter, CR
Lazarus, GP
Lines, S
Ludwig, JW

Bullock, J.W.
Dastyari, S
Di Natale, R
Hanson-Young, SC
Lambie, J
Leyonhjelm, DE
Ludlam, S
Lundy, KA

CHAMBER
Tuesday, 3 March 2015

SENATE

975

AYES

Marshall, GM  McEwen, A (teller)
McLucas, J  Milne, C
Moore, CM  Muir, R
O'Neil, DM  Peris, N
Polley, H  Rhiannon, L
Rice, J  Siewert, R
Singh, LM  Sterle, G
Urquhart, AE  Wang, Z
Waters, LJ  Whish-Wilson, PS
Wright, PL  Xenophon, N

NOES

Back, CJ  Bernardi, C
Birmingham, SJ  Bushby, DC (teller)
Canavan, M.J.  Cash, MC
Colbeck, R  Edwards, S
Fawcett, DJ  Fifield, MP
Johnston, D  Macdonald, ID
Mason, B  McGrath, J
McKenzie, B  O'Sullivan, B
Parry, S  Payne, MA
Reynolds, L  Ronaldson, M
Ruston, A  Ryan, SM
Scullion, NG  Seselja, Z
Sinodinos, A  Smith, D
Williams, JR

PAIRS

Brown, CL  Cormann, M
Cameron, DN  Heffernan, W
Carr, KJ  Brandis, GH
Collins, JMA  Abetz, E
Wong, P  Fieravanti-Wells, C

Senator Nash did not vote, to compensate for the vacancy caused by the resignation of Senator Faulkner.

Question agreed to.

MOTIONS

The PRESIDENT (15:44): I would advise honourable senators that there are five more notices of motion, which may or may not involve divisions.
Liverpool Plains

Senator WATERS (Queensland) (15:45): I move:

That the Senate—

(a) notes that:

(i) the Liverpool Plains is one of the most important agricultural regions in Australia with rare and highly productive black soils, excellent water resources and a favourable local climate,

(ii) farming has occurred on the Liverpool Plains for generations and the agricultural productivity of the area is up to 40 per cent above the national average for all farming regions of Australia,

(iii) highly productive agricultural land, like that of the Liverpool Plains, is a finite resource,

(iv) the New South Wales Planning Assessment Commission has recently approved the development of Chinese state-owned company Shenhua's Watermark open-cut coal mine on the Liverpool Plains, which will extract 268 million tonnes of coal over 30 years, 3 kilometres from the town of Breeza,

(v) farmers in the region are angry and extremely concerned that if this coal mine goes ahead their soils and the highly interconnected groundwater aquifers they rely on will be irreversibly damaged,

(vi) the Northern Daily Leader reported on 4 July 2014 That the Minister for Agriculture (Mr Joyce) said, 'I think the idea of a coalmine on the Breeza Plains is an absurdity' and 'I think it's most likely that it's going to have a deleterious effect on the aquifers'; and

(vii) the Australian Broadcasting Corporation reported on 9 September 2014 That the Minister for Agriculture said of the Liverpool Plains, 'I've always said from the start that I don't believe that it is the appropriate place for a coal mine'; and

(b) believes That the Liverpool Plains should be permanently off limits to coal mining and coal seam gas extraction.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (15:45): Mr President, I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator FIFIELD: On behalf of the environment minister, I say it is not the place of the Senate to dictate land-use decisions in New South Wales. Australia's government involvement in this project is limited to matters of national environmental significance and, appropriately, the project is being assessed in accordance with requirements of national environmental law.

Minister Hunt has visited the Liverpool Plains and is keenly aware of the community's concerns. On Friday, Minister Hunt announced he would stop the clock on Australian government assessment of the project and requested additional advice from the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development.

This will ensure that any decision made under national environmental law is based on the best available science. Minister Hunt takes his responsibility under the national environmental law very seriously and seeking this further information will ensure that the assessment is robust and based on the best possible scientific information. The minister has assured the community that no decision will be made until he has had time to fully consider all relevant information.

The PRESIDENT: The question is that the motion moved by Senator Waters be agreed to.
The Senate divided. [15:47]
(The President—Senator Parry)

Ayes ...................... 12
Noes ...................... 39
Majority................. 27

AYES
Di Natale, R  
Lazarus, GP  
Milne, C  
Rice, J  
Wang, Z  
Whish-Wilson, PS

Hanson-Young, SC
Ludlam, S
Rhiannon, L
Stewart, R (teller)
Waters, LJ
Wright, PL

NOES
Back, CJ
Bilyk, CL (teller)
Bullock, J.W.
Colbeck, R
Day, R.J.
Fawcett, DJ
Gallacher, AM
Ketter, CR
Lines, S
Lundy, KA
Marshall, GM
McEwen, A
McLucas, J
O'Neill, DM
Peris, N
Reynolds, L
Ruston, A
Seselja, Z
Smith, D
Urquhart, AE

Bernardi, C
Birmingham, SJ
Bushby, DC
Conroy, SM
Edwards, S
Fifield, MP
Johnston, D
Leyonhjelm, DE
Ladwig, JW
Macdonald, ID
Mason, B
McGrath, J
Moore, CM
Parry, S
Polley, H
Ronaldson, M
Ryan, SM
Singh, LM
Sterle, G

Question negatived.

Australian Human Rights Commission

Senator HANSON-YOUNG (South Australia) (15:51): I, and also on behalf of Senators Collins, Lazarus, Wang and Lambie, move:

That the Senate—

(a) commends the Australian Human Rights Commission (AHRC) and its President on delivering The forgotten children: national inquiry into Children in Immigration Detention 2014 report;

(b) acknowledges That the Department of Immigration and Border Protection has referred all allegations of abuse involving children in detention, including those evidenced in the report, on an individual basis to police for investigation and action;
(c) respects the independence and integrity of the AHRC and its mandate to promote and protect human rights in Australia; and  
(d) expresses its support for, and confidence in, the AHRC and its President.

The PRESIDENT: The question is that the motion be agreed to.

The Senate divided. [15:53]

(The President—Senator Parry)

Ayes ...................... 39
Noes ...................... 12
Majority ................ 27

AYES

Back, CJ
Bilyk, CL
Bullock, J.W.
Colbeck, R
Edwards, S
Fifield, MP
Ketter, CR
Lines, S
Lundy, KA
Marshall, GM
McGrath, J
Moore, CM
O’Neill, DM
Parry, S
Polley, H
Ruston, A
Seselja, Z
Smith, D
Urquhart, AE
Xenophon, N

Bernardi, C
Birmingham, SJ
Bushby, DC (teller)
Day, R.J.
Fawcett, DJ
Gallacher, AM
Leyonhjelm, DE
Ludwig, JW
Macdonald, ID
McEwen, A
McLucas, J
Muir, R
O’Sullivan, B
Peris, N
Reynolds, L
Scullion, NG
Singh, LM
Sterle, G
Williams, JR

NOES

Di Natale, R
Lazarus, GP
Milne, C
Rice, J
Wang, Z
Whish-Wilson, PS

Hanson-Young, SC
Ludlam, S
Rhannion, L
Siewert, R (teller)
Waters, LJ
Wright, PL

Question agreed to.

Genetically Modified Crops

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:55): I move general business notice of motion No. 620:

That the Senate—

(a) notes the intention of the Western Australian State government to review its Genetically Modified Crops Free Areas Act 2003;
(b) calls on the Western Australian State government to retain the legislative framework that creates genetically-modified organism (GMO) free areas within Western Australia;

(c) notes the enormous financial costs, including court fees and loss of income, that Mr Steve Marsh has incurred after having his organic farm contaminated by genetically-modified (GM) canola from a neighbouring farm; and

(d) calls on the federal government to facilitate the creation of a national contamination insurance scheme that ensures that the clean-up and loss of income costs associated with cleaning up a GMO contamination is funded by levies on GM crops.

Question negatived.

Mental Health

Senator WRIGHT (South Australia) (15:56): I move general business notice of motion No. 623:

That the Senate—

(a) notes the study by Melbourne's Monash University which shows fewer people in rural, remote and disadvantaged areas accessing mental health services;

(b) acknowledges that rates of severe mental illness are higher in the most disadvantaged areas;

(c) recognises that people in wealthier areas access psychologists and psychiatrists up to three times as often as those in the most disadvantaged areas; and

(d) calls on the government to address these inequalities by providing incentives for mental health professionals to practise outside major cities.

Question agreed to.

MATTERS OF PUBLIC IMPORTANCE

Racial Discrimination Act

The PRESIDENT (15:57): A letter has been received from Senator Moore:

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


Is the proposal supported?

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

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

Senator LEYONHJELM (New South Wales) (15:57): by leave—Senator Day and I have sought today's 10-minute allocation for the crossbench. We are the sponsors of the bill on this matter. We have been allocated none of the crossbench allocation for speaking in urgency motions or MPIs since we started in the Senate in July. By contrast, the Greens have been allocated 54 of the 80 minutes of MPI and urgency motion time since December and a higher proportion in the previous period.

We would be comfortable with the Greens receiving an allocation of today's crossbench time based on their proportion of the crossbench, but we need an agreement that this occur in
each MPI and urgency debate—including those where they propose the topic. To date, the position of the Greens has been to use all the crossbench allocation for MPIs and urgency debates when they propose the topic and half the allocation when they do not propose the topic. This is not proportionality.

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:58): by leave—The amount of time that is allocated for the crossbench during MPIs is 10 minutes. The Greens make up over half the crossbench. We have five minutes allocated during this particular time and the rest of the crossbench gets the other five minutes. It is up to them to work out how to deal with it.

I will note that yesterday was our MPI, and of the 20 minutes that we were due we used nine and gave the rest to the crossbench. So, there is time allocated for the crossbench. It is not the Greens' job to organise the rest of the crossbench; that is up to them—how they allocate their five minutes. But we chose to use the five minutes that we are due as the proportion of the crossbench time.

The PRESIDENT: What has been presented to me is a list with allocated speaking times for all but two of the list, and the two on the list are the two crossbench allocations of time. So what you are indicating to me—and, again, if it is the will of the Senate—is that we allocate five minutes to each of those two crossbench times? Is that what is being suggested? Because at the moment it is blank, which would have meant the call would have been given to a crossbench senator and the first crossbench senator could have spoken for any amount of time up to 10 minutes. So, unless I have any objection from the Senate, I take it that the list that has been circulated with times where it does not include times for crossbench is a five-minute allocation for two crossbench senators. There is a total of 10 minutes, but on the list presented to me there are two segments for crossbenches.

Senator SIEWERT: A point of clarification: it is up to the rest of the crossbench to decide how they want to contribute the other five minutes. If Senators Leyonhjelm and Day want to share that, I suggest that is up to them.

The PRESIDENT: I will again seek advice. You are suggesting one of those items should be Greens rather than crossbench. Is there any objection to that? For further clarification, I will make the first allocation to the Greens party and the second allocation where it says crossbench to crossbench senators. I assume we will have some indication from crossbenches during the debate as to who the call will go to. Is everyone comfortable with those arrangements? I will now call Senator Singh.

Senator SINGH (Tasmania) (16:01): I speak to this matter of public importance because it is clearly about the Abbott government's confused and chaotic approach to hate speech but on top of that the division within the coalition on its approach to hate speech. None of us in this Senate will forget Senator Brandis's now infamous claims that 'People do have a right to be bigots, you know.' I am sure that Senator Brandis's coalition colleagues will never forget this clumsy and offensive remark that he made at that time. Senator Brandis's judgement at that time came under attack from that very moment on as he attempted to implement his foolish commitment to destroying section 18C of the Racial Discrimination Act.

But what we have had since that time is chaos and confusion on the side of the government—so much so that we had the backflip on Senator Brandis's commitment that he
and his colleague Andrew Bolt wanted to see change in the Racial Discrimination Act last year. There was a backflip on that put in place by pressure from the Prime Minister, and since that time it has seemed the government wants to go even harder to restrict freedom of speech for certain ethnic groups in our community.

You have that going on in one side of the executive of the government. On the other side you have coalition members—backbenchers like Senator Smith, for example—

*Senator Edwards interjecting—*

*Senator SINGH:* and Senator Edwards, as he points to himself—wanting to bring it all back on again with section 18C of the Racial Discrimination Act. We all recall very clearly how categorical the Attorney-General was that a government should never, in the interests of freedom of speech, be in the business of penalising people who hold objectionable views, in saying so absolutely ignoring section 18D of our Racial Discrimination Act. Having said that, now what we have is the government's acceptance of objectionable views that does not extend to objectionable views expressed by certain ethnic groups—notably, for example, the Muslim community. To quote Mike Seccombe in *The Saturday Paper:*

"People do have a right to be bigots, you know." But only, it now appears, if they are government-friendly bigots.

When will this government say what it means and do what it says? We have had backflip after backflip if we want to talk about the GP tax or paid parental leave. Now there is section 18C, which we thought perhaps was dead, buried and cremated just like we thought Work Choices was, but it does not take long before it starts raising its ugly head again. They are all over the place on this issue.

We know clearly that after coming into government Senator Brandis published an exposure draft of his bigots' charter. Media reports followed, soon revealing that he had not originally intended to adopt a consultative approach to winding back section 18C at all; rather, Senator Brandis's preference was to ram legislation through the parliament without even a hint of public consultation. Well, the public consultation that he then put in place was pretty much a joke anyway. But, having said that, the broader community took him at his word and participated in that public consultation in a fairly big way, so much so that the Attorney-General got bombarded with so many submissions—submissions that he never released publicly, though some of the submitters themselves did—and we know clearly that the overwhelming majority of those submissions were against changes to 18C. It was that pressure by so many ethnic communities, so many people in the broader community, the legal fraternity and the NGO sector that led to Prime Minister Tony Abbott intervening on Senator Brandis's grand plan to wind back section 18C and ditch the whole thing.

We have had a ditching of the whole thing since August, but now we know the rumblings are there. Now we know that it is back on the agenda, isn't it, Senator Edwards? Isn't it, Senator Smith? And we know that we have the support of the crossbench in doing so. Senator Brandis needs to come into this chamber and make clear what this government's policy on racial discrimination laws in this country is. Where are they today? What is the weather today? Is it raining? Is it sunshine? Because it seems to change on a daily basis, just like every other policy issue this government puts in place. They are not fit to govern because they are a rabble. They do not know what they stand for; they are all over the place. In the meantime, it is people of various different racial backgrounds who are the victims of this government's
delusional approach when it comes to racial discrimination laws. It is Labor's hope that our current racial discrimination laws—which include section 18C and section 18D, which addresses freedom of speech—remain as is. As they have continued to work for a number of years now, they do not need to be touched.

We in the Labor Party believe that Australia's political leaders ought to focus their energies on bringing people together—on inclusiveness and protecting the social cohesion that underpins our proud and successful multicultural country. That is what leaders should be doing, not trying to create division among various community groups; not trying to create division amongst the broader community. It is really disappointing to hear some voices from within the coalition who seem to feel their energies are better directed at prosecuting an agenda of intolerance, bigotry, fear and hatred than an agenda of inclusiveness, compassion and equality.

Section 18C has been used to combat the vilest forms of hate speech. Those coalition senators should read some of the case law in this area and realise that. Hate speech is behaviour the Labor Party believes has no place in a civilised society. I will refresh those coalition senators' memories on some of that case law. There is the case of Jones v Tobin, when section 18C was used to combat infamous Holocaust denier Frederick Tobin who sickeningly claimed that there is serious doubt that the Holocaust actually occurred. Shame! That case law used section 18C of the Racial Discrimination Act. Before coalition senators come into this place with a bill which removes that provision, they need to read back through that case law and think seriously about what they are trying to do to this country by removing those protections as they currently stand.

The Labor Party does not believe this sickening attack has any place in Australian society. If coalition senators want to vote to support Frederick Tobin and his ilk, then the Australian people will judge them accordingly. The Labor Party opposes this type of behaviour. Today, coalition senators in this place must decide how they see this provision in that light. They must reflect on that case law when they are reflecting on their position and their beliefs, and their so-called 'principled' position on racial discrimination law. They could also, perhaps, talk to the Attorney and the Prime Minister, because the last thing the Australian community heard from them was that section 18C was off the table.

So where is the coalition on this position? It is in a completely different place to the Labor Party, which stands for inclusion and for section 18C remaining in our Racial Discrimination Act.

**Senator EDWARDS** (South Australia) (16:11): It strikes me that Senator Singh, across on the other side of the chamber, is relying a lot on theatre and melodrama to make up for a lot of ignorance. The mere contention—

**Senator Singh:** Mr President, I rise on a point of order. I find that objectionable. That is an objectionable comment made by Senator Edwards and he should know better than that, especially in addressing that comment to me. **The ACTING DEPUTY PRESIDENT (Senator Back):** Is the point of order on the word 'ignorance', Senator Singh?

**Senator Singh:** Yes.
The ACTING DEPUTY PRESIDENT:  Certainly. Senator Edwards, I invite you to change that word in your vocabulary.

Senator EDWARDS:  I withdraw the word 'ignorance' and would perhaps insert the words 'lack of knowledge'.

What an extraordinary outburst. I am on the record and, indeed, have written about this subject. Obviously I was disappointed when the government decided not to proceed with these changes but I know that, in a good government and a pragmatic government, you get on with the big priorities and that is the way in which the leadership of the government saw it.

Senator Moore, you remind us today just how much the Labor Party has become a party of impressions. You see, they are very good on the other side over there, in Labor, of creating the impression that they stand for things, but they are not very good at following through with principled policymaking. They create the impression they support workers, but driving down economic growth hardly creates jobs. They create the impression that they support Defence, but cutting 10 per cent from its budget is hardly consistent with that. And they create the impression they support free speech, but alas—the evidence is they do no such thing.

Labor projected all of the rhetoric which created the impression they supported Charlie Hebdo and its murdered staff in the cause of free speech, but in practice they support the very legislation that would prevent that magazine from being published. On this side of the chamber our rhetoric matches our actions. We appreciate that free speech is a serious issue and one that requires a serious response; and where free speech overlaps with national security imperatives it is even more serious.

These are matters we would prefer to tackle on a bipartisan basis, if that is not beyond the Labor Party. When our enemies weaponise words and information to use against us, there is no place for playing politics. The facts are that there are people in our community who are preaching hatred and violence. They do so aiming to influence our young men and women to travel overseas to fight with or support terrorist groups who are in battle with this nation's armed forces, and they do so with the aim of influencing them to commit violence here in Australia too. To this end the Prime Minister and senior ministers regularly condemn hate preachers with their words and their actions.

The government introduced the foreign fighters bill last year, which included strong prohibitions against the advocacy of terrorism. The Attorney-General announced not two weeks ago that the government will provide nearly $18 million in funding to combat the lies and the propaganda that terrorist groups and their advocates circulate online. This will empower the government and community members themselves to directly challenge propaganda with the full force of the law at their side. The Combating Terrorist Propaganda Online initiative will limit the impact of extremist narratives on domestic audiences by reducing the support that terrorist groups garner on the internet and via social media.

We will establish a social media monitoring and analysis capability in order to better understand extremist narratives and how they influence Australians. The measures will also help reduce access to extremist material online through the recently launched 'report online extremism' tool. And we will work the with the Australian Communications and Media Authority, the private sector and international partners to take down or otherwise address extremist content.
So the government is taking a dynamic approach to its communications to better contest the online environment. This will include promoting material online that challenges the claims of terrorists and shares the benefits of Australia's diversity, inclusion, democracy and social values. This is not work that governments can do alone. As the Prime Minister said recently:

The terrorist threat is rising at home and abroad – and it's becoming harder to combat.

By any measure, the threat to Australia is worsening.

The number of foreign fighters is up.
The number of known sympathisers and supporters of extremism is up.
The number of potential home grown terrorists is rising.

There is no grievance here that can be addressed; there is no cause here that can be satisfied; it is the demand to submit - or die.

And so the government and communities are already working to help susceptible individuals reject terrorist propaganda, by questioning the assertions, inconsistencies and false allegations and by bringing to light the brutality of extremist groups. There will also be stronger prohibitions on vilifying, intimidating or inciting hatred. These changes will empower us to directly challenge terrorist propaganda.

The government is deeply committed to its freedom agenda, which includes advancing measures to protect freedom of speech, freedom of religion and other traditional rights and liberties. The government is working closely with the community to combat radicalisation and extremism through the promotion of acceptance and tolerance.

We believe in an Australia where everybody is free to speak their mind. We believe in an Australia in which rights are accompanied by responsibilities. We believe in an Australia in which there is absolutely no place for racism, and all of our citizens live in a harmonious and mutually respectful society. Unlike those opposite, not only do we tell you what we believe in—all of this—but we are acting to see that it happens.

I hope that the contributions to the rest of this debate can be a little more balanced and less prejudicial than the last contribution we had from Labor, from Senator Singh. Thank you.

**Senator DI NATALE (Victoria) (16:20):** We hear a lot about freedom and individual liberties in this place. We hear about how critical they are and how important they are for a democracy such as ours. It is usually from the conservative side of politics. Whenever a reform is introduced that might come up against the notion of freedom and liberty, terms like 'nanny state' are thrown around. We hear it time and time again.

We saw recently the unedifying spectacle of changes to the Racial Discrimination Act—not because of any concern from the community but because of course our friends at the IPA and mates at News Corporation wanted to see changes to our hate speech laws. But that issue was so imp. It was a touchstone issue for the conservative side of politics. It was fundamental to our democracy. We have to protect freedom of speech at every opportunity. We have to make sure that people have the right to say what they think, even if it provides offence to others.
This is such a core principle that we are prepared to fight a campaign on an unpopular issue to see this law changed.

But let me tell you a test of principle is not being able to make an argument in a chamber like this when you have not been under pressure. A test of how committed you are to a core principle is whether you can stick by that principle when you are under pressure, when you have your back against the wall. That is a test of principle. And, on that test, this government has comprehensively failed.

This was such a touchstone issue such an important issue for this government that when this Prime Minister found himself under fire found his leadership threatened, where does he go? He goes into the gutter. What does he pull out of his bag of tricks? Let's start banging the terrorism drum. Let's start talking about those Muslims out there and their hate speech. Let's talk about the importance of sending our troops overseas because we are under threat. Let's stoke fear and division in the community, because now it is not a principle of freedom and liberty—it is a principle of political survival. And political survival will trump everything when it comes to this government.

We had the disgraceful words of the Prime Minister, who, in response to the really difficult issue of terrorism—one that everyone in this place is grappling with—sends a message out to the Islamic community calling them liars, saying that what they need to do is not just say that they are opposed to terrorism but mean it, because the subtext is: 'You don't—you support it and you're stoking it.' How disgraceful. How disgraceful for a Prime Minister, whose job it is to lead this country, to come out and accuse those people, whose sons and daughters are being corrupted by what we are currently seeing and some of whom are leaving their families to combat this extraordinarily despicable war in the Middle East, of contributing to that, of condoning it. What a despicable act from a Prime Minister whose job it should be to unite the community, to provide some calm and reassurance and to bring us together.

Of course, hate speech is now no longer a problem. Ensuring that people have got the ability to express how they feel is no longer a core principle. What is more important is that we crack down on those people who we think are promoting this sort of activity. Do you know why? Because it is okay to be a bigot, but not if you are a Muslim. If you are a Muslim, we have got a different set of laws for you. We have got one set of laws for our mates at News Corp and the IPA, and we have got a different set of laws for those of you who find yourself the target of this government's policy. Principle is not expedient. If you are committed to the principle of free speech, then you stick to that through thick and thin. You stick to it whether your job depends upon it or whether you are sailing well in the polls.

This government has failed that test. It has demonstrated that when it comes to its own political survival it will say or do anything, even if that means going against the very core beliefs that it argued in this place only a short time ago. Either you believe in freedom or you do not. And this government has shown that, when the circumstances change, it too will change on those core beliefs. Freedom and liberty are only something to be supported when the circumstances demand it. (Time expired)

**Senator PERIS** (Northern Territory) (16:25): I also rise to talk to the matter of public importance on the Abbott government's confused and chaotic approach to hate speech.
provisions in the Racial Discrimination Act 1975. It really saddens me that we are still having
to discuss this issue. It saddens me that last year when the Australian parliament was having a
debate about whether it was okay to be a bigot, whether we needed to protect the rights of
bigots, that the government said we did. The Attorney-General of Australia justified changing
the Racial Discrimination Act because we needed to protect the rights of bigots. I really
thought that this country had moved far beyond this and it saddens me that we are still forced
to debate this issue.

For those of you who have forgotten, I will go back and quickly recap what has just
brought us here. Last year the Abbott government announced that they would repeal section
18C of the Racial Discrimination Act and there was enormous widespread opposition from
thousands of community groups across this country. In fact, the only support came from
groups and individuals who have never suffered racial discrimination. I heard Senator
Edwards talking previously, saying that this is about free speech. I can remind him that, under
pressure, the Attorney-General said in response to a question which I asked him in this
chamber: ‘People do have a right to be bigots.’ Right then and there the cat was let out of the
bag. This was not about protecting free speech; it was about protecting hate speech. And the
Attorney-General defended the rights of Australians to be bigots.

I accept that the Attorney-General has suffered abuse; perhaps we all have. He feels he has
suffered vilification at times, but he has never suffered racial vilification. He will never know
what it is like to be abused because of the colour of your skin or because you belong to an
ethnic minority group. He will never know what it is like and he has only listened to the
people who will never know what it is like.

I have talked previously in the house about the devastating impact that racial abuse can
have, and I could go on and on and on for days. For three months after the Attorney made the
statement, the government continued to push ahead with the case. They continued to argue
that the laws should be changed. In fact, I actually wrote to the Prime Minister, pointing out
that his insistence to push ahead with changes to section 18C was compromising progress
towards constitutional recognition. And guess what? The Prime Minister dismissed
everything that I outlined in that letter. The government continued to argue that the laws
should be changed, but the public continued to argue that the laws were a green light to
racism and, finally, the Prime Minister caved in to the public pressure. But he did not say that
the changes he was proposing were wrong. He even admitted that he rang Andrew Bolt to
apologise for not implementing them. It was just about politics. He just said that the timing
was wrong, because he wanted everyone to be part of Team Australia. We know that he still
wanted to protect the rights of bigots—just not now. Perhaps later. But what he was doing
was giving the green light to race hate speech.

Where are we right now? We are back at the drawing board and we now have a whole lot
of government senators promising to continue to support the watering down of this
legislation. Of all the things that the government have done, it is this that they choose to rebel
on. They are not going to cross the floor on Medicare or higher education fees or cuts to the
poorest people in society, but they will cross the floor to support the fight to protect bigots. It
speaks volumes about their priorities. It also shows that they have given the nod—perhaps a
wink. They know that they have permission to cross the floor, that it will perhaps be good for
their career later on, and that they are not really opposing the Prime Minister. They know that,
despite what he might say publicly, they have the support of the Prime Minister to continue to vote for the watering down of racial discrimination laws. The message that has been sent is very clear. They are telling their supporters not to worry: 'we still want to protect the rights of bigots.'

We have seen the hypocrisy of late. The government have announced that, in the name of national security, they want to crack down on free speech. They are essentially saying that if you are a member of a minority group you do not get the right of free speech, but you can have all the free speech you like if you are attacking a minority group. That is the message this government is sending.

There are senators in this place who have outlined their intention to vote in support of watering down these racial discrimination laws. I think that it is shameful; but, sadly, I am not surprised. As I have said, I find it really disappointing that this parliament is even having this debate. This community has moved on. Sporting associations and sporting bodies in Australia and internationally have all moved on. They all have rules against racial discrimination in any form and they run the highest public campaigns across this country. This parliament is the opposite. We are still debating whether bigots have rights. What an international embarrassment we will be as a parliament to endorse bigotry.

The Racial Discrimination Act has served Australia well for 20 years. It sends a message of respect, it sends a message of inclusiveness and it sends a message of harmony. Those who support the watering down of racial discrimination laws are spreading a message of bigotry and hatred, and shame on them. I support the current laws. I do not support the rights of bigots. I support a tolerant society and I really hope that this parliament does what the community wants us to do, and that is to show some respect for each other.

Senator BERNARDI (South Australia) (16:31): It is extraordinary coming into this debate, I have to say. You get words like 'hate speech', 'bigots' and 'racist'. Most of them have been directed at me over the last two or three years, and I have had to deal with them. The point I make is that these words are an excuse for not actually debating a substantive topic.

I have to say that there is a modicum of hypocrisy coming from some of those opposite who talk about hate speech and not protecting the rights of bigots and from those who say that somehow we are oppressing minorities and allowing only the majority to have this unfettered freedom of speech. I reject that in its entirety, just as I reject the terms 'bigots', 'racists' and any other epithets and slurs they want to throw at us. What I do support is what Senator Di Natale said—it might surprise you, Mr Acting Deputy President. He said, 'It's very easy to jump on a bandwagon when it's convenient but it is very tough to stick to principle when it seems that people are opposed to you or it is an unpopular principle.' I am quite proud of the fact that I have stuck to principle at every turn. I have stood in this place and called out the hate preachers for many years. I have called them out when they have been out there talking about 'uncovered meat' and justifying the rape of young Australian women. I called them out when some South Australia sheikh said, 'Oh Allah, count the Buddhists and the Hindus one by one. Oh Allah, count them and kill them to the very last one.' I consider that unacceptable. It is unacceptable to advocate violence against someone on the basis of their religion.

What I do not consider unacceptable is the fact that you are able to be critical of someone. You are able to say something that someone else may find offensive or insulting. That is a
subjective term. And why are we subjecting ourselves to this arbitrary decision when someone says, 'I'm offended by what you've got to say?' The offence is quite often conjured up just to stop someone from saying something that they do not want to hear. That is what has happened in the debate around the hate preachers in some of the mosques. That is what has happened in some of the debate around tackling some of the extremists that are taking up in this country. That is what happens when you call it out and say, 'We are wasting money by throwing it into circumstances where people are not lifting themselves out of poverty or making a better contribution to society.' You get called a racist or a bigot. Or someone has taken offence. When someone like Andrew Bolt, who I am proud to call a friend, says that there are people gaming the system, he is taken to court over it and he is found guilty because someone took offence. That is absolutely wrong.

I stood with the Attorney when he put forward his changes to 18C. I thought they went a bit far—I have to tell you that—but it was a starting point for negotiation. It was a starting point for community discussion. But it was drowned in these accusations of bigotry and racism. I reject that in its entirety. That is why, when the government decided not to pursue it because of the vocal minority that was up in arms about it—those in the Twittersphere and elsewhere—I joined with Senator Dean Smith, Senator Leyonhjelm and Senator Bob Day in sponsoring a very simple repeal of two words of section 18C of the Racial Discrimination Act: 'insult' and 'offend'. Somehow, that is racism. Somehow, saying that I do not want 'insult' and 'offend' in the act means that I am a bigot. That is simply not true, and it is not true because it has a cross-section of support. People like Paul Howes have said, 'That's a reasonable change.' You know, those notable right-wingers out there, like Julian Burnside QC, who said, 'That seems reasonable.' Greg Barns—who has been a candidate for every political party in the country, I think—has said, 'Yeah, that's okay.' A whole range of people across the political spectrum have said, 'This is a reasonable and sensible amendment to section 18C of the Racial Discrimination Act.' But we will not hear that from those who are interested in perpetuating this cult of victimhood, this sense that somehow, because someone says something you do not like and you find offensive, you should be able to take them to a tribunal. This is a failing and it is a failing of debate in this country if we cannot stand up and have an honest and straightforward discussion without the sorts of slurs that have been put forward in this chamber and out there in the public domain.

What passes for debate in this country and what passes for media reporting in this country is, more often than not, some outraged leftie on Twitter who has been quoted by the media saying look how upset Cory Bernardi has made everyone today, because there is some anonymous desk jockey filing 140 characters of smear and abuse. That is not meaningful debate in the long-term interests of the country. We must be able to have serious conversations about the issues that are impacting us that risk offending people—and they do risk offending people.

We are somewhat protected from it in this place because we have this thing called parliamentary privilege where we can say basically what we like. We wear the wrath of it in the public sphere, but we cannot be taken to court over it. We have to use that judiciously. We have to use it appropriately. Sometimes we get it right and sometimes we get it wrong, but we know we are never going to front up to court over it. But the point I make is this: the rest of the country does not have that same privilege. If someone makes a comment that simply
upsets someone because they have annoyed them or they have pestered or they have somehow made them feel uncomfortable, they can find themselves before some quasi-tribunal. This is absolutely wrong. It is devoid of common sense.

I do not agree that we should have unfettered free speech, because then we would have people like Sheikh Sharif Hussein in South Australia who is praying to god that all the Hindus and Buddhists would be killed. I think it is wrong to be preaching that sort of stuff out there. We should be countering it in the court of public opinion. Unfortunately, we are not able to, because when you pick up this and you write to them and you say, 'What are you doing?' you get called a racist or a bigot or some other slur. That is what is fundamentally wrong. We cannot call out the hate preachers where they are.

When we are talking about hate, many times it is in the eye of the beholder. If we want to look at the hypocrisy, it was only in recent years the Greens decided the Murdoch press was somehow the hate press and were preaching hatred against the Greens and they wanted to enact some sort of government mechanism to limit the freedom of the press. I find that anathema. We have opportunities, if you are maligned by the press, to pursue it through the courts, as anyone else would, for defamation, but not simply because you are upset or somehow offended by what they have got to say. This is the hypocrisy that we are seeing in this chamber today. If we want to have a serious debate, let's have a discussion without the slurs. Let's have a discussion without the epithets. Let's have a discussion about what is in the national interest.

Senator DAY (South Australia) (16:40): There have been a number of motions and other matters in this place that I could have supported were it not for the way they were drafted. I oppose this because it talks about 'hate speech', an emotionally charged phrase if there ever was one, a phrase deliberately designed to misrepresent what this debate is about. This debate is not about hate speech; it is about free speech. Calling socially unacceptable comments 'hate speech' is itself a restriction on free speech. I do have a concern about the direction the government is moving on free speech. The government has moved from a pre-election promise to promote free speech to a post-election position of doing nothing and to recent statements that perhaps it will look to even further restrict free speech.

The private senators' bill that I and senators Leyonhjelm, Bernardi and Smith co-sponsored represents a sensible move to address free speech concerns in the Racial Discrimination Act. If the government has now decided that it is withdrawing the benefit of the doubt and going to the DRS, the decision review system, instead, the sensible ruling would be to take my approach, and that of my co-sponsors, and remove the contentious 'offend' and 'insult' provisions altogether. Our bill does not wipe out section 18C. It leaves the other parts like 'humiliate' and 'intimidate' alone.

An example of what my co-sponsors and I are on about is the recent case where the Prime Minister singled out a certain Islamic group for critique and, potentially, legal sanctions. Yet, if you look at an interview on Lateline with a spokesperson for that group, you will see the great public benefit gained by allowing that organisation to have as much free speech as it wants. Professional, forensic interviews and critiques of the positions advocated by that group will expose to the public the very disturbing aspects of their beliefs and the serious problems with their statements and whether or not they sit well with the Australian people. Banning that group's freedom to speak, however, is not the answer.
Family First has consistently supported national security bills in this place as it believes these are the best methods to guard against those who promote and support terrorist activity. When people act or conspire to commit criminal acts at home or abroad, then we have criminal laws to deal with them. It is unacceptable, however, to have criminal laws dealing with matters of debate and speech. Since my co-sponsors, whom I again thank today for their support—and I notice that Senator Smith is here in the chamber—and I tabled a bill to reform section 18C of the Racial Discrimination Act, we have seen some appalling further attacks on free speech in Europe. People have paid with their lives for the freedom to speak as they find. As my wife's Auntie Esther used to say, 'I speak as I find.' If we support free speech—one of the foundations of this place—then the right thing to do is to remove the prohibitions against it.

Senator DASTYARI (New South Wales) (16:43): I rise to support the matter of public importance, and I do so quite conscious of the fact that, while my views may differ on this from those of others in the chamber, I acknowledge that the intention of those who disagree with me on this, in many cases, does come from a good place. It comes from a belief that they are, at times, promoting the principle of freedom of speech. What concerns me is the reality of what changes to section 18C will do, as opposed to simply the theoretical, rhetorical position. But let me begin.

I think the principle of freedom of speech is a very important one. The principle of being able to have an environment in which different people can propose opposing views, and views that are not always the same, is something we should be very proud of and something we should enshrine. What concerns me when governments go down the path of changing things like the Racial Discrimination Act is what message that sends to the outside community. I appreciate and respect that some may argue that the message it sends is that we are going to be a tolerant society with freedom of speech. But the reality is it gives a green light to a handful of bigots, a handful of those full of hate and a handful of those who want to denigrate and mock others to behave in an appalling way.

One of the many things that makes this country so fantastic is that we are a country of migrants. We are a country that is built on the idea people are able to come here from around the world, are able to maintain their culture, are able to maintain their identity, are able to maintain their language and be Australian at the same time. That is an incredibly important principle and a principle that we need to protect. The danger, when you go down the path of tampering with things like the Racial Discrimination Act, is that you start sending a signal to those out there who want to misuse this kind of language, who want to promote hate. You start sending a message that is okay to be a bigot. I really worry about what the long-term consequences of that are.

You only have to talk to the migrant communities across the country to realise we are so lucky to be able to live in a tolerant, open, free society with over 260 different ethnic communities and languages interacting with one another in Sydney alone, which really is a cultural melting pot. We are so lucky to live in that environment. There is a small minority though who promote hate. There is a small minority who promote racist views, who make the lives of those migrants harder and harder.

When you speak to the community leaders, when you speak to the parents, when you speak to the mums and dads who come from migrant backgrounds, the reason why they are so
concerned about all of this is because they are not seeing it through the prism of theoretical debate in the nation's parliament about the principle of freedom of speech. They are seeing it through the reality of what kind of a green light it sends for what is said to their child in the playground.

I think there is a real disconnect that we have to make sure we bridge in this debate. Let us not kid ourselves, those 76 of us who have the privilege of being in this chamber are incredibly lucky. We have an incredible opportunity and an incredible platform. That is not a benefit that most people have and that is why when we have this debate we make sure we understand the disconnect between where we are now, how we have the debate, the theoretical debate we have about this idea of freedom of speech and the reality of what watering down something like the Racial Discrimination Act will be the message that sends and the symbol that sends.

I was here for Senator Day's contribution. While the principle is something that is laudable and important, the reality of what happens when you start watering down something like the Racial Discrimination Act is that it sends a message. I worry that the message it sends is that it is okay to be a bigot, that it is okay to promote racist views, that it is okay to promote views the majority of Australians do not hold. I think the concern out there in the community about is legitimate and is real because they are the parents, they are the families, that they are communities that have to deal with the consequence of those views being promoted.

Senator SMITH (Western Australia) (16:49): I am also pleased to speak this afternoon on the motion, which reads:


Might I thank Senator Dastyari for his calm and reflective comments in what is a very important debate. It is an important debate because it is easy to drift into accusations and unpleasantness about people's motives. Right up front, I would like to acknowledge Senator Dastyari's contribution because he refrained from that and he pointed to the fact that senators like myself and others approach this issue with great sincerity.

Before Senator Dastyari spoke, I was inclined to talk about Labor's actions this afternoon being one of playing politics with this issue because it is not a secret that within the coalition there are various views amongst senators and members, myself included, about where the appropriate balance is to be struck between free speech and protecting people from shameful and hurtful comments. It is a debate about where the balance is to be struck.

I argue that where it is struck at the moment is not right, is inappropriate. In a few moments, I am going to share with you others that share my view who you would not expect to hear from—Julian Burnside, for example; Sara Josef, for example—but I will come to that point in a moment. It is important to say up-front that my position is different from the government. So as a government senator, let me be clear what the government's position is.

The Prime Minister and senior ministers regularly make strong statements condemning hate preachers and the poison they spread amongst the community. That is an undisputed fact. The government has introduced foreign fighters legislation that has included strong prohibitions against the advocation of terrorism. The Attorney-General did announce on 20 February 2015 that the government would be providing nearly $18 million to combat the lies
and propaganda the terrorist groups are spreading throughout our community, particularly online. This will empower the government and community members to directly challenge terrorist propaganda. Importantly, the Prime Minister also announced in February this year that the government will be taking strong action against hate preachers including stronger prohibitions on vilifying, intimidating or inciting racial and religious hatred. These strong prohibitions, these initiatives of the government, on hate speech will clamp down on organisations and individuals who breed hate and incite violence. The government of course is giving consideration to the criminalisation of this conduct and it is important to note that the government is not considering amendments to section 18C of the Racial Discrimination Act 1975 as, in its view, the RDA is a civil regime. So that is the position of the government.

My position of course is slightly different. I suspect this is where we would have ended up if the very genuinely inspired consultation process of the government had been allowed to run its course. We would have ended up with a proposition to remove the words 'offend' and 'insult'. And why would we have ended up there? Because prominent Australians were already there. Human rights activists and lawyers were already at that position. Let me just share with you, briefly, what Justice Robert French had to say. That name will be familiar to you, Mr Acting Deputy President Back, because he is a very esteemed Western Australian lawyer. He is of course now the Chief Justice of the High Court of this Commonwealth. In Bropho v HREOC, Justice French said:

The lower registers of the preceding definitions [in 18C] and in particular those of 'offend' and 'insult' seem a long way removed from the mischief to which Art 4 of CERD is directed. They also seem a long way from some of the evils to which Part IIA [of the RDA] is directed as described in the Second Reading Speech.

The now Chief Justice of the High Court previously said, 'Before we engage in this debate, where we have ended up with Senator Day's, Senator Leyonhjelm's, Senator Smith's and Senator Bernardi's private senators' bill is a responsible position to be. That is compelling for me. I suspect that in a more tempered debate it would be compelling for many Australians.' Let me add to that—and this is from someone whom I would not regularly quote—what Julian Burnside had to say. He is a prominent human rights lawyer and he has publicly said:

... the mere fact that you insult or offend someone probably should not, of itself, give rise to legal liability. My personal views is that 18C probably reached a bit far so a bit of fine-tuning would probably be OK.

The Australia Human Rights Commission said in its submission to the now abandoned consultation process about reforming 18C and its comment on the exposure draft of the Freedom of Speech (Repeal of S. 18C) Bill 2014 considered that:

... the legislation could be clarified so that it more plainly reflects the way in which it has been interpreted in practice.

In the limited time that is available to me, let me just add one more supporter, the very respected human rights lawyer Professor Sarah Joseph, Director of the Castan Centre for Human Rights Law at Monash University, who has said:

... the prohibitions on that which offends and insults, even on the basis of race, go too far. Feelings of offence and insult are not serious enough to justify restrictions on the human right to freedom of speech ... It is true that the terms "offence" and "insult" have been interpreted so that they mean more than "mere" offence and insult. It is arguable that judicial interpretation has saved these provisions from
actually breaching the right to free speech. However, the law should mean what it says. If "offence" and "insult" do not mean what they say, the prohibitions should go.

I am not renowned for my patience, but on this issue I will be patient because I have every confidence that, one by one, senators in this place will realise the wisdom of this approach to free speech. I do not doubt for a second that there will be some road blocks and people will try to make political mischief, but I am confident that community opinion will change in the favour and in the direction of the private senator's bill, which is sponsored by Senators Day, Leyonhjelm, Bernardi and me. Thank you.

**DOCUMENTS**

**Consideration**

The government documents tabled today and general business orders of the day relating to government documents were called on but no motion was moved.

**COMMITTEES**

**Human Rights Committee**

**Report**

**Senator SMITH** (Western Australia) (16:58): On behalf of the Parliamentary Joint Committee on Human Rights, I present the 19th report of the 44th Parliament, *Human rights scrutiny report*.

Ordered that the report be printed.

**Senator SMITH:** I move:

That the Senate take note of the report.

I rise to speak on the tabling of the Parliamentary Joint Committee on Human Rights 19th report of the 44th parliament.

This report provides the committee's view on the compatibility with human rights as defined in the Human Rights (Parliamentary Scrutiny) Act 2011 of bills introduced during the period 9 to 12 February 2015; one bill introduced on 3 December 2014; and legislative instruments received during the period 23 January 2015 to 12 February 2015. The report also includes consideration of legislation previously deferred by the committee, as well as responses to issues raised by the committee in previous reports.

Of the nine bills considered in this report, four are assessed as not raising human rights concerns and five raise matters requiring further correspondence with ministers. The committee has deferred its consideration of the remaining bills.

A number of the bills considered are scheduled for debate during the sitting week commencing 2 March 2015, including:

- the Appropriation (Parliamentary Departments) Bill (No. 2) 2014-2015; and

As always, the report outlines the committee's examination of the compatibility of these bills with our human rights obligations, and I encourage my fellow senators and others to examine the committee's report to better inform their consideration of proposed legislation.
As senators would be aware, the committee's purpose is to enhance understanding of and respect for human rights in Australia's domestic context and to ensure appropriate recognition of human rights issues in legislative and policy development.

The committee seeks to achieve these outcomes through constructive engagement with proponents of legislation, and this is primarily done through a dialogue model in which the committee corresponds with relevant ministers and officials to identify and explore questions of human rights compatibility. The committee then reports its findings and recommendations, and in doing so strives to provide reports that clearly signpost the committee's analytical framework and the content of various human rights. The reports are intended to simply and succinctly set out the human rights analysis of legislation, and ultimately provide clear assessments of the compatibility of legislation that are accessible to members of parliament and to the public more broadly.

In this regard, I would like to draw attention to the committee's consideration of the Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Bill 2014, about which the committee provides its concluding analysis in this report. This bill made a number of amendments to relevant acts to improve Commonwealth criminal justice arrangements, including in relation to the regulating of psychoactive substances that are designed and manufactured to mimic the effects of illicit drugs.

These substances have presented particular challenges to law enforcement because, while they can be banned as they are identified, manufacturers have been able to easily alter their chemical composition to avoid the law.

To address this problem, the bill introduced new offences for importing substances presented to be serious drug alternatives and for importing psychoactive substances. However, to address the ease with which these substances may be created and altered, these offences were drafted to include both a reverse evidentiary burden—whereby the defendant is required to provide evidence that they can rely on a prescribed exception to the importation offences—and an extremely broad definition of what constitutes a 'psychoactive substance'.

While the committee noted the extremely challenging nature of responding to the emergence of new psychoactive substances, the committee raised a number of issues relating to the right to a fair trial and fair hearing rights and quality of law considerations.

The committee also raised a number of issues in relation to other measures in the bill, including in relation to the imposition of mandatory minimum sentences for certain firearm trafficking and their potential limitation of the right not to be arbitrarily detained and the right to a fair trial and fair hearing rights—rights I would regard as being in the classical liberal context.

The committee's concluding remarks on these and other issues exemplify the benefits of the human rights scrutiny dialogue and the way in which it can both inform the legislative process and improve legislative outcomes.

For example, in relation to the new offences, the report notes that the information provided in the minister's responses constructively and comprehensively addressed the matters raised by the human rights committee, such that the committee could conclude that the offences are compatible with fair trial and fair hearing rights and quality of law considerations.
In respect of concerns raised in relation to the imposition of certain mandatory minimum sentences, the minister undertook to make a clarifying amendment to the EM for the bill, which the committee regards as having provided some greater protection of judicial discretion in sentencing.

Another case which I believe reflects on the ultimate purpose and benefit of human rights scrutiny can be seen in last Friday's report of the Parliamentary Joint Committee on Intelligence and Security in relation to the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014. The committee reported on this bill in its Fifteenth report of the 44th Parliament (tabled on 14 November 2014), and will soon report on a response recently received from the Attorney-General in relation to the matters raised by the committee.

It is gratifying for the committee to see that the substance of its analysis and concerns were clearly used to inform a number of the submissions to the inquiry conducted by the Parliamentary Joint Committee on Intelligence and Security, and this serves as but one example that the human rights committee's scrutiny dialogue is one that is able to inform and reform the parliament and the public in the broadest sense.

In this regard, it is important to remember that the greater recognition of human rights in the policy and legislative process is well served through an inclusive human rights scrutiny dialogue model, and that the advancement of human rights should not be regarded as only belonging within the preserve of human rights practitioners and international courts, tribunals and other bodies.

In conclusion, I would just like to put on record my sincere appreciation for the tremendous work and professionalism of all those involved in the work of the human rights committee. I acknowledge the work of the deputy chair, Mr Laurie Ferguson, and all my other Senate and House colleagues; the committee secretary, Mr Ivan Powell; the committee's legal adviser, Professor Simon Rice; and the very, very diligent officials of the committee, Mr Matthew Corrigan, Ms Zoe Hutchinson, Ms Anita Coles; and all the staff in the committee secretariat. With these comments, I commend the committee's Nineteenth report of the 44th Parliament.

Question agreed to.

Public Accounts and Audit Committee

Report

Senator SMITH (Western Australia) (17:05): On behalf of the Joint Committee of Public Accounts and Audit, I present Report No. 447: review of Auditor-General's reports Nos 32-54 (2013-14), together with executive minutes on various reports. I move:

That the Senate take note of the report.

Question agreed to.

Public Works Committee

Report

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:06): I present two government responses to committee reports as listed on today's Order of Business. In accordance with the usual practice, I seek leave to incorporate the documents in Hansard.

Leave granted.

The documents read as follows—

AUSTRALIAN GOVERNMENT RESPONSE TO THE JOINT STANDING COMMITTEE ON THE NATIONAL DISABILITY INSURANCE SCHEME REPORT:

**Progress Report on the implementation and administration of the National Disability Insurance Scheme**

The Australian Government welcomes this report and recognises the important and ongoing work of the Joint Standing Committee on the National Disability Insurance Scheme (NDIS) in reviewing the implementation and administration of the NDIS.

The Government is committed to the full, nationwide rollout of the NDIS. This is a complex and challenging initiative and the Government is determined to ensure that it is sustainable into the future. When delivered, it will address the chronic unmet needs of people with disability, their families and carers. There are important lessons to be learned following the first year of the operation of the trial sites, which is why the Productivity Commission recommended that the Scheme be rolled out progressively. The Board of the National Disability Insurance Agency (NDIA) and all governments remain committed to monitoring trends within the Scheme closely to ensure that the lessons learned are reflected in the final design of the Scheme.

**Response to the Joint Standing Committee's Progress Report**

The Government agrees, or agrees in-principle, to all of the recommendations made by the Committee.

The NDIA actively participated in public hearings held by the Committee leading up to publication of the progress report and has already started work to address many of the recommendations.

The Committee has made several recommendations that will involve further consultation and negotiation with State and Territory Governments. Consistent with current and long-standing arrangements, these will be addressed under the auspices of the Council of Australian Governments Disability Reform Council. All Australian Governments continue to work closely together to ensure that the Scheme is delivered in a timely, effective and efficient manner.

**Government Response to the Joint Standing Committee on the National Disability Insurance Scheme**

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<th>Recommendation</th>
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<td>1. The committee is concerned about the number of NDIS plans that appear not to have been activated and recommends that independent work be undertaken to establish the veracity of the evidence that plans have not been activated and what the causes and consequences this may have on the Scheme.</td>
<td>Agree</td>
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The NDIA has completed a review of plan activations and implementation issues. The NDIA will be implementing the findings of the review in trial sites, including the implementation of new processes and resources, to be completed by June 2015. The NDIA will also be undertaking an internal audit of provider acquittal processes and procedures, to be
Recommendation | Government Response
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2. The committee heard evidence that 'gaps in service' have been identified in each of the trial sites. The committee recommends that further work be undertaken by the Independent Advisory Council which is well-placed to identify and inform the Agency about where there are gaps in service and possible options for addressing these shortfalls. | completed by September 2015. Agree
The Government acknowledges that this is a key challenge for implementation of the Scheme across trial sites. The NDIS Board has asked the Independent Advisory Council to undertake this work, to be completed by early 2015.

3. As people transition to the NDIS, the committee is cognisant of the need to assist people develop the necessary skillsets to enable them to successfully move into the workplace environment and participate in the workforce, where possible. The committee recommends that work be conducted through the relevant Commonwealth departments of education and employment to assess what is and can be done to help participants make these choices. The committee also recommends working with employers to appraise issues concerning disability discrimination in the workplace, and remove barriers through education and reform to better integrate NDIS supports. | Agree in-principle.
The Government is committed to improving the employment participation of people with disability. Initial work has started on developing more effective ways of assisting people with disability to transition from early childhood, through schooling and higher education, and into meaningful participation in the workforce. There is also a range of current programs that are designed to help people with disability to develop, improve and apply their skills and to achieve a sustained employment outcome. This includes Australian Apprenticeships, Australian Disability Enterprises, employment support information for people with disability at the JobAccess website, and information about assistance with study and training through the Study Assist website. There is also the assistance available through Disability Employment Services providers, who directly help people with disability to find and keep a job, as well as working with employers to improve their ability to recruit and retain people with disability in their workplaces.

4. The committee recommends that as part of the planning process, NDIA implement a process similar to normal insurance industry practices, where participants are provided with: clear disclosure documentation (about the planning process that includes reference to the 'no disadvantage test'); a written draft plan; incorporates a 'cooling-off' before a package is agreed; and requires participants to sign their final agreed plans. The committee believes that this is a fundamental element of the original intent of the policy to empower and provide choice to people with a disability in the National Disability Insurance Scheme. | Agree in-principle
The Government supports providing participants with a written plan. As detailed in the NDIA's response to the Progress Report, however, the introduction of a 'cooling-off' period may imply that the agreement of a package is a final 'locking-in' of supports when this is not the case. NDIS plans are not locked in and can vary as the circumstances of an individual change. This can mean the supports that are funded could reduce or increase over time. The Government is also committed to improving the clarity of information provided to participants during the planning process to aid and improve understanding.
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<td>5. Based on the evidence received on trans-disciplinary packages, the committee recommends that the Agency undertake a review of the current arrangements regarding trans-disciplinary packages, in particular, the operational guidelines and advice and training it provides to its planners. This review should encompass and be informed not just by clinical experts and researchers, but it should also consult participants, carers and providers.</td>
<td><strong>Agree</strong> The Government supports improvements to the way that trans-disciplinary packages are developed and administered. Consistent with this recommendation of the Committee, the NDIA will undertake a review of trans-disciplinary packages for completion by the middle of 2015.</td>
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<td>6. The committee notes the importance of the role of advocacy services in ensuring quality plans and supporting participants in the planning process. The committee recommends that certainty regarding the role and support for advocacy services in the NDIS be urgently resolved through the Ministerial Disability Reform Council.</td>
<td><strong>Agree in consultation with jurisdictions</strong> The Government notes this recommendation of the Committee and can advise that the Ministerial Disability Reform Council has considered these issues and that further work will be undertaken on the relationship between the NDIS and advocacy in early 2015, including a review of the National Disability Advocacy Framework.</td>
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<td>7. The committee recommends that the National Disability Insurance Agency implement a system whereby its website is renewed on a systematic basis, alerting the public to changes in its online documentation. The list of changes— with links to the documents—should be able to be accessed easily. Urgent changes—such as a change to price lists—should be communicated under a 'News Flash' item on the NDIA's website.</td>
<td><strong>Agree</strong> The Government agrees with the Committee that the accessibility of information about the Scheme can be improved. The NDIA has put in place immediate improvements to its website with a further redesign of existing web resources to be completed by early 2015.</td>
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<td>8. The committee recommends that the National Disability Insurance Agency publicise details about its internal systems for receiving and responding to feedback. The key performance indicators should be publicly listed and the Agency's performance against each indicator should be provided at regular intervals on the NDIA's website and in its Annual Report. The public should also be able to compare data sets over time.</td>
<td><strong>Agree</strong> The NDIA has publicised it Participation Feedback and Participation Strategy on its website. The NDIA has engaged a contractor to revise its Service Charter to reflect clear service standards and expectations by early 2015.</td>
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<td>9. The committee commends the National Disability Insurance Agency (NDIA) for the survey results it has achieved to date. To improve the transparency and integrity of future survey results, the committee recommends that the NDIA consults with the Australian Bureau of Statistics Statistical Clearing House about the design and methodology of surveys to ensure that they are fit for purpose and consistent with best practice</td>
<td><strong>Agree</strong> The Government supports improving the transparency and integrity of survey results. The NDIA is currently developing an Outcomes Measurement Framework that will use a new survey methodology to measure progress towards Scheme goals. This work is expected to be completed by early 2015. The next quarterly sustainability report will include information about current survey methodology. The NDIA</td>
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<td>survey design principles. The NDIA should publish the methodology of surveys on its website and in its Quarterly Reports to the Ministerial Disability Reform Council.</td>
<td>will formally consult the ABS.</td>
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| 10. The committee recommends that the National Disability Insurance Agency develop a systematic way of gathering qualitative feedback from National Disability Insurance Scheme (NDIS) participants and carers of NDIS participants. Careful thought should be given to ensuring a broad cross-section of feedback, encouraging views from people from non-English speaking backgrounds. | Agree  
The Government notes the recommendation of the Committee with regard to improving the collection of qualitative feedback. The NDIA is working on a systematic way of collecting qualitative data from participants, their carers and their families under the National Quality Action Plan. The NDIA is also ensuring that its communication strategies take into account the needs of people from culturally and linguistically diverse backgrounds. |
| 11. The committee recommends that the Agency continue to ensure greater representation of people with disability in its staffing profile, particularly in the planner role. | Agree  
The Government endorses this recommendation of the Committee and improving the employment of people with disability across the Australian Public Service (APS) more broadly. The NDIA's staffing profile has 10.94% of ongoing employees identifying as having a disability, comparing favourably to the overall proportion of ongoing APS employees with disability of 2.9%. In addition, 53% of NDIA staff identify as having lived experience of disability (which may include, for example, experience as a carer of a person with disability). The NDIA has an ongoing commitment to improving its attraction, recruitment and retention of people with disability across the organisation, particularly into Planner and Local Area Co-ordinator roles. |
| 12. The committee recommends that the National Disability Insurance Agency develop and implement an information campaign to inform and assist young people living in residential nursing homes in the trial sites of the process for applying to become a participant with the NDIS. | Agree  
The Government acknowledges the need to improve the way that information about the Scheme is communicated to young people in nursing homes. The NDIA has consulted with peak bodies and other stakeholders to identify and implement improvements to access and equity for this group of participants. Improvements were put in place at the end of December 2014. |
| 13. The committee recommends that all future bilateral negotiations and amendments to transitional arrangements are finalised and publicised well in advance of commencement | Agree in consultation with jurisdictions  
The Government notes the recommendation of the Committee with regard to bilateral negotiations. The Ministerial Disability Reform |
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<td>dates to ensure and provide confidence and certainty for all stakeholders.</td>
<td>Council has agreed that every effort will be made to ensure that bilateral agreements are finalised at least six months in advance of commencement dates to ensure that there is time to publicise the arrangements, noting that final decisions will be made by the Council of Australian Governments.</td>
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14. **In accordance, with the progressive roll-out of the NDIS to remote Indigenous communities, the committee recommends that governments work together through the Ministerial Disability Reform Council to consider adopting an approach, in consultation with the appropriate Indigenous organisations, to phase in all NDIS-eligible persons at the same time in each community.**

   **Agree in consultation with jurisdictions**

   The Government acknowledges the particular needs of remote Indigenous communities in relation to roll-out of the Scheme.

   The Ministerial Disability Reform Council has agreed that negotiations for bilateral agreements will consider phasing in of all NDIS-eligible participants in a remote community at the same time, in consultation with the appropriate Indigenous organisations and stakeholders.

15. **The committee recommends that the Ministerial Disability Reform Council expedite roles and responsibilities and any funding arrangements for Tier 2 services. The committee commends the attitude and direction that the South Australian Government is taking in its involvement with Tier 2 and the sector, and recommends that states and territories adopt this approach.**

   **Agree in consultation with jurisdictions**

   The Government notes the recommendation of the Committee with regard to arrangements for Tier 2 services. The Disability Reform Council endorsed a policy framework on the provision of NDIS information, linkages and capacity building supports (formerly known as Tier 2) for consultation in early 2015.

16. **The committee is aware that there is currently a shortfall in the number of workers in the disability sector, particularly in professional roles. It is aware of research that the number of full time disability sector workers will need to increase substantially to meet demand by full Scheme in 2018. The committee recommends that a workforce strategy be developed under the auspices of the Ministerial Disability Reform Council that identifies the issues, challenges, options and recommendations to meet demand.**

   **Agree in consultation with jurisdictions**

   The Government notes this recommendation of the Committee and recognises the importance of developing the disability workforce. This matter is being progressed and an integrated approach to market, sector and workforce will be considered by the Ministerial Disability Reform Council in early 2015.

17. **The committee recommends that the National Disability Insurance Agency assist prospective and actual participants in building the necessary skills and knowledge to manage their own support package. Workshops should be available for participants who are seeking information on self-managing their plan. The committee believes that promoting self-management of plans will provide participants with choice and control which should in turn lead to greater innovation and responsiveness.**

   **Agree**

   The Government agrees with this recommendation of the Committee. Participants who choose to self-manage their supports are assisted by the NDIA through support coordinators. Many participants in the Scheme choose to self-manage some elements of their support packages and for the NDIA to manage other parts and aspects.

   The NDIA Business Plan includes a commitment to a target of 5% of participants...
Recommendation | Government Response
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from service providers. | fully self-managing their plans and 40% of participants managing some elements of their plans. Progress against this target is included in quarterly reports to the Ministerial Disability Reform Council.
The NDIA is also improving its information products about self-management of support packages for Scheme participants, and, consistent with the recommendation of the Committee, developing workshops for participants, their families and their carers. Workshops commenced in October 2014, with more scheduled in 2015, and the improved information products will be finalised by the end of March 2015.

AUSTRALIAN GOVERNMENT RESPONSE TO THE SENATE RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE REPORT:
Future of the beekeeping and pollination service industries in Australia
March 2015

Introduction
The Australian Government welcomes the Senate Rural and Regional Affairs and Transport References Committee report on the Future of the beekeeping and pollination service industries in Australia.
The Australian Government recognises the contribution of the honey bee industry to the Australian community, providing honey and other apiary products and pollination services to crop industries. Insect pollination can be important to the production of many horticultural crops and some broadacre crops and pastures. The exact benefit of honey bee pollination to Australian agriculture is difficult to quantify, but is almost certainly valued in the billions of dollars.
The Senate committee tabled its report six years after the House of Representatives Standing Committee on Primary Industries and Resources tabled its report More than honey: the future of the Australian honey bee and pollination industries. Work undertaken by the government in response to that report focused largely on the labelling of agricultural chemicals and honey bee biosecurity—in response to concerns expressed in evidence to that inquiry on the possible establishment of Varroa destructor (varroa mite) in Australia. The Department of Agriculture summarised this work in its submission to the Senate inquiry.
The government notes the emphasis on the effect of insecticides, particularly neonicotinoid class insecticides, on bee health in submissions and evidence to the inquiry. As the committee noted, the Australian Pesticides and Veterinary Medicines Authority (APVMA) has reviewed the available international evidence on the effect of neonicotinoids on honey bee health and the decisions made by other international agricultural chemical and veterinary medicine regulators.
Scientists at the Commonwealth Scientific and Industrial Research Organisation (CSIRO) are playing a role in global research networks to better understand the causes of declining bee health in many parts of the world. More recent innovation by CSIRO scientists has led to enormous improvement in microsensor technology for tracking bees in and around hives and the opportunity for new insights into hive health and bee response to diseases or chemicals.
The CSIRO is establishing an international alliance of researchers, in collaboration with beekeepers and farmers, to advance our knowledge of factors damaging bee health around the world. Through this new initiative the CSIRO will connect Australian research communities with leading international research institutions, technology companies, beekeepers and primary producers.

The government also notes the concern in submissions to the inquiry about the effects of the possible future establishment of varroa mite on the Australian beekeeping industry and the broader agricultural sector. Through various agencies and programs the government invests in activities to keep Australia free from varroa mite and, should it arrive here, to eradicate it. Should varroa mite become established in Australia the government has also been preparing to assist beekeepers to manage it and assist farmers to manage their crop pollination needs. These activities include maintaining Australia’s world-class border biosecurity arrangements, funding fundamental research on varroa mite genetics, improving crop pollination by managed honey bees, increasing effectiveness of wild pollinators and extending information on varroa mite identification and management.

The Future of the beekeeping and pollination service industries in Australia report provides a useful review of the current state of the industry and policy community’s thoughts and ideas. The government thanks the committee and all the contributors to the inquiry for their efforts.

Government response: Majority report

Recommendation 1

The committee recommends that the government should, in consultation with relevant industry participants and with consideration to world’s best practice, develop and establish a national honey bee colony survey scheme to collect reliable and comprehensive data about the industry and inform future decisions. The survey should include the establishment of a residue monitoring project to analyse pesticide residues in plant and bee media.

Noted—a significant number of surveys are already undertaken.

The government supports the existing mechanisms for collecting data and information about honey bee health and the honey bee industry.

The Australian Government Rural Industries Research and Development Corporation (RIRDC) is funding a project to survey chemical residues in bee hives adjacent to flowering canola. Chemical residues in beeswax, pollen and honey will be analysed to determine what chemicals are entering colonies of honey bees and the concentrations of any chemicals that are present. The results will be compared with a major study completed in the United States. This project is strongly aligned with the recommendation made in the APVMA’s report Neonicotinoids and the health of honey bees in Australia (February 2014), which was noted by the committee as background to Recommendation 1. The project is due to report its findings in July 2015.

In addition to this targeted survey, the honey bee industry participates in the Department of Agriculture's National Residue Survey (NRS) National Honey Monitoring program. In 2013–14, 158 honey samples were tested for antibiotics, fungicides, herbicides, insecticides (including neonicotinoids) and environmental contaminants including persistent organic pollutants and metals. No residues above the relevant Australian Standards were found. National Residue Survey results and publications are available online at: www.agriculture.gov.au/agriculture-food/nrs/nrs-results-publications

RIRDC is also contributing funding to the CSIRO for a project to survey the health of Australian honey bees, focusing on viruses and certain non-viral pathogens (European foulbrood and Nosema ceranae). Over two years the CSIRO will collect samples from all Australian states, covering 12 regions that represent key areas for the honey bee industry. Across these regions at least 150 apiaries will be sampled. Brood will be inspected for signs of disease and samples of diseased brood and adult bees will
be screened by molecular techniques to detect non-viral pathogens and viruses. This project is due to report its findings in 2015.

The government notes that information on the number of registered beekeepers and bee hives is collected and maintained by state and territory agencies. Estimates of the number of commercial beekeepers and hives are also reported periodically by the Australian Bureau of Statistics. Information on the gross value of production for the honey bee industry is published regularly by the Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES); its estimate of the volume of commercial honey production is available on request.

ABARES has conducted two national surveys of the physical and financial performance of beekeeping businesses in Australia, published in 2001 and 2008. These surveys were co-funded by the Department of Agriculture (through ABARES) and RIRDC. The government refers the suggestion of a survey of the physical and financial performance of the honey bee industry to RIRDC for consideration and will fully respect RIRDC’s judgement on the relative merit of the proposal, recognising there are other competing investment priorities for RIRDC funds.

**Recommendation 2**

The committee recommends that the government liaise with state and territory land management agencies to establish relevant guidelines to clarify access to public lands for beekeepers within the next 12 months.

**Noted**—this would primarily be a matter for state and territory governments to progress.

State and territory governments are best placed to progress the intent of this recommendation. Management of public land is likely to be determined by reference to the relevant laws of the state or territory in which the particular land is situated. Access arrangements for beekeepers would need to work within general state land use and land access policies that take into account other industry and land use objectives, resources and access needs.

The Commonwealth’s land use practice generally favours multiple uses of relevant land wherever this is compatible with the Commonwealth’s use of the relevant land. In this context, ‘relevant land’ means land in a state or in a territory that is vested in the Commonwealth.

To assist the beekeeping industry to engage with states and territories to progress access issues, RIRDC is currently funding a project to evaluate which types of public lands have management objectives compatible with access by managed European honey bees and those that do not have such objectives. The project will include a review of the different public land tenures in each jurisdiction and any policy documents about the use of public land by beekeepers. Telephone interviews will be conducted with each of the public land management agencies to determine how access arrangements are made and what criteria have been used to decide whether beekeepers should be allowed access or be excluded from particular areas. The project is due to report its findings in February 2015.

**Recommendation 3**

The committee recommends that the government ensure that beekeeping and pollination services are considered as an integral part of free trade agreement negotiations, and consider the impact current agreements have on the industry.

**Noted.**

The Australian Government considers all industries when it negotiates free trade agreements (FTAs). The impact of tariffs, quotas and the rules of origin that facilitate the free flow of trade between the Parties are integral to the final provisions of all FTAs. The beekeeping industry is free to make submissions to the government when the intention to negotiate a new FTA is announced, and to consult with the government during the negotiation process.
Recommendation 4
The committee recommends that AHBIC, Pollination Australia and the Commonwealth Government enter into discussions about the best way forward to enable the pollination industry to make a contribution for pollination services to research and development, and to biosecurity.

Agreed in principle.
The Department of Agriculture has discussed the matter of a statutory levy on pollination services with the Australian honey bee industry on several occasions, and it has been identified as an option to be pursued in the medium term after the current changes to the honey production levy are finalised. This proposal will require a new legislative framework and extensive consultation with pollination dependent industries.

The government notes that Pollination Australia—the alliance of industry organisations representing the interests of the honey bee and honey bee pollination responsive crop industries—is no longer active.

Recommendation 5
The committee recommends the categorisation of Varroa destructor be completed as a matter of urgency to provide industry with funding certainty in case of an incursion.

Agreed in principle.
The government notes that categorisation of Varroa destructor and other bee pests under the Emergency Plant Pest Response Deed (EPPRD) can be initiated by any concerned Party to the deed. In the case of bee pests, it could be initiated by the honey bee and pollination dependent industries, a state, territory or the Australian Government. The Department of Agriculture has been advised that the honey bee industry has commenced preparation of a submission to Plant Health Australia to seek categorisation of Varroa destructor. The government further notes that the EPPRD has provisions for cost-sharing of pests that have not been categorised at the time of an incursion and for the government to initially meet an industry's cost sharing obligations. The amount of funding would depend on the circumstances relating to an incursion.

Recommendation 6
The committee recommends that the Commonwealth Government confirm, and consider enlarging, its commitment to the National Bee Pest Surveillance Program.

Noted.
The National Bee Pest Surveillance Program is funded until 30 June 2015 by the Australian Government, Horticulture Australia Limited and RIRDC (using matched levies and voluntary contributions from the Australian honey bee industry), and managed by Plant Health Australia. The Department of Agriculture has requested that a review of the program be undertaken before funding ceases to assess its effectiveness in detecting bee pests and pests of bees. Future investment will be considered after the review is completed.

Recommendation 7
The committee recommends that the Commonwealth Government give urgent consideration to facilitating efforts by the industry to import suitable varroa-resistant breeding material into Australia, subject to stringent biosecurity safeguards being put in place.

Agreed in principle—subject to competing priorities and the availability of resources.
The Department of Agriculture completed a review of the importation of queen honey bees in 2012. This was in response to continuing interest from the honey bee industry to import new genetic material into Australia to improve the production and disease resistance qualities of local honey bee colonies. Queen honey bees were successfully imported from Europe in 2014 under import conditions based on this review.
Stakeholders have requested that the department undertake an analysis of the biosecurity risks associated with importing bee semen. An import risk analysis of honey bee semen commenced in 2002 but was not completed because of a lack of scientific information on how honey bee diseases are transmitted through semen. Consequently, it was not possible to develop workable biosecurity management conditions to allow honey bee semen to be imported into Australia. However, work done in the 2012 review to reassess the risks posed by importing queen honey bees means that some of the risks for honey bee semen are now better understood.

A RIRDC project to develop a set of markers that are diagnostic for *Apis mellifera scutellata* (Africanised bees), and distinguish this subspecies from commercial and feral populations present in Australia, is nearly complete. Once this project is complete, an assessment can be made of the effectiveness of markers as a diagnostic tool, the cost of these tests and how they can be used in the current import conditions for queen bees or in any future import conditions for semen.

An analysis of the biosecurity risks associated with importing honey bee semen will be considered for inclusion in the department's future work program, subject to competing priorities and the availability of resources.

**Recommendation 8**

The committee recommends the Department of Agriculture consult with relevant industry groups to ensure quarantine concerns are addressed, either as part of the proposed facility relocation or through the establishment of a specific bee-centric facility.

**Agreed.**

The Department of Agriculture agrees with this recommendation and notes that it has been consulting with relevant industry groups and individual stakeholders on this issue for several years. It will continue to do so to ensure concerns are addressed up to and following operational commissioning of the new bee quarantine facility in Victoria.

The project to design, construct and commission the new post entry quarantine (PEQ) facility has been underway since 2009. Since this time, the department has consulted extensively with staff, affected industries and users of the facility.

Considering a whole-of-life view, the government decided that a single PEQ facility which will meet the needs of all commodities—built, owned and operated by the government—was the most suitable option for the future provision of PEQ services.

A single site provides greater biosecurity control and operational efficiencies including single administration and management oversight, multi-skilling of staff, single supplier services contracts, management of one port of arrival, a single set of operating procedures, and a greater level of assurance in effective emergency back-up facilities for essential services than can be provided at multiple sites.

Extensive evaluations of more than 25 potential locations were considered before settling on a short list and finally deciding on the Mickleham site, which was purchased in 2012.

The location of this single facility was chosen based on a number of criteria, including a careful balance of the needs of several different species that it will house and proximity to an international airport and to the greatest number of commercial industries handling different species and products entering the facility.

Victoria, compared with New South Wales, had a greater selection of suitable sites available within close proximity to an international airport and at a lower cost. The Victorian site is located in a land zoning area designated by the Victorian Government as predominantly light industrial, so urban encroachment adjacent to the facility is not likely. Victoria is less prone to many vectors of diseases affecting both plant and animal commodities.
It is notable that commercial beekeepers (honey production and pollination services) operate successfully in hotter, colder, wetter and drier areas than the chosen site.

The Department of Agriculture has consulted about the site of the new PEQ facility with the Australian Honey Bee Industry Council (AHBIC), the Federal Council of Australian Apiarists Associations, the Victorian Farmers Federation and the Wheen Bee Foundation. The industry suggested it could provide land at a site owned by the Wheen Bee Foundation in western Sydney and build an industry-operated facility. This proposal was eventually abandoned by industry because it was not cost-effective when taking into account construction, registration, auditing and running costs. This decision was conveyed to the department in correspondence, acknowledging that the Melbourne facility was an acceptable option.

The new PEQ facility proposal was referred to the Parliamentary Standing Committee on Public Works (PWC), and was considered at length by the committee including at a public hearing on 27 March 2013. The committee considered and weighed the issues outlined in submissions from a considerable number of stakeholders and on 15 May 2013 presented its report to the Parliament. It endorsed the proposed design and location of the overall facility in an 'Expediency Motion' (approval) that was passed by the Parliament on 16 May 2013.

Construction of the new PEQ facility commenced in March 2014. The bee compound will be one of the first buildings completed. The Department of Agriculture will continue to work with industry to operationally commission the facility to ensure its operational readiness before the Eastern Creek facility is closed.

This facility will be used to manage biosecurity risk associated with the introduction of bee genetic material to Australia. It is not a queen bee breeding facility. Biosecurity risk management is the primary purpose of the PEQ facility.

The Department of Agriculture has listened to the bee industry and taken its concerns into account during design development. The bee compound has been designed to maximise the time that flight rooms are at a temperature conducive to brood production through, for example, building orientation and light penetration. Suitable plant species that will support local bee hives will be selected for adjacent landscaping purposes.

Biosecurity arrangements for importing queen bees are robust. If varroa mite (the major pest of concern) is ever to become established in Australia, it is likely to enter on a swarm of bees that arrive on a shipping container or yacht rather than through the importation of European queen bees performed in accordance with established biosecurity policy. The department has border processes in place to inspect ships and shipping containers for various agricultural pests, including bees.

**Recommendation 9**

The committee recommends the Department of Agriculture, in consultation with industry groups, review the Import Risk Analysis for honey bee commodities, with a view to protecting the Australian industry and its 'clean, green' reputation.

**Noted.**

The biosecurity aspects of importing honey bee commodities are currently managed under Section 42 of the Quarantine Proclamation 1998, which allows some products to enter Australia without an import permit—for example, honey (if pure and free of extraneous matter). A review of the biosecurity risks associated with importing honey bee commodities could be considered for inclusion in the department's future work program, but it will be subject to competing priorities and the availability of resources.

With regard to food safety and compliance with Australian food standards, the testing applied to surveillance foods, such as honey, are subject to periodic review. Honey testing is currently being reviewed taking into account Standard 2.8.2 of the Australia New Zealand Food Standards Code and
recent compliance issues that were the subject of action by the Australian Competition and Consumer Commission.

**Recommendation 10**

The committee recommends that the Commonwealth Government, in consultation with the AHBIC and other relevant stakeholders, investigate the viability and benefits of producing an annual industry report in the terms outlined in paragraph 3.73.

**Noted.**

The government notes that the committee's proposed annual state of the industry report would be a matter primarily for industry to pursue. The Department of Agriculture would be available to participate with industry to assist the development of the report.

**Government response: Additional comments**

**Recommendation 1**

The Government postpone any changes to the reregistration process until specific enforceable requirements are in place relating to the independence of information provided to the APVMA regarding agvet chemicals, and that the registration and re-registration processes require testing on the effect of long-term exposure to these chemicals on native bees and honey bees.

**Not agreed.**

The Agricultural and Veterinary Chemicals Code Act 1994 was amended to remove requirements to reapprove and re-register agricultural and veterinary chemicals from 21 July 2014. These amendments do not affect the APVMA's ability to request further testing of the effects of chemicals on bees if that information is deemed necessary for registering new chemicals or reviewing existing chemicals.

Data provided to the APVMA in applications for chemical registration should be generated according to an acceptable code of good laboratory practice (GLP)—that is, Organisation for Economic Co-operation and Development (OECD) GLP or equivalent—and carried out according to an internationally acceptable test guideline (most commonly the OECD Guidelines for the Testing of Chemicals or the test guidelines published by the US Environmental Protection Agency's Office of Chemical Safety and Pollution Prevention). Studies that are not compliant with GLP and/or are not conducted according to recognised guidelines will be considered case-by-case on their scientific merit.

This information is provided to applicants in the APVMA's data guidelines available at: apvma.gov.au/registrations-and-permits/data-guidelines.

It is now common that companies wishing to have new insecticides registered provide regulators with the results of tests to assess the effects of prolonged exposure of bees to sub-lethal doses of the insecticide and looking at the effects on different stages of bee development. Australia has been working with the OECD Pesticide Effects on Insect Pollinators Working Group, which is developing requirements and guidelines for the extended testing of pesticides on insect pollinators (including tests on repeated exposure to low doses and on exposure of bees at different life stages). Australia has also been involved in work by the Society of Environmental Toxicology and Chemistry in this area.

Australia is working internationally to develop test methods and guidelines and, once agreed, they will be incorporated into the APVMA's data guidelines.

**Recommendation 2**

The APVMA and/or EPA implement specific 'no spray' zones for chemicals where hives are located or bees are foraging, with particular attention to the off-label use of chemicals.

**Noted.**

The APVMA is currently conducting a project to review and extend its policy on protecting sensitive areas from spray drift. This project includes an analysis of how best to conduct spray drift risk assessments and to implement mitigation measures on product labels (such as no-spray zones). The
need to specifically consider bee hives as a specific off-target site is being investigated as part of this project.
Changes to the current spray drift policy are expected to be developed by early 2015, when public consultations will be held.

**Recommendation 3**
The Department of Agriculture and other relevant agencies hand down their recommendations in relation to the labelling of chemicals that may impact bee health within the next two months, to be implemented before the end of 2014.

*Agreed in principle.*

The APVMA, as the statutory agency responsible for assessing and registering agricultural chemicals for use in Australia, must be satisfied with the safety, efficacy, trade and labelling criteria under the Agricultural and Veterinary Chemicals Code Act 1994 and associated regulations, before registering a chemical. As part of this process, the APVMA must be satisfied that the product is safe for animals and the environment when used according to the label instructions.

The APVMA has worked with representatives of the honey bee industry to implement revised pesticide product labelling to reflect the potential impact of pesticides on honey bees and other pollinating insects. This includes developing additional warning and protection statements that indicate specific additional hazards where required. The APVMA has also worked with industry to make more product-specific information available for beekeepers.

Examples of label statements, including reference to specific additional hazards (for example toxicity to bee brood), that should appear under the 'Protection of Livestock' heading (noting that bees are an introduced species and therefore classified as livestock under the legislative framework) are:

- if there is an unacceptable risk to bees—'Highly toxic to bees. Will kill bees foraging in the crop to be treated or in hives which are over-sprayed or reached by spray drift'
- if residues are shown to be toxic—'Residues may remain toxic to bees for several days after application'
- if bee brood effects are a concern—'Bee brood development may be harmed by exposure to residues transported into the hive by foraging bees, overspray or spray drift'

The APVMA held a workshop of regulatory stakeholders, including representatives of the honey bee industry, on 24 July 2013 in relation to more detailed safe-use instructions. Examples of new insecticide labels that the APVMA now requires, containing safe use instructions for bee safety, include:

- Sulfoxaflor in the product 'Transform Insecticide', which is approved as a foliar insecticide spray in canola. The label bears a number of bee warning statements and contains advice on safe use for protecting bee pollinators, as follows:
  - a bolded caution states that 'this product is highly toxic to bees: read the PROTECTION OF LIVESTOCK section in this booklet before use'
  - the use instructions advise that 'if honey bees are present in the target area during flowering, see the PROTECTION OF LIVESTOCK directions'
  - PROTECTION OF LIVESTOCK section
  - Highly toxic to bees. Will kill foraging bees directly exposed through contact during spraying and while spray droplets are still wet. May harm bees in hives which are over-sprayed or reached by spray drift.
  - **Do Not** apply this product while bees are foraging in the crop to be treated.
  - Treatments made to crops in flower or upwind of adjacent plants in flower that are likely to be visited by bees at the time of application, should not occur during the daytime if temperatures within
an hour after the completion of spraying are expected to exceed 12°C. It is recommended that orchard floors containing flowering plants be mown just prior to spraying. Beekeepers who are known to have hives in, or nearby, the area to be sprayed should be notified no less than 48 hours prior to the time of the planned application so that bees can be removed or otherwise protected prior to spraying.

- Cyantraniliprole in the product 'Exirel Insecticide' which is approved as a foliar insecticide spray in cotton. The label bears a bee warning statement and contains advice on safe use with respect to the protection of bee pollinators (under the PROTECTION OF LIVESTOCK heading) as follows:

Toxic to bees. Will kill foraging bees directly exposed through contact during spraying and while spray droplets are still wet. May harm bees in hives which are over-sprayed or reached by spray drift. Beekeepers who are known to have hives in, or nearby, the area to be sprayed should be notified no less than 48 hours prior to the time of the planned application so that bees can be removed or otherwise protected prior to spraying.

Accordingly, in addition to standard label statements appearing under the 'Protection of Livestock' heading, product-specific use instructions are applied to new insecticide products coming onto the Australian market. The APVMA endeavours to ensure a degree of consistency with similar label information applied internationally, especially in the United States and Canada, which have broadly similar agricultural practices. This is facilitated by increasing participation in Global Joint Reviews in which Australia works with other key agencies in North America and Europe to jointly review new pesticide chemicals.

Recommendation 4
The Commonwealth enter into discussions with the relevant state and territory bodies to ensure integrated fire management practices that take into account the needs of the beekeeping industry are in place within the next 12 months.

Not agreed.
As noted in the Australian Government's response to the More than honey report, fire management practices are primarily state and territory government responsibilities.

Industry sectors affected by fire are provided opportunities to participate in existing state and territory fire management forums.

The government notes that a strategic objective of the National Bushfire Management Policy Statement for Forests and Rangelands, which was endorsed by the Council of Australian Governments and released in May 2014, is to encourage involved and capable communities. This objective aims to improve community engagement in the development of fire management and mitigation strategies, and engagement with stakeholders whose 'economic assets and objectives … might be influenced by fire, or the strategies intended to reduce its impact'.

Recommendation 5
State and territory land management authorities review the impact of clear fell harvesting in areas that overlay bee sites and restrict these activities accordingly.

This recommendation is not directed to the Commonwealth.

Forest management is primarily the responsibility of the state and territory governments, and forest harvesting is subject to their regulatory frameworks.

Recommendations 6 and 7
As part of a comprehensive approach to revitalising the beekeeping and pollination industries, the Department of Agriculture and relevant state and territories bodies should actively seek to support the industries in a variety of activities, including marketing.
As a matter of utmost urgency the Government, including the Department of Agriculture and other relevant agencies, work with industry groups and state and territory governments to develop an Australia wide approach to protect and support the beekeeping and pollination industries. This should involve a report and action within 6 months.

Noted—substantial support is already available.

The Australian Government, through a number of separate agencies and programs, already offers a substantial range of support to the Australian honey bee industry. The government will support efforts to meet the needs of beekeepers and the beekeeping and pollination services industries, where possible, through these existing and any future programs.

The government observes that as a consequence of the decentralised nature of government it can be difficult to effectively communicate the full breadth of this support. The absence of a centralised whole-of-government honey bee industry program should not imply that the government is not aware of the importance of the honey bee industry or is doing too little to support the industry.

The government notes that the honey bee industry receives significant benefits from the more than $500 million allocated by the government each year to the Department of Agriculture to safeguard Australia’s animal and plant health status. Australia has a world-class border biosecurity system and has remained free of many major pests and diseases which affect agriculture, including beekeeping, in other parts of the world.

As part of its commitment to Stronger Biosecurity and Quarantine, the government is enhancing rapid response capability to address urgent biosecurity issues. This includes dedicated resources to support a pool of skilled and experienced personnel and a best practice national network for diagnostic and response management expertise. It is available to assist state and territory governments, at their request, to contain an incursion in the early stages to reduce adverse impacts, including to the environment. The commitment includes a range of preparedness activities to build national capability and provide long term benefits beyond the completion of this initiative. The allocation of resources between response and preparedness activities is flexible and will vary depending on the number and scale of incursions requiring a response.

The government notes the Australian Honey Bee Industry Council’s proposal to increase the statutory honey levy to contribute to onshore biosecurity activities across Australia, including the development of the National Bee Biosecurity Program, as well as to fund the National Bee Pest Surveillance Program. The government will consider this specific proposal in due course. Nevertheless, as a general principle, the government supports initiatives such as this which increase the industry's self-reliance.

The government appreciates that the industry, in some regions, is experiencing a 'honey drought' as a consequence of drought and bushfires reducing the flowering of native forests. On 26 February 2014, the Prime Minister, the Hon. Tony Abbott MP, and Minister for Agriculture, the Hon. Barnaby Joyce MP, announced a drought assistance package worth $320 million to support those farm businesses, farming families and rural communities in Queensland and New South Wales facing hardship brought on by drought. Beekeepers can access the support measures available through this package.

Beekeepers throughout Australia that are experiencing financial hardship may be eligible for the Farm Household Allowance (FHA).

The FHA is paid fortnightly at a rate equivalent to Newstart Allowance (or Youth Allowance for those under 22 years). Eligible beekeepers and their partners will be able to access up to three years of payment. A Health Care Card will be provided to recipients. Support will also be provided through a dedicated case manager to help recipients assess their situation and develop a plan for the future. This is designed to give farm families time to get back on their feet and the opportunity to take steps to improve their circumstances.
Information about FHA, and other Australian Government programs available to assist farmers in need including concessional loans and free rural financial counselling, is available at www.agriculture.gov.au/agriculture-food/drought/assistance.

The Australian Government is providing $100 million over four years from 2014–15 for a competitive grants program for Rural Research and Development Corporations (RDCs) to deliver cutting-edge technology and applied research, with an emphasis on making the results accessible to Australia’s primary producers. The Agricultural Competitiveness White Paper may help inform research and funding priorities for subsequent funding rounds.

RDCs will be principal recipients of the funding, but other partners will be sought. To qualify for the funding, project proposals will need to demonstrate collaboration between RDCs and partners such as other funding agencies, experienced researchers, producer groups and the private sector. The government encourages parties interested in honey bee and pollination research and development to collaborate and provide a submission to this program.

The Australian honey bee industry is able to pursue implementing a statutory marketing levy in accordance with the principles outlined in the Australian Government’s Levy principles and guidelines. Consistent with government policy that applies to other primary industries, any statutory levy funded marketing expenditure would not be eligible for government matching funds.

### National Disability Insurance Scheme

**Government Response to Report**

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:07): I move:

That the Senate take note of the document.

I wish to take note of both those responses, but I will start with the first one. First I would like to take note of the government’s response to the progress report of the Joint Standing Committee on the National Disability Insurance Scheme. This is a progress report on the implementation and administration of the NDIS. It is pleasing to see that the government accepts most of the recommendations that were made in that report, because clearly it is really important that, as the NDIS is rolling out in what are now called the trial sites, we are learning as we go on that, because, as was discussed in estimates last week, the NDIA and the department are now busily working on how it is going to roll out across the rest of Australia.

There are a couple of particular points that I would like to pick up out of this report and make a bit of a comment on. One of those is recommendation 2 of the joint standing committee, which made a point about gaps in service. While a lot of the evidence received by the committee was about gaps in services that are already there and should in fact be providing support to people with disability on issues around health and education, the other issue that I would like to talk about in terms of gaps in service is the problem that I think we are starting to see and may see more and more, and that is where state governments are starting to pull resources out of support for people with disability, saying, ‘The NDIS is there,’ and committing more of the funding that is committed for people with disability into NDIS. It is quite clear that there are a lot of people who are not going to qualify for NDIS but still need support. I have had an email from somebody suggesting that even local government are talking about not providing some of the resources and supports they used to for people with disability, because they are saying the NDIS will support people with disability, and therefore they do not need to put resources in. Also, states and local governments are hesitant to put resources into supporting people with disability in view of the NDIS coming just around the corner.
One of the other key recommendations made in the report was about economic participation. It says:

As people transition to the NDIS, the committee is cognisant of the need to assist people develop the necessary skillsets to enable them to successfully move into the workplace environment and participate in the workforce, where possible.

One of the key elements of the NDIS is economic participation of people with disability, so this is a particularly important point and one that I think needs a lot of focus. While the government agreed in principle, which is fantastic, I am concerned that we are seeing some pretty worrying trends. For example, the highest number of complaints that are received by the Australian Human Rights Commission is around disability and employment. These are concerns or complaints about people with disability trying to access employment and facing discrimination in the workplace. It is clearly an issue that needs to be addressed. One of my strong concerns—and I have said it in this place before—is that the government basically got rid of a full-time Disability Discrimination Commissioner—halved that. So now we have Ms Susan Ryan, who is doing a great job trying to work on ageing—she is the Age Discrimination Commissioner—plus fulfilling the role of the disability commissioner. Of course, we know that complaints are huge, again, around employment for people who are ageing and facing discrimination.

So I think we have a long way to go here. I think some of the disability employment services do a great job, but I think we need to be doing a lot better. Unless we really significantly lift the game in terms of providing support and dealing with discrimination against people with disability in the workplace—even in the Australian Public Service the number has gone down—we are going to be in trouble into the future, I think, and we are not going to fulfil the goal of economic participation along with the NDIS.

There was another recommendation that was made. When the committee was going around, we found that people were not getting to sign off on their plans. That is a very important point. NDIS is supposed to be about putting resources into supporting people with disability but, in particular, giving people choice and control. If you are not able to sign off on your own plan, that is certainly undermining that choice and control. The government has agreed to that in principle. But the committee recommended a cooling-off period so people get a chance to think about the plan before they sign off, and in the response the government says:

NDIS plans are not locked in and can vary as the circumstances of an individual change. This can mean the supports that are funded could reduce or increase over time.

While I understand that that is what happens in principle, what the committee heard was that in fact that was not happening and that people thought they were locked into plans. In fact, some people suggested that, when they had sought to further change their plans or discuss their plans, they found that difficult.

The other point is recommendation 6:

The committee notes the importance of the role of advocacy services in ensuring quality plans and supporting participants in the planning process. The committee recommends that certainty regarding the role and support for advocacy services in the NDIS be urgently resolved through the Ministerial Disability Reform Council.
Again, the government says it agrees, in consultation with jurisdictions. Of course, this is the government that has just cut funding to a number of peak disability organisations. The very organisations that do not only systemic advocacy but, in some cases, individual advocacy have been cut. Although there is a small amount of transitional funding that takes them through from March to June, they will not have funding after June. That is extremely disappointing. In estimates, Minister Fifield and the department did talk about some further funding for capacity building, but the funding cuts totally undermine their ability to be advocates. As the rollout of the NDIS keeps going in the trial sites and as it rolls out across Australia, advocacy is absolutely critical. When we were debating those bills in this place, this Senate was very clear about the need for advocacy. There are other organisations that have been funded, and not for one minute am I having a go at those groups, but it is exceedingly disappointing that the government took a top-down approach to the way it was going to work with disability groups and it came up with what it wanted. The sector has tried to respond to that, but it is very disappointing that those groups have had their funding cut when they provide very important services to people with disability.

People with disability across Australia were not consulted about which groups the government chose to support with funding. I am not for one minute having a go at the groups that have received funding. I think they have done and will continue to do an excellent job, but the other groups also contributed to advocacy for people with disability. It is a mistake, and I urge the government to reconsider that. I seek leave to continue my remarks.

Leave granted; Debate adjourned.

Rural and Regional Affairs and Transport References Committee

Government Response to Report

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:15): I move:

That the Senate take note of the document.

I also want to take note of the government's response to the Rural and Regional Affairs and Transport References Committee's report on the future of beekeeping and pollination service industries in Australia.

This is an extremely important issue and I am pleased to see the government has responded. I am more often than not critical of the government, but I do note that they have responded in a timely manner on a number of the Senate committee reports and joint reports. That is good, because it facilitates the committee work that we all put so much time into.

Unfortunately, I cannot be as positive about the way the government has responded to this report. They have not agreed to many of the recommendations. Some of them are noted and some of those in the additional comments response they have not agreed with. This is an extremely important issue. The latest science came out last week. I would urge the government to reconsider the urgency with which they take up some of these recommendations.

Bee-colony collapse is an issue around the world, and Australia is not immune. It is more intense in some areas of Europe and, particularly, in the US. Research that came out last week indicates scientists think they understand much better the reason for bee-colony collapse. It is associated with multiple environmental stresses, such as pathogens, pollution and pesticides.
I understand the scientists to be saying—this is very recent research by Australians—that those multiple environmental stresses mean the younger bees are having to go out and forage much earlier than they used to. When you had older worker bees out there foraging, younger bees would learn how to look after the young, clean the colony and build up strength et cetera. Because those older worker bees are now dying off, the younger bees are leaving the colony earlier and only foraging for a small amount of time. They are not as experienced, and they are not coming back to the colony—that is my layman's version of the science. This is leading to colony collapse. As we get a better understanding of colony collapse, governments and our scientists will be able to direct resources more carefully into addressing it. Bees are absolutely essential for pollination of our agriculture and horticulture.

I urge the government to have a renewed sense of urgency in looking at these recommendations. There is clearly work that needs to be done on pesticides and the impact of pesticides as part of the multiple stresses on bees. There are clearly areas we need to look at about clearing of native vegetation. That is another point that was raised in this report. There are issues around registrations, the use of pesticides, exclusion zones around colonies and access to areas. This is an extremely important issue.

Some of the recommendations in the report should not be written off as much as the government is writing them off. It is an issue we need to keep a very careful eye on, particularly the use of pesticides and which ones are impacting on bees. This is contributing to environmental stresses that lead to the young leaving the colonies. If we do not get this right, our agricultural and horticulture will be under threat—particularly horticulture, because of the critical role bees play in pollination.

Senator XENOPHON (South Australia) (17:20): I endorse and congratulate Senator Siewert for her remarks. This is an urgent issue and has not been taken seriously by successive governments. To put it bluntly—and I know you will pull me up on this, Mr Acting Deputy President Sterle—if we do not sort out the problems we have with our bees, Australian agriculture is stuffed. Bees are important for pollination for so many sectors of the agricultural sector. It is not good enough for the government to simply say that we will leave it up to the states to work this out. This will affect agriculture across this country. It is a federal issue. The Commonwealth has a key role to play in this.

We know that honey production and pollination industries are worth billions of dollars to the Australian food-production industry. The importance of bees to the agricultural industry and the need for better labelling, from the consumer point of view, are important. Senator Siewert talked about pesticides and environmental issues. These are key issues to ensure that we do not destroy this important link to our agricultural production. My fear is that we are seeing risk of colony-collapse disorder, fewer bees and, with it, greater issues and problems with pollination. This is a key issue that must be dealt with as a matter of urgency.

The Australian Government considers all industries when it negotiates free trade agreements (FTAs). The impact of tariffs, quotas and the rules of origin that facilitate the free flow of trade between the Parties are integral to the final provisions of all FTAs. The beekeeping industry is free to make submissions to the government when the intention to negotiate a new FTA is announced, ...

With respect to the government—and I am not singling out this government, because I think that previous governments have failed on this—that is not good enough. If we do not do something about this before it is too late we will see catastrophic consequences for our
agricultural sector. There have been a number of previous reports. The *More than honey: the future of the Australian honey bee and pollination industries* report back in 2008 was very comprehensive. It was sidelined by the former government and I fear that this government will sideline these recommendations.

I particularly want to thank the beekeepers of Australia who made submissions to this inquiry, particularly people like Lee Duffield in South Australia and many others who made submissions in respect of this inquiry. If we do not get this right the consequences will be catastrophic.

If I can just finish off with an issue in respect of Sichuan province in China? They are pear growers there, and they have to pollinate because their bees have had colony collapse disorder. Pollination by bees just does not exist anymore. They have to pollinate their pear trees using sharpened bamboo sticks with feathers attached—dare I say it?—because there are no bees in the province anymore. That is the consequence of that. I wonder whether some sharpened bamboo sticks might be used to prod some of our bureaucrats to deal with this issue, fundamentally, because otherwise we are facing a catastrophe in Australian agriculture unless we act on this with utmost urgency. The government's response is very poor indeed.

Question agreed to.

**Joint Committee of Public Accounts and Audit**

**Report**

*Senator O'SULLIVAN* (Queensland—Nationals Whip in the Senate) (17:24): by leave—at the request of Senator Smith I present his tabling statement on the Joint Committee of Public Accounts and Audit report 447. It was an oversight when he made his contribution to the Senate earlier. I seek leave to have the report incorporated in *Hansard*. Leave granted.

The report read as follows—

I present the report from the Joint Committee of Public Accounts and Audit, entitled *EPBC Act, Cyber Security, Mail Screening, ABR and Helicopter Program: Review of Auditor-General Reports Nos 32–54 (2013-14)*.

This report details the findings of the committee's examination of five Australian National Audit Office reports. Two key themes from these reports were the importance of agencies taking an appropriate risk based approach and also, where appropriate, working cooperatively with others to achieve common objectives.

Chapter 2 of the report discusses the committee's findings concerning Audit Report No. 42 on the screening of international mail. The committee found that Customs and the Department of Agriculture had made progress in response to the audit office recommendations, However, the committee remained concerned about two matters: international best practice for mail screening and the state of cooperative arrangements with other countries regarding identification of illicit firearm shipments.

Accordingly, the committee recommended that Customs and the Department of Agriculture undertake a review of methods of screening international mail to ensure Australia conforms to international best practice, with these agencies to then report back to the committee. We also recommended that Customs report back to the committee on the existing state of cooperative arrangements with other countries regarding identification of illicit firearm shipments, and what discussions might be underway to strengthen these arrangements.
Chapter 3 of the report discusses the committee's findings concerning Audit Report No. 43 on managing compliance with Environment Protection and Biodiversity Conservation Act Conditions of Approval. The committee found that it will require a sustained effort from the Department of the Environment to ensure ongoing improvements to its EPBC Act compliance framework in the transition to new one-stop-shop arrangements.

The committee recommended that the Department of the Environment report back to the committee on its continued progress implementing the audit office recommendations and the new one-stop-shop assurance framework. The committee further recommended that the audit office consider including, in its schedule of future performance audits, a follow-up audit of the department's management of the compliance framework. The committee also recommended that the department take a leadership role in its governance arrangements for this area by demonstrating effective reporting against appropriate performance measures.

Chapter 4 of the report discusses the committee's findings concerning Audit Report No. 48 on the administration of the Australian Business Register. The committee was disappointed to note that, some 14 years after it was established, the Australian Business Register does not yet provide a single entry point for business interactions with government, and that the Australian Taxation Office and its partner agencies have made little real progress towards reducing the registration and reporting requirements of business.

While the committee acknowledges that the tax office and its partner agencies are committed to these whole-of-government objectives, we believe that a closer working relationship between these agencies is necessary. The committee therefore recommended that the tax office and its partner agencies work more closely together to: reduce entry points to government; implement registration and reporting mechanisms that are efficient for business; simplify business access to government services; and update IT infrastructure supporting the register.

Chapter 5 of the report discusses the committee's findings concerning Audit Report No. 50 on Cyber Attacks: Securing Agencies' ICT Systems. Over the course of the review, the committee was concerned to note that, of the seven agencies audited, not a single agency was found to be fully compliant with the top four mitigation strategies and related controls in the Australian Signal Directorate's Information Security Manual, and none of the agencies was expected to achieve full compliance by the mandated target date of July 2014.

The committee recommended that the seven selected agencies achieve full compliance with the top four mitigation strategies and related controls in the Information Security Manual as soon as possible, with each agency to produce a clear plan of necessary activities, including a definite date of compliance. The committee also recommended that the Australian National Audit Office consider including, in its schedule of performance audits, regular audits of commonwealth agencies' compliance with these security strategies and controls.

Chapter 6 of the report discusses the committee's findings concerning Audit Report No. 52 on the Multi-Role Helicopter Program. At over $4 billion, the program is to acquire 47 helicopters and their support system for the Australian Defence Force. The committee recognises that much of what is currently causing difficulty in the program is the result of decisions made about 10 years ago. Since that time, Defence has improved its performance in the area of acquisition and sustainment, and is taking measures to rectify as best as possible the project's shortfalls.

However, the committee believes there is still much to be done. The audit office assessed that there is still a need for Defence to better manage the inherent risks in complex acquisition programs. The committee was also concerned that the DMO was not adequately monitoring the realised Australian Industry Content promised in the contract. The committee considers that the Department of Defence and DMO should publish annually figures on Australian Industry Content in their acquisition and sustainment contracts.
In conclusion, I thank departmental representatives who appeared at public hearings for assisting the committee in its important role of holding Commonwealth agencies to account for the efficiency and effectiveness with which they use public monies. I commend the report to the Senate.

Economics Legislation Committee
Intelligence and Security Committee
Foreign Affairs, Defence and Trade References Committee

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (17:25): I move to take note of the Economics Legislation Committee report on the Competition and Consumer Amendment (Misuse of Market Power) Bill 2014, the Intelligence and Security Committee advisory report on the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014 and the government response to the Foreign Affairs, Defence and Trade References Committee report on the Korea-Australia Free Trade Agreement, and seek leave to continue my remarks.

Leave granted.

Senator XENOPHON (South Australia) (17:25): May I indicate that this was a referral to the Economics Legislation Committee by virtue of a bill that I introduced it the Senate? Effectively, this bill will provide for misuse of market power to carry with it the penalty of a company being forced to divest some or all of its assets.

It sounds like a radical solution, but it would be a last resort and it would be up to a court to do so. It does not trigger any constitutional issues in respect of just compensation under the Constitution, but it would be in line with Europe, Canada and the United States. It is very rarely used in those jurisdictions; in fact, I do not think it has ever been used in Europe or Canada. But it is there as a sort of sword of Damocles over corporations that abuse their market power. At the moment, simply getting a monetary penalty is not good enough. You actually need to have that additional penalty to change the culture—the ability of a court to break up a corporation in whole or in part.

I am disappointed that the majority report of the committee says we are not going to do that—we are not going to go down that path. I think there are some exciting things happening in competition law in the sense that the Harper review is looking at an effects test, which I think will be of particular benefit if it is set out in the form that many have advocated for it. Senator Canavan participated in that inquiry very capably—and I think we are lucky to have someone like Senator Canavan, given his previous work with the Productivity Commission on that committee.

The fact is that we have incredibly high levels of concentration in some sectors, particularly in the grocery sector. Virtually 80 per cent of that is controlled by two supermarket chains. The concern is that milk price wars and bread price wars actually squeeze out small operators and if there is an abuse of market power, which is very hard to prove under the current intent that is required in the legislation, very little can be done about it. Having a divestiture power in itself would actually change the culture of those big corporations that, from time to time, may do the wrong thing. It will change the culture of
those corporations and it will change the way that they manage their risk to be much more cautious in the way that they go about their business.

I am not singling out any particular companies. I am saying that as a general principle that it would do so. That is what I believe it has done in Europe and in Canada, and in the United States, where they have much stronger anti-trust laws than we have here.

Now is the time to ratchet this up in terms of effective penalties, because we do not have effective penalties by simply having fines—which can be water off a duck's back when it comes to some large corporations. Consider that in our merger and acquisition clauses of competition and consumer law there is the ability to order divestiture of a company or of a company's assets—in other words, to de-merger it—if they breach their undertakings, for instance. It is not unprecedented. We need to go down this path because right now our competition law is simply too weak.

We have a situation where many independent grocers, for instance, would welcome this power. This would make a big difference in the way corporate Australia would operate. This would make a difference in a way that would be very positive for competition law in this country. It would still leave the discretion to the courts of the Commonwealth of Australia in order to determine whether that penalty would be appropriate or not. But at the moment I believe our regulators have one hand tied behind their backs because the courts do not have that power. Now is the time, while we are looking at competition law in this country, to consider that.

This issue will not go away. If divestiture powers do not get up in this round of reforms I am convinced that sooner rather than later there will be a demand for it, because our current competition laws are too weak in terms of the sanctions that are there. I hope that, if we had divestiture powers, they would hardly ever be used, but the mere fact that that would be on the statute books would be a very powerful disincentive to bad behaviour and abuse of market power by some of our largest corporations.

I seek leave to continue my remarks.

Leave granted; debate adjourned.
Education and Employment References Committee—
   Discharged—Senator Ruston
   Appointed—Senator Sinodinos

Environment and Communications Legislation Committee—
   Discharged—Senator Canavan
   Appointed—Senator Sinodinos

National Broadband Network—Select Committee—
   Discharged—Senator Bernardi
   Appointed—Senator Sinodinos.

Question agreed to.

BILLs

Australian Securities and Investments Commission Amendment (Corporations and Markets Advisory Committee Abolition) Bill 2014

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) (17:31): 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—

Today I introduce a Bill to amend the Australian Securities and Investments Commission Act 2001 to cease the operation of the Corporations and Markets Advisory Committee (or CAMAC) and its legal committee.

The cessation of CAMAC will also result in the formal termination of CAMAC’s legal committee which was formally established in September 1991.

However, the business environment has changed from 1989 when the agency was first established as the Corporations and Securities Advisory Committee.

The professionalism and capacity of industry representative groups is now much stronger, and business is quite capable of putting its views to government without the need for an additional layer of taxpayer-funded bureaucracy.

This Bill fulfils a commitment made by the Government in the 2014-15 Budget to abolish CAMAC and its legal committee as part of the effort to achieve a smaller and more rational government footprint.
CAMAC and its legal committee are 2 of the 36 government bodies the Abbott Government has committed to abolishing as part of our Smaller Government reforms.

The Abbott Government is acting early to deliver a smaller and more rational government, and contribute to fiscal repair and to the sustainability of government operations.

Ceasing the operation of small bodies and committees generates savings beyond merely the saving of the annual appropriation.

The ongoing operation of small agencies absorbs resources across the broader Commonwealth public service, including through the oversight costs incurred by responsible departments, central agencies and integrity agencies.

This Bill terminates the operation of CAMAC by repealing Part 9 of the Australian Securities and Investments Commission Act and making a number of consequential amendments to that Act.

The cessation of CAMAC will take effect from the 28th day after the Bill receives Royal Assent.

Part 2 of Schedule 1 of this Bill provides for the transitional and saving arrangements necessary to facilitate the cessation of CAMAC.

The transitional and saving provisions provide for things such as:

- continuing CAMAC’s assets and liabilities after cessation as if they belong to the Commonwealth;
- substituting the Commonwealth for CAMAC in relation to contracts and other instruments; in relation to things that CAMAC did, or does, before its cessation; and in relation to any legal proceedings that may be on foot at the time CAMAC ceases to operate; and
- providing for the transfer of CAMAC’s records to the Treasury and for the continued protection of information.

I am confident industry will continue to be vocal in expressing its views to Government on the operation of the corporations laws.

The Treasury will act as an adviser and coordinator of advice, given its role as a policy agency. Treasury will continue to advise the Government in relation to corporate law, financial markets and financial services following the cessation of CAMAC. That advice will continue to be informed by regular engagement with relevant experts and with industry.

In addition, ASIC will continue to be empowered under its enabling legislation to make recommendations to the Government about any matter connected with:

- a proposal to make or amend the corporations legislation;
- the operation or administration of the corporations legislation;
- companies or a segment of the financial products and financial services industry; or
- the efficiency of the financial markets.

Finally, the Government retains the ability to refer matters regarding the corporate regulatory framework to other Government research and advisory bodies such as the Productivity Commission and the Australian Law Reform Commission.

With this Bill the Government is fulfilling its commitment to abolish CAMAC and its legal committee as part of the effort to achieve a smaller and more rational government footprint.

The full details of these measure are contained in the explanatory memorandum.

I thank CAMAC’s past and current members, as well as its staff.

I commend the Bill to the House.

Debate adjourned.
Tax and Superannuation Laws Amendment (2014 Measures No. 5) Bill 2014
Returned from the House of Representatives

Message received from the House of Representatives agreeing to the amendments made by the Senate to the bill.

COMMITTEES

Law Enforcement Committee

Membership

Message received from the House of Representatives notifying the Senate of the appointment of Mr Kelly to the Parliamentary Joint Committee on Law Enforcement in place of Mr van Manen.

Foreign Affairs, Defence and Trade Legislation Committee

Environment and Communications Legislation Committee

Senator O’SULLIVAN (Queensland—Nationals Whip in the Senate) (17:33): Pursuant to order and at the request of the chairs of the respective committees, I present reports on legislation, as listed on today’s Order of Business, together with documents presented to the committees.

Ordered that the reports be printed.

BILLS

Tax and Superannuation Laws Amendment (2014 Measures No. 7) Bill 2014
Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator MILNE (Tasmania—Leader of the Australian Greens) (17:34): I know you will all be very disappointed that my colleague Senator Whish-Wilson was not able to continue from where he left off, which of course was parking his boat next to something on Rottnest Island! But I do wish to make a serious contribution to this debate. I want to indicate that with regard to this Tax and Superannuation Laws Amendment (2014 Measures No. 7) Bill 2014 the Greens will be opposing schedule 1 and schedule 6. When we get to committee we will be seeking to have those voted on separately and will oppose them. I wish to speak to those issues now and indicate why we are opposing them.

Schedule 1 relates to excess superannuation contributions, and this is very much the frustration the Greens have that the Abbott government talks constantly about the budget problems, talks constantly about making life harder for ordinary people—everything from the GP co-payments and the like—and here we have a proposal once again to let the big end of town off scot-free. It is just wrong. What is being proposed here is that, if a person exceeds the legal cap on their non-concessional superannuation contributions, they be virtually let off scot-free. I just think it is wrong.

The substance for this is that the government is in its explanatory memorandum assuming that many of the relevant tax law violations are inadvertent. The government argues that people just somehow overlook it, make a mistake, exceed the contribution and—oh dear!—
they should not then have to suffer any real penalty for that. I keep making the point, as I did in the tax estimates the other day, that if a person gets into trouble with Centrelink or gets a pension overpaid for a period of time then before they know it they are in the courts, but when it is the big end of town it is always assumed, ‘Oh, it must've been inadvertent; we mustn't do anything that would cause them any difficulty.’ Industry Super Australia had a look at that and they have said that they are concerned that the legislation, in its current form, would undermine incentives to comply with the tax laws and further threaten the sustainability of superannuation tax concessions, including by exposing superannuation to gaming behaviour. They say that very few people are in a position to violate the non-concessional contributions cap—that is, the $180,000 extra that you can put in. There are not many people who have $180,000 extra to put into their superannuation so, in the case of voluntary contributions, we are talking about a small number of very wealthy people, and the legislation would enable those few people to engage in gaming behaviour. In this game there would be a number of ways to win.

First of all, the tax office may not detect or enforce a tax liability against excess contributions. If that happens, individuals who breach the law get to enjoy significant tax concessions on earnings and income arising from these unlawful contributions. However, if a violation is detected and the tax office seeks to impose a tax liability, individuals who breach the law are then given a free pass: they can have the excess contribution returned to them with no penalty. How is this fair? The law is the law. If you breach the law, you should pay the penalty. Everybody else does. Why is it that, for high-income earners, it is assumed that it is just inadvertent and they should get the money back—that they should get it out of their fund and pay no penalty for what they have done? That is what this is. That is why it is so wrong.

In fact, the legislation creates perverse incentives by giving an individual who has broken the law the option to choose to withdraw the excess contribution, which returns the individual who has breached the law to an approximation of the same position they would have been in had they not violated the cap; plus they get any earnings that accrue between the assessment date and the withdrawal date, compounded over time. They can also pay the penalty and keep the concessional treatment on earnings and retirement income. Further arbitrage opportunities are available under the proposed legislation because earnings for tax purposes are calculated by reference to a formula that is the average general interest charge for the relevant financial year, rather than the actual earnings received; and as a result, if the constructed earnings are less than the actual earnings, a further benefit is possible.

This is a ridiculous piece of legislation you are bringing in here which once again gives the wink and the nod to the big end of town. It is simply wrong to suggest that it is inadvertent because most individuals in a position to exceed the non-concessional contributions cap are likely to be receiving professional advice and tax preparation assistance. Let's face it—if they have that much surplus cash to put into super, they are going to be getting their tax done. This goes back to the financial services industry and all the problems we have with that.

If there is a legitimate concern around inadvertent violations, more moderately targeted reforms could be contemplated. But I do not accept that we should be presuming this is accidental or inadvertent and that there should be no penalty. That is why we should recognise that it is wrong and a mistake.
Everybody should be equal under the law. That should be a fundamental premise in Australia. Everyone is equal under the law. If there is a law which says that you cannot get the pension if you have a certain amount of money or if certain changes apply and you breach that, then you suffer the consequences; but equally, if the big end of town stacks up this money in their super beyond the cap they are allowed, they should pay a penalty when they are found out. Why is it that we assume rich people make mistakes to their financial advantage inadvertently, but poorer people are clearly not innocent and have done so for some criminal intent? That is wrong, and that is why the Greens will be strongly opposing schedule 1 of this particular tax bill. It shows again that the Abbott government cannot help itself. Where the rich are concerned, no penalties apply. Where other people are concerned, every penalty applies and the book is thrown at them. It is wrong.

The other schedule we will be opposing today is about the destruction of the environment and using public funds to benefit mining companies. That is exactly what exploration tax credits do. What this schedule does is provide tax credits for junior mining companies—essentially, mining start-ups that have no current investment from which to redirect existing profits into further exploration. It is giving these mining start-ups a credit when they are exploring greenfield areas. In other words, this is about new miners on new exploration projects. Guess what? They are trying to get into every protected area around the country. We would be offering a tax credit for these miners to open up areas that ought to be protected. The fact of the matter is that frequently they go in and destroy these areas. State governments fall over themselves to give them licenses, a royalty holiday and every concession under the sun. They go in and wreck the place; they go broke; and then they leave. They never meet the bond, if there was one, to rehabilitate the area.

Senator O'Sullivan: That's not accurate. That's not fair.

Senator MILNE: I am glad there has been an interjection there, because I am going to give you some very good examples. If the mining industry cares to have a look, I refer them to the Tarkine in north-western Tasmania, where the Australian Heritage Council recommended that the area be protected for its natural values. I was appalled, during the last government, when the Labor minister decided not to implement the Heritage Council's findings and protect the area. Minister Burke came out strongly saying he would prefer mining to go ahead in the area, even though there was no business case—even though these tin-pot miners were going to make a wreck of the place. And that is exactly what has happened.

So let me just go through what has happened—and they get this, of course, in addition to accelerated depreciation for their capital, materiel and exploration costs and fuel tax credits. It goes on and on in this mission to use taxpayers' dollars to dig it up, cut it down and ship it away. That is essentially the only vision you have got. Why would you be using taxpayers' dollars to give these miners access to greenfield sites?

Venture Minerals proposed three open cut mines in the Tarkine. Mount Lindsay mine has tin, tungsten, copper and iron. The mine has a predicted life of eight years. It is the main mine in the group, and the lease was granted by the Tasmanian government in July 2014. The Stanley River mine has hematite, iron and tin. The predicted life of the mine is two years. The Riley Creek mine has hematite. The predicted life of the mine is two years. Work began in May 2014 and was suspended in August 2014. All of these mines sit within the area
recommended by the Heritage Council for a Tarkine National Heritage listing. The Mount Lindsay and Stanley River mines are within the myrtle forest and the button grass and heathland in the Meredith Ranges reserve created under the Tasmanian Regional Forestry Agreement. The Riley Creek site would involve clearing myrtle forest. Threatened species that may be impacted through the clearing include the Tasmanian devil, the spotted-tail quoll and the wedge-tailed eagle, as well as the expected increase in road kills.

And then, of course, we have Shree Minerals. What a disaster! Their hematite, magnetite and iron ore mine at Nelson Bay on the west coast had a predicted life of two years. Imagine giving an incentive to these miners to go in and wreck the place for a mine life of two years! The mine was approved by the federal minister in July 2013. Work started in November 2013 and was suspended in June 2014—after the Tasmanian Labor government gave Shree Minerals a royalties holiday. So the federal minister overlooked the heritage listing and the Tasmanian Labor government gave them a royalties holiday. Worse still, we now find that legal action was taken against the Environment Protection Authority in Tasmania for allowing Shree to store at its mothballed mine more than 20 times the amount of acid-producing waste rock than was in the environmental permit—20 times more, stacked on the surface, than was in its environmental permit. And then, in August 2014, Shree surrendered its licence to explore at Rebecca Creek.

These miners have gone in and wrecked the place. They have left a great mess in the Tarkine. They have not said they are walking away, because then they would have to rehabilitate it. It is just going to sit there as a horrible great mess. All of this acid-producing waste rock will be sitting there in a mess as a tribute to the former minister Tony Burke and the former Tasmanian Labor Premier Lara Giddings. Good on them! Those photos will be there. The destruction is there. And now, in this federal parliament, suddenly it seems like a very good idea to the Abbott government to give more of these tin-pot mining companies taxpayer's dollars to go and wreck greenfields areas with relatively little possibility of ever creating the jobs they promised or indeed the production they promised.

I am sick to death of the fact that we cannot get real in this country about making the transition away from digging up, cutting down and destroying our natural resource base to recognising that the future depends on a transition to a low-carbon economy which invests in brains and capacity building—universities—and selling the technologies and the advancements rather than continuing to think that we are suddenly going to find all these great new mining prospects. The fact is that the mining companies have had a good go at Australia. They would argue that all of the major deposits that are relatively accessible and profitable have already been accessed. Now we have got the petroleum industry, the mining industry and the coal industry just out there after more, and I have absolutely no intention of ensuring that the mining industry gets access to even more taxpayers' dollars.

As I said, on top of their fuel tax credits, which is an absolute fossil fuel subsidy, and their accelerated depreciation, you now want to give them an exploration tax credit. Well, not with taxpayers dollars. You have not got the money to invest in universities and to support the healthcare system so that you do not impose co-payments. Let's be very frank, the so-called pause in index payments is just a continuation of what the former government proposed, which is to freeze the indexation, which is a cut every single year to support doctors and the health system. Let's face it, if we do not have the money to provide health and education, if
we do not have the money to provide the basics in terms of public transport, we as sure as anything do not have the money to tip into the pockets of tin-pot miners who go in there and get the licences—and, if they do happen to hit it big, they of course have an arrangement with one of the big miners to move straight in and transition that prospect. If they walk away, the big miners do not have the liability that goes with cleaning up the site.

It has been my experience from one end of the country to the other that these rehabilitation bonds are not worth the paper they are written on. If you have a look in Victoria at the moment, with Hazelwood for example, why aren't they interested in closing down that coal fired power station and mine? It is because if they do close it down they are going to have to rehabilitate it. Rehabilitation is going to cost them way more than has ever been provided for, so they do not want to have to cop the cost of rehabilitation. That is going to be the case from one end of the country to the other—whether it is in the Hunter Valley, Victoria or wherever. That is because governments have failed to make mining companies accountable. They make their profits and their profits go offshore—overwhelmingly to foreign shareholders—and Australian communities are left holding the baby with the pollution of waterways and the destruction of agricultural land. It is just appalling.

People are going to look back and say, 'What sort of governments did you have in this country that were so keen to maximise the profits of the mining corporations at the expense of the community?' That is why the Greens will not be supporting this particular schedule. The Greens will be opposing schedule 1 and schedule 6 and would like the opportunity to vote on those separately in the committee stage.

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:52): First of all, I would like to thank those senators who have contributed to this debate on the Tax and Superannuation Laws Amendment (2014 Measures No. 7) Bill 2014 and the Excess Exploration Credit Tax Bill 2014.

Schedule 1 demonstrates that the government is committed to ensuring that individuals need no longer be disproportionately penalised for inadvertently exceeding their superannuation non-concessional contribution caps. Individuals will have greater confidence to save long term for their retirement.

Schedule 2 will provide for more efficiency in government by transferring the tax-complaints-handling and tax investigative functions of the Commonwealth Ombudsman to the Inspector-General of Taxation. The transfer will simplify tax scrutiny by replacing the split jurisdiction that exists currently with a single-agency jurisdiction over tax complaints and systemic reviews.

Schedule 3 ensures that life insurance policies are treated properly in the capital gains tax provisions of the taxation law.

Australians look for certainty in the superannuation tax and regulatory laws when saving for retirement. Schedule 4 shows that this government will deliver on that front. The measure will clarify that superannuation fund mergers will not trigger a tax integrity rule. This provides greater certainty for superannuation funds undertaking fund mergers to achieve greater efficiencies and comply with regulatory requirements. It also ensures that members do not incur a potential unintended tax disadvantage from the merger.
Schedule 5 clarifies the position of Commonwealth, state and territory law enforcement agencies regarding the ability of the Australian Taxation Office to share information with them.

Schedule 6 and the Excess Exploration Credit Tax Bill 2014 deliver on this government's election commitment to provide an exploration development incentive which will encourage greenfields exploration expenditure by junior exploration companies. The incentive recognises that the future prosperity of the mining sector and the Australian economy is dependent on our ability to make new mineral discoveries. It also recognises a tax disadvantage that junior exploration companies face relative to large miners and explorers. The cost of the incentive is capped at $100 million over three years. The scheme will be reviewed in 2016 and, subject to the outcome of the review, may be extended for a further period. The incentive is similar to a scheme in Canada which has been described as a spectacular success. The Canadian scheme has been extended numerous times since its introduction.

Schedule 7 provides increased certainty for taxpayers by making a number of tax law amendments. These address unintended legislative outcomes, correct defects in the law and make sure that the law operates as intended. I commend the bills to the Senate.

Question agreed to.

Bills read a second time.

In Committee

Bills—by leave—taken together and as a whole.

Senator MILNE (Tasmania—Leader of the Australian Greens) (17:57): The Greens oppose schedules 1 and 6 in the following terms:

(3) Schedule 1, page 5 (line 1) to page 24 (line 8), to be opposed.

(4) Schedule 6, page 55 (line 1) to page 89 (line 4), to be opposed.

I do not wish to speak to these amendments any further than I have in my speech on the second reading. It is very clear why we do not want to see $100 million of taxpayers' money given as an exploration incentive to the mining industry, nor do we want to assume that people who choose to exceed their non-concessional superannuation contributions have done so inadvertently.

Senator POLLEY (Tasmania) (17:57): Labor does not support the Greens amendment to remove schedule 1 from the bill. Schedule 1 amends the Income Tax Assessment Act 1997 and the Taxation Administration Act 1953 to reduce the tax penalty of individuals with excess non-concessional superannuation contributions. The current excess non-concessional contributions tax imposes a severe punishment for what is often an inadvertent breach of the non-concessional cap. The proposed changes will allow individuals to withdraw any excess contributions and have this amount treated as income for tax purposes.

The measure is largely supported by the superannuation stakeholders. The previous Labor government enacted a similar measure on a temporary basis in 2012 and 2013 to allow excess non-concessional contributions to be withdrawn. In addition, the Inspector-General of Taxation recommended that the government change the treatment of excess non-concessional contributions following a review in 2014.
Schedule 6 and the Excess Exploration Credit Tax Bill 2014 introduce an exploration development incentive by amending the Income Tax Assessment Act 1997 and other tax legislation to provide a tax incentive to encourage investment in small mineral exploration companies undertaking greenfields mineral exploration in Australia.

Junior mineral companies undertake a disproportionately large amount of mineral exploration in Australia. However, as the vast majority of these companies never become profitable they are not able to take advantage of the tax deductions for exploration activities. This schedule creates a capped spending program to provide a tax credit that is passed through to investors in junior mineral exploration companies that are conducting greenfield exploration.

The capped spending and caveat nature of this measure call into question how effective a stimulus of exploration activities it will be. Labor believes that this program should be reviewed in the future to identify whether it has achieved its objectives but supports its inclusion in this bill.

The CHAIRMAN: The question is that schedules 1 and 6 stand as printed.

The committee divided. [18:05]

(The Chairman—Senator Marshall)

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AYES

Bernardi, C
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Canavan, M.J.
Collins, JMA
Edwards, S
Gallacher, AM
Lazarus, GP
Ludwig, JW
Mason, B
McGrath, J
McLues, J
Muir, R
O'Neill, DM
Peris, N
Reynolds, L
Seselja, Z
Sinodinos, A
Urqhart, AE
Williams, JR

NOES

Hanson-Young, SC
Milne, C
The CHAIRMAN: Senator Milne, I take it that you will not proceed with your next two amendments, so the question now is that the bills be agreed to without amendments or requests.

Question agreed to.

The CHAIRMAN: The question now is that the bills be reported.

Question agreed to.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (18:08): I move:

That the report of the committee be adopted.

Question agreed to.

Bills reported without amendments; report adopted.

Third Reading

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (18:08): I move:

That these bills be now read a third time.

Question agreed to.

Bills read a third time.

Enhancing Online Safety for Children Bill 2014
Enhancing Online Safety for Children (Consequential Amendments) Bill 2014

Second Reading

Debate resumed on the motion:

That these bills be now read a second time.

Senator CAMERON (New South Wales) (18:08): The way people connect and communicate with each other is constantly evolving. Modern technology has opened the door to friendships, education, health care and recreational opportunities that were previously not even conceived of. The previous, Labor, government played a crucial role in modernising Australia's technological infrastructure by pursuing the development of the National Broadband Network, a network designed to provide Australians and our economy with world-leading broadband access. Unfortunately, the current government's mismanagement and ideological obsession and opposition to equality of access to broadband services has hampered the development of this ambitious infrastructure. However, the Australian community continues to progress at a pace beyond the glacial crawl of those opposite, and the opportunities that modern communication technologies present are being seized upon, particularly by young Australians. These young Australians are the first generation to be true
digital natives. They build complex and rewarding relationships over many tens of thousands of kilometres. They seek out and take advantage of educational opportunities from the finest institutions in the world. They purchase and consume products from international markets, irrespective of traditional transport, currency and language barriers.

But while this new world of technology exposes our children to amazing opportunities, it also exposes them to risks that we must work hard to mitigate. Bullying has always been an issue in our communities. While parents, teachers and community leaders make every effort to protect our children from the social dysfunction of bullying, there are environments in which our capacities are limited. Indeed, most kids have unfairly been a target of bullying in the schoolyard at some point. But bullying no longer stops at the school gate. Our homes are no longer the haven for our children that they once were for us. The rise of social media and online communication may have brought new opportunities to our living rooms, but computer screens and mobile devices can also be a vehicle for hurtful and relentless harassment.

Cyberbullying is now so prevalent in our community that research from the University of New South Wales suggests that one in five of our kids between the ages of 10 and 17 report being subjected to some form of online bullying and abuse. That is one in five kids, despite cyberbullying being one of the most underreported types of abuse. The correct figure could actually be much higher. That is a horrific statistic. How many loving parents are unaware that their children may be suffering the anguish and humiliation that comes with ongoing bullying? How many are unaware that this abuse is occurring under their own roofs? Many of the perpetrators of this cyberbullying thrive in an unregulated environment, without the threat of consequences for their behaviour. Many believe that they can behave online very differently to the way that society requires them to behave in the physical world. Cyberbullies typically target many victims, and even when these brave victims come forward to report the abuse the bullying can often continue.

In 2010 the then Labor government established the Joint Select Committee on Cyber-Safety with the aim of improving cybersafety measures. The committee's 2011 report, entitled High-wire act: cyber-safety and the young, outlined a comprehensive approach to adapting to these new online bullying threats. Throughout this process and since, Labor has continually taken action to address cyberbullying and further protect our children against this threat. The Australian Federal Police's child protection team, the Australian Communications and Media Authority's Cybersmart program, and the ThinkUKnow website all represent existing initiatives. We have always made the point that such efforts must be supported by appropriate industry and community consultation, which is why we referred this bill to the Senate committee.

The bill will establish a children's e-safety commissioner with powers to address cyberbullying targeted at Australian children. Children, parents, teachers and friends will now be able to report incidences of cyberbullying to the commissioner, who can investigate and take appropriate action against the perpetrators. Furthermore, the bill creates a framework for the commissioner and social media services to work together to deny bullies the means to offend. Through a system of service classification and appropriate reporting mechanisms, material that represents cyberbullying can be removed and restricted.

The bill sets out the expectation of the parliament that these social media service providers will comply with basic online safety requirements. These requirements include standards for
conditions of use, a complaints scheme and relevant contact persons. These powers and frameworks represent the most appropriate option for addressing cyberbullying and protecting our children. They complement the educational programs aimed at preventing the occurrence of cyberbullying that Labor already established. Our approach provides a range of options that not only protect vulnerable children from becoming the subject of online harassment but also can provide support for people who practise inappropriate bullying behaviours. The bill continues the work of the Labor government in developing adaptive methods to protect our children against online threats. We all have a responsibility to address this critical issue in our online communities, and Labor supports these continued efforts to reduce as much as possible the risk of cyberbullying.

Labor will not be supporting the amendment proposed by Senator Xenophon. The issue of grooming, which Senator Xenophon's amendment goes to, is obviously a very serious issue. Labor senators share Senator Xenophon's concerns and would be more than happy to work constructively with him to properly address this issue. However, there has been no consultation or engagement on this amendment and no time for the opposition to consider its implications. While we appreciate Senator Xenophon's intentions, we are not in a position to support his amendment without being given enough time to consider the broader implications.

The telecommunications specific provisions in this schedule of the Criminal Code are complex and carefully drafted in a way that gives effect not only to the code itself but also to relevant state and territory law. Any consideration of amending these provisions must be undertaken in consultation with a range of law enforcement agencies and our state and territory counterparts. At such a late hour in the legislative passage of the bill, this simply cannot occur. It is for these reasons that Labor does not support Senator Xenophon's amendment—but we do support the bill.

Senator LUDLAM (Western Australia) (18:17): I am pleased to provide some comments tonight on behalf of the Australian Greens. I also refer to the report that Senator Cameron referenced, *High-wire act: cyber-safety and the young*. That was a really useful exercise, and I want to acknowledge our former colleague in here, former senator Dana Wortley, from South Australia, who chaired this inquiry. I think it was later picked up by Senator Bilyk. I think this was the first time this parliament had engaged with issues such as those canvassed in the Enhancing Online Safety for Children Bill and that Senator Cameron has just gone through at length. One of the most valuable things about this report is that it involved kids directly. We were told, first of all, that nobody really uses the term cyberbullying—it is just bullying. In fact, it is a bit of a giveaway if you are dealing with someone who is not really certain what they are talking about and they are appending the word 'cyber' to things. It is not simply a case of cyberbullying being of some completely different character—it is just bullying. The problem is that it is full spectrum and it can follow you home—it can follow you all the way into your bedroom and, in some instances, there can be absolutely nowhere to hide. We discovered that some things that might seem immediately intuitive are not as appropriate as they first appear. For example, if a kid is quite clearly being bullied through these media platforms the intuitive thing to do is to cut the connection and get them off the platforms in the first place. That was described to us as being like amputation—you lose your entire social network and you are cut off not just from the malicious behaviour but also from sources of support, from your friends and people who might otherwise be able to look after you.
The report has been a useful exercise, but one of the things I will note is that of the 32 recommendations that this committee put to the Australian parliament not a single one of them related to the establishment of an e-safety commissioner. One of the things I want to highlight tonight concerns the risk of invoking state arbitration of what could effectively be seen as schoolyard disputes. There is a reason that there are not any recommendations in this report that go to that—although Senator Xenophon at the time was canvassing, for example, an online ombudsman and the Labor Party at the time was canvassing an internet filter. But some of these things that might look like a magic bullet for issues as subtle and fine-grained as kids being abused are no substitute for more complex, more nuanced education programs. In fact, if there was any way at all that I could summarise the recommendations that did appear in this report, which we worked on the months, it would be to refer to education and empowerment. This is empowerment of kids to take control of the platforms and the devices through which they are being bullied and abused, and education for the kids themselves, which is obviously part of empowerment, as well as for parents and the entire school community so that teachers, counsellors and chaplains are aware of the ways in which this very old behaviour of victimising and bullying and picking on kids is being channelled through communications platforms that are likely to be totally unfamiliar to legislators, to the people who drew up this bill and to the people who will debate it tonight. So education and empowerment is the key area, and you will see a number of recommendations that went to that—not in a vague, airy-fairy sense but with some quite specific proposals for ways in which we can help kids protect themselves.

The second issue concerns privacy, and probably the less said about this government's attitude, supported by the Labor Party, to privacy the better. The government are proposing a bill at the moment which would effectively obliterate privacy, so they should read recommendations 4 through 12 and maybe rethink their mandatory data protection proposition. Probably the least said about that the better. The last issue concerns inequality. A sense that came through very strongly from those who gave evidence to us was that if kids are being bullied in real life it is entirely likely that they are also getting bullied on online platforms. Inequality actually plays a huge part in that. Access to educational opportunities feeds into the whole debate around inequality in Australian society, which, again, might seem a bit counterintuitive.

The joint select committee conducted three separate roundtables. We heard from industry, academics, law-enforcement agencies, non-government organisations, parents, professional bodies and unions. We held seven hearings in total. As I said, I think the most significant contribution was made by young people, who were consulted by two online surveys in which the views of 33,750 young people below the age of 18 years were heard. Then some school forums were hosted, as well—not conducted by the committee but by people trained in running those kind of forums. The need for kids and young people to be in control of their own online experience is through better education, knowledge and skills. That was the first big one. There was enhancing privacy and, then, helping parents, carers, teachers and those who deal with young people to become more informed so that they are not doing things like, for example, confiscating a phone, which then cuts a young person off from the rest of their social life.
The first recommendation of the report was that the then Minister for School Education, Early Childhood and Youth consider the feasibility of assisting preschools and kindergartens to provide cyber safety educational programs for children as of their development activities. Again, that is not as dramatic as being able to announce the launch of a new commissioner. In conversations with the minister—and I thank him and his staff for providing the briefing on the bill—I found it very difficult to read. I guess time will tell whether this person is going to be deluged—whether they are going to need a very big call centre, indeed, as kids seek to mediate schoolyard disputes using the powers of the Commonwealth government—or whether it is going to be dead silence. Whether there is actually to be much work for this person to do at all, I find that, actually, a very difficult matter to read.

I also struggle to understand whether a measure like this is actually going to be as valuable. It is just going back to some of the bread-and-butter stuff—less glamorous, to be sure—that would actually help kids protect themselves and those around them. Teachers, carers and parents, in particular, can actually help give them the tools that they are going to need.

One of the recommendations was that the Attorney-General work with state and territory counterparts to develop a nationally consistent legislative approach to add certainty to the authority of schools to deal with incidents of appropriate student behaviour to other students out of school hours. There is that question there about the continuum of this malicious behaviour. At what point do schools cease to be responsible? The school or the teaching community might consider themselves responsible if something horrible is occurring on a playground on school premises. But, of course, these social networks extend in a very diffuse way after school has finished. In my understanding—and the minister might like to correct the record if I have got this wrong—that has not happened. Senator Nash, I do not know whether you have carriage of this one for the government or whether it would be somebody else.

Given that I think most of us in the course of this debate are going to be relying on a high-wire act on this report that was tabled in June 2011, can the government tell us—and this is not a partisan thing, because you have been here for only 18 months or so—how many of the recommendations of this report were actually taken up by this government or the previous government before you jumped out and introduced an initiative that was not recommended. That would be something that everybody in this debate would be interested to know.

The report did explicitly deal with the desire to have an online ombudsman. So it was not an e-safety commissioner, as such, that was being discussed. The proposal Senator Xenophon put forward—and he will correct the record if I have this wrong—to have an online ombudsman is probably a bit of a analogue, I guess, for where we have ended up. A fairly large range of organisations opposed this proposal—the ACT Council of P&C Associations, the Australian Library and Information Association, the Australian Federal Police, the Association of Independent Schools of South Australia and even the department at the time. Tech organisations, such as Telstra, Yahoo!7 and the Internet Industry Association did not outright oppose it but they did express concern at the time.

It goes to the issue of whether you want broad and deep initiatives to help kids protect themselves in real life against the very real threats that nobody would downplay, or do you want to cut a ribbon on a new public servant and a call centre? I guess we have to leave that question hanging there, because the idea did not actually get much favour when it was canvassed in some detail in 2011.
That is where I will leave it. This is a really serious issue. I look forward to hearing further from the minister and her staff tonight when we get to the committee stage, because I understand some amendments might have been circulated. This is one of those examples where it was well worth your time being on a committee—even though it went for months. People left their politics at the door and just engaged with kids, parents, people in the field, within the teaching community and in the wider field—psychologists, researchers and their staff—and came up with what we, collectively, thought was a damn good report. So I would like to know if we are going to get a commissioner. I hope we can hear back over the course of time how much work there is for this person and whether they are finding themselves mediating schoolyard disputes or whether there is actually a really valuable role to be played here.

I am vastly more interested in what happened to the body of this work. What happened to these recommendations that were put forward? This was a unanimous report with crossbench, Labor and coalition contributions that were valuable right across the board. What happened to this work? The e-Safety Commissioner is not in this document but a lot of other really valuable stuff is. I would be very interested to follow that up as the debate progresses.

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (18:28): I, too, rise tonight to talk on the Enhancing Online Safety for Children Bill 2014 and Enhancing Online Safety for Children (Consequential Amendments) Bill 2014. It is really pleasing to be standing in this place and to hear Senator Ludlam acknowledge in his contribution that this is an issue that is above politics. I think that is extremely important. These bills were referred to committee—on that I chair. We received support from all sectors who submitted information in relation to this particular legislation. They came back to us with suggestions that were reasonably unanimous. We have been able to be reasonably quick in returning this piece of legislation and the report back to this chamber for consideration tonight.

I will just quickly touch on the consequential amendment bill, which was necessitated by a number of things, particularly in relation to the commissioner. Other bills needed to be amended to enable the commissioner to have the power to gather the kind of information that they would need in order to administer their role. Largely, the consequential amendments bill does little more than administratively tidy up details in other acts to make sure that the commissioner has the powers that they need to be able to fulfil the role that the substantive bill is requiring them to do.

The substantive bill is a very important bill. It is acknowledged by Senator Cameron and Senator Ludlam that this is above politics and is extremely important. I suppose it is stating the bleeding obvious to say that children these days live a very different world than what we lived in when we grew up. They are so much more technologically savvy. They interact with each other on an almost permanent and constant basis with online activities, whether it is playing games or talking on phones or just doing Snapchat or a whole heap of things that did not even exist when we were at school. Whilst this gives children an amazing opportunity to be able to be far more advanced in their ability to research and gain information about things, it does present us with an extraordinary challenge into the future, as we have quite clearly seen through the information we have received on this bill.

The government made a commitment coming into the election coming into the election in 2013 that it would address this particular issue. I would also like to acknowledge the
extraordinary amount of work that was done in this place. Senator Bilyk in particular, who is in the chamber at the moment, did an extraordinary amount of work on her committee, to which Senator Ludlam has referred.

Subsequent to the very detailed findings—and the huge amount of research that the committee undertook and the report that was subsequently brought down to which Senator Ludlam has constantly referred—we all have to acknowledge this is an extraordinarily dynamic space. It is a very fast changing space. A matter of minutes, almost, in this space means that things are likely to change. When we came into government we made the decision we were going to do something substantial about the issue of the potential harm to our young children because of online activities, and we certainly did use the report that Senator Bilyk and her team had spent many months putting together. In using that, we then decided it was appropriate to go out and do additional and quite extensive research and consultation. The recommendations that we have come back with after doing that consultation are, broadly speaking, three. One is the establishment of an online e-Safety Commissioner and the development of an effective complaints system, which we believe required legislation to back it so that we could ensure the quick and effective removal of harmful information from social media sites. Another recommendation was to examine the existing Commonwealth legislation to determine whether we actually needed a new, simpler, cybersafety bullying offence to be put in place.

The first report that was undertaken was to deal with the prevalence of cyberbullying. The second report addressed the question of how much awareness children actually have of the current laws that govern cyberbullying. The third report commissioned by the government was a survey on schools to find out how schools were dealing with this issue.

In January 2014, the Department of Communications released a public discussion paper. Over 80 submissions were received, from a huge range of stakeholders—including, local community organisations, industry, schools, government bodies, legal bodies, academics and individuals. The feedback in that process has enabled the government to refine and develop this particular piece of legislation so that it really does reflect the wider interests and concerns of the community.

One of the things that came out very clearly in that research was that there was definitely a preference for measures to be restorative and consultative and to use counselling as a means to deal with this issue. As Senator Ludlam rightly pointed out, 'cyberbullying' is just an adjective in front of another word—bullying. The word 'bullying' is obviously the most important thing that we are dealing with here. It is just that we are dealing with a different set of circumstances and a different set of mechanisms and a different set of instruments by which this bullying is taking place. So in the first instance we need to accept that the issue of bullying is the primary focus of what we are doing. In many instances of real-life bullying, it was found that dealing head-on with the issue with the bully—through counselling and working out how to deal with that person and bringing them through the process—is a better way to deal with it.

One thing we need to remember here is that we are dealing with children, and children's processes and reasoning are nowhere near as developed as an adult's. We found, even through our justice system, that it is often better to deal with juveniles—particularly, in some
instances, quite young juveniles—in a much more consultative way and counselling way than one where we come down with punitive measures.

In addition, the favoured outcome, in terms of being able to deliver this particular issue in the online environment—we are not talking about just bullying but specifically the online environment for bullying—was the creation of an e-Safety Commissioner. The most important thing they wanted was to have the e-Safety Commissioner have the capacity to quickly respond to any information brought to their attention that is found to be considered cyberbullying, so that they can rapidly take it down. The role of commissioner was very clearly intended to be online, with the skills and the like on the basis of an online environment. The message we got from the community was absolutely loud and clear: the community wanted the government to act in this space and to help keep our Australian kids safer online. The policy to enhance online safety for children is an election commitment and this particular suite of bills is in response to that.

In the evidence received through this process, a number of issues came out quite clearly as being required. Firstly, that to be able to articulate and demonstrate the harm caused by cyberbullying actually required legislation. Obviously, if it had been found that the harm required some other means of dealing with it, then it would be pointless and senseless to come up with another piece of legislation. However, the information we got from the people who made submissions to this particular inquiry undertaken by the Senate Environment and Communications Legislation Committee and also through the research that the department and agencies undertook before this bill was formulated very clearly articulated that there is harm caused by cyberbullying and that it was significant enough for us to warrant additional legislation.

It is quite scary to read the statistics of what was found through this research. The best estimate of prevalence of cyberbullying over a 12-month period is about 20 per cent of Australians, aged between eight and 17, with some studies putting that figure as low as six and others as high as 40. So we are talking about a very substantial component of young people—20 per cent of young people between the age of eight and 17—who are being bullied. This pretty much reflects other studies that have occurred in the international space. ACMA actually found that 21 per cent of kids, aged between 14 and 15, and 16 per cent of 16- and 17-year-olds had reported cyberbullying at some time during that period. Quite unsurprisingly, the research found that the highest incidence of cyberbullying occurred on social media. But, most alarmingly, it also found that the prevalence of cyberbullying had rapidly increased since the behaviour first became evident. So it is quite significant and if you extrapolate those figures from percentages into real numbers it becomes quite terrifying. It would mean that the estimated number of children or young people who were victims of cyberbullying in 2013 is about 463,000, and around 365,000 of those kids were in the 10- to 15-year-old age group. It is a very significant problem and I think anybody who has children would understand that this is a real issue. We probably took it for granted when we were kids that if you said something rude to somebody it was immediately forgotten; it was not recorded for all time on somebody's iPhone or iPad to be used at a later date.

The proposal in this legislation is that the e-safety commissioner is created as an independent statutory officer within ACMA. The key function of the commissioner will be to administer the complaints system for cyberbullying material that is targeted at an Australian
child. The commissioner will also be tasked with promoting and helping to improve online safety for children, to coordinate the government's activities, to accredit children's online safety awareness programs, to make financial grants for online safety and to formulate guidelines for facilitating the resolution of cyberbullying incidents.

Senator Ludlam made comments about the need for an education program as this particular issue becomes part of our life, as are the internet and social media. In response, I would say that an education program needs to be implemented to make sure that our children have got the necessary tools and skills to be able to cope with these things and to be able to manage them. A number of roles that have been proposed for the e-safety commissioner in this particular bill target areas about providing the information and being able to develop and work with the community, schools, children and parents to make sure that they have the necessary skills. It was for this reason that it is proposed that the qualifications of the commissioner be set in legislation. We see just how terribly important it is that the e-safety commissioner has the skills that are going to be needed to deliver a really good outcome. I think the right skills will enable some tremendously good outcomes.

First and foremost, the e-safety commissioner needs to have a very deep and good understanding of the internet and how it is used and, obviously, the use of social media in that space. All of us in here who are a bit older—some of the younger staffers in here probably understand way better than the rest of us oldies as senators—do not really understand very well how the internet and social media work. I see Senator Cameron smiling over there—maybe you can show me how to do it later, Senator Cameron!

The e-safety commissioner certainly needs to have a very good understanding of how this particular piece of technology works. They also need to have really strong credibility with the social media service. Obviously, they will constantly have to interact with various social media, so the commissioner will need to have the necessary integrity and credibility to be able to work with that particular sector.

Understanding child welfare would obviously be extremely desirable, but in the context of making sure that you end up with the very best person we need to be very careful that we do not become too prescriptive about exactly what this particular person has to do, down to so many different qualifications, because we might find out that no such person exists. However, as I said, the qualifications of the commissioner have been clearly identified as one of the very significant things that need to be dealt with in order to ensure that this particular role provides the outcome we are seeking. Similarly, the decision about locating the commissioner within ACMA—the communications media regulator—was for the reasons that we stated above about what the qualifications needed to be. It is proposed that the commissioner would reside within the media's regulatory body for very similar reasons. There were some people who thought that the national children's rights commissioner or the Human Rights Commission should have taken on the role, but this legislation proposes that it be located with ACMA because it is a communications matter and it is substantially about regulation. It was believed that ACMA would be well suited to support the commission, with significant synergies in respect of existing functions that already occur within ACMA, and the online content scheme which has a strong focus on child sexual abuse material. So there was a level of similarity there.
The other thing this legislation seeks to do is to define what cyberbullying actually is and how one goes about making a complaint. Any Australian child can make a complaint to the commissioner if he or she believes that they are the target of cyberbullying material. The complaint can also be made by the child's parent, a guardian or any other person whom the child authorises to make a complaint on their behalf. The complaint can be made in relation to material provided on a social media site or by other electronic communications. It could be an email, it could be a text message, it could be Snapchat or it could be online gaming. Material will be considered to be cyberbullying if it is intended or is likely to have the effect of seriously threatening, intimidating, harassing or humiliating an Australian child. It provides a very broad scope of what cyberbullying is, and there really is nothing whatsoever to stop any child who believes that they are a victim of this behaviour from being able to take the matter up with the commissioner.

There will be a two-tiered system for the removal of cyberbullying material, depending on the type of social media outlet on which it is found, and the larger the size of the media, the harder regulation will be that applies to it. Tier 1 will be on more of a cooperative basis, for example, trying to explain to the social media outlet that material is probably not appropriate and taking a much more soft approach, because it is probably considered in this particular space that there is not a great deal of intent—probably something that has been misused. In contrast, tier 2 services that fail to remove cyberbullying material within 48 hours of being given notice by the commissioner will actually face a penalty. A specific social media service may be declared in a legislative instrument to be a tier 2 service, particularly if it is a large social media service, or a provider can choose to declare themselves as a tier 2 social media provider.

The two-tier system provides a light touch scheme in circumstances where social media services have an effective complaints mechanism already in place, but it enables the government to require bullying material to be removed in circumstances where the social media does not have an effective complaints system. The commissioner has powers to issue notices to persons who post cyberbullying material targeted at an Australian child.

In summary, this suite of legislation, particularly the substantive bill, has resulted from an overwhelming indication from the Australian community that they wanted something done about protecting Australian children from cyberbullying. It is for that reason that I commend both bills to the Senate.

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (18:48): I am pleased to have the opportunity to speak on the Enhancing Online Safety for Children Bill 2014 and the Enhancing Online Safety for Children (Consequential Amendments) Bill 2014. Child safety and child protection are issues that are of great interest and importance to me.

I have had extensive involvement in the issue of online safety for children, and I have worked with many schools to promote online safety programs and resources. I want to quickly pay tribute to the fantastic work that is done by the Australian Communications and Media Authority, which develops some great materials and online resources for children of all ages, parents, schools and others. These materials include various brochures, the Cybersmart website and the Cybersafety Help Button, to name a few.

My interest in online safety for children, and online safety generally, also stems from my service in this place as the chair of the Joint Select Committee on Cyber-Safety and the Senate
Select Committee on Cyber-Safety. Labor recognises that some doubt has been expressed through consultations about the effectiveness of the bills currently before the Senate. However, we are willing to allow this regime to be tested, and we will support the bills. While it is positive to see any government taking initiative in this area, I am a little disappointed in some aspects of the Abbott government's approach. If the government is seeking the best outcome for the safety of children online then they would do well to work with the opposition on bipartisan solutions.

During my time as chair of the Joint Select Committee on Cyber-Safety and later as chair of the Senate Select Committee, I had a great working relationship with my counterparts from the other side, particularly the member for Mitchell, Mr Alex Hawke, who served as deputy chair of the joint committee. In fact, I had a pretty good working relationship with all members of both committees, and I believe we produced some excellent reports.

I am disappointed that we no longer have a cybersafety committee, as I think those committees were a useful forum for working together on bipartisan solutions to cybersafety issues. On the subject of online safety for children, shortly before my time as chair the joint committee produced an extensive report—I think it was about 400 pages—titled *High-wire act: cyber-safety and the young*, which both Senator Ludlam and Senator Ruston mentioned. That report looked comprehensively into the issue of online safety for young people, obviously including children, but anyone under the age of 18. Despite the rapid advance in online technologies, I think the report still has currency today. This was a unanimous report, and Labor, when in government, accepted all of its recommendations. There were 32 recommendations in the report and there was an overriding message that the problem of online safety for children requires a response in which government, industry, schools, children and their parents, and the broader community all work together. This is why Labor in government established two cybersafety advisory groups—the youth advisory group and the teachers and parents advisory group—both retained by this government, to its credit.

Labor also provided funding to the ACMA for its Cybersmart program, which provides extensive educational resources to children, parents and schools, and we established cooperative relationships with companies that run social networking sites such as Facebook, Google, Yahoo! and Microsoft to ensure that material which is offensive or breaches Australian law is taken down as soon as possible. The Cooperative Arrangement for Complaints Handling on Social Networking Sites protocol came directly from one of the recommendations of the *High-wire act: cyber-safety and the young* report. This particular initiative encouraged the major social media companies to take a look at their own practices for dealing with cyberbullying and other complaints on their platforms. Just recently, the CEO of Twitter, Mr Dick Costolo, wrote an email to his executive team about his embarrassment at not effectively tackling cyberbullying. In his email Mr Costolo said:

> We suck at dealing with abuse and trolls on the platform and we've sucked at it for years. It's no secret and the rest of the world talks about it every day. We lose core user after core user by not addressing simple trolling issues that they face every day.

I'm frankly ashamed of how poorly we've dealt with this issue during my tenure as CEO. It's absurd. There's no excuse for it. I take full responsibility for not being more aggressive on this front.
I should point out that Twitter did not sign up to the protocol. But, given their CEO’s recent comments, maybe signing up to the protocol would be a great way to demonstrate that they are serious about tackling these issues.

Despite the fact that Twitter did not sign up, the protocol was a positive step in the previous Labor government's measures to promote cybersafety. All up, Labor committed $125.8 million to cybersafety initiatives. They were good initiatives, informed by a committee which had representation from across the political spectrum. To build on these initiatives, I think we would get better legislative outcomes by having a bipartisan approach. As such, personally, I would like the Joint Select Committee on Cyber-Safety or the Senate Select Committee on Cyber Safety re-established at some point in the near future.

Before I talk about the bills themselves, I would like to focus a bit on online bullying, otherwise known as cyberbullying, and why it is important that we have specific measures to combat it. A 2014 study estimated that 20 per cent of Australian children aged eight to 17 were victims of cyberbullying during one year, with 463,000 children estimated to have been affected. Interestingly, the most prevalent forums for cyberbullying are social media sites like Facebook rather than chat rooms or online forums. More and more children now own or access internet connected devices at an earlier age. In fact, there is a four-year-old in my immediate family who can outshine me working my iPad on a number of levels, which I find slightly embarrassing, but it is just that that is what he has been brought up with and what he knows. Some of us, as Senator Ruston alluded to, are the generation that just missed that spot, and so we find it a bit harder in some areas. But it is interesting to see a four-year-old—and even when he was three—asking me for my password so he could access my iPad because he wanted to watch the cartoons that he could watch on there. It was really interesting to see.

More than half access their first internet connected device before the age of 10, and 43 percent of 14- to 17-year-olds own a smartphone. The chief executive officer of the Alannah and Madeline Foundation, Dr Judith Slocombe, has said: 'There is no difference between someone who bullies online and one who bullies face-to-face. They are just different methods. They both can cause enormous harm.' In some respects, Dr Slocombe is right. Cyberbullying, after all, is often a continuation of face-to-face bullying by the same perpetrator. But I think there are aspects of online bullying that make it different to face-to-face bullying. First of all, children usually have relief from face-to-face bullying at home, whereas online bullying can occur 24 hours a day, seven days a week. While several children may witness an incident of schoolyard bullying, online bullying can potentially have an audience of thousands, often resulting in greater humiliation for the victim.

Cyberbullying expert Associate Professor Shaheen Shariff equates the online environment for children to the island in Golding’s 1959 classic Lord of the Flies, saying that the lack of supervision and regulation allows the practice to escalate to life-threatening levels. Unlike face-to-face bullies, cyberbullies can also have the benefit of greater anonymity. It leads to the perception that cyberbullying is more difficult to detect and that the bullies are less likely to face the consequences. We know that all forms of bullying can have serious health consequences, leading to psychological effects like low self-esteem, depression, anxiety and, in the worst cases, self-harm or suicide. I am sure that everybody has heard of some of the cases of young people taking their own lives because they have been bullied online. The anonymous and 24/7 nature of cyberbullying can actually exacerbate the harm because it
makes it more difficult for the victim to escape it. Children can usually escape face-to-face bullying at school, whereas from cyberbullying there is often no respite.

The bills currently before the Senate provide a legislative response to bullying in the digital age. While all states and territories have laws against bullying, it can be resource intensive for police to investigate and prosecute cases of online bullying. I will just briefly outline what the bills seek to achieve. The primary bill establishes a children's e-safety commissioner and sets out its functions and powers, which relate to a defined prohibition against 'cyber-bullying material targeted at an Australian child'. A child or their representative can complain to the commissioner that they are or have been the subject of cyberbullying material targeted at them. The commissioner may investigate such complaints. The bill sets out an expectation of the parliament that each social media service will comply with a set of basic online safety requirements. This includes minimum standards in a service provider's terms and conditions of use, a complaints scheme, and a dedicated contact person.

This bill creates two tiers of social media services. Tier 1 comprises social media services which have applied to the commissioner to be declared as such. Social media services within tier 1 may be requested by the commissioner to remove material that has been the subject of a complaint, such as cyberbullying material which has been targeted at a child. A tier 2 social media service may be issued a social media service notice by the commissioner which requires the removal of such material. The commissioner also will have the power to issue notices to end users who post cyberbullying material, which can include a requirement for them to remove that material. The remedy for non-compliance with such a notice is to seek an injunction from the Federal Circuit Court.

If a social media service fails to comply with the basic online safety requirements, a request to remove subject material or a social media service notice, then the commissioner may make a statement to that effect and publish it on its website. In relation to non-compliance with the social media service notice, the service may be liable to pay a penalty of 100 penalty units which currently equates to $17,000. The commission has other functions including the promotion of children's online safety and coordinating the activities of other departments relating to the same.

Also introduced with this bill is the Enhancing Online Safety for Children (Consequential Amendments) Bill, which contains consequential and transitional provisions in the legislation. The financial impact of the bills is relatively minor. It is just under $40 million over the forward estimates. The bills were referred to the Senate's Environment and Communications Committee for inquiry and report. I will just reflect on some of the submissions to the bill and what they said in relation to its provisions.

All up there were 29 submissions. Throughout the submissions, there was strong support for both the proposed Children's e-Safety Commissioner and the take-down notice regime. Several submitters commented about the importance of having a focal point for co-ordinating government actions to protect children online, including the actions of state and territory governments. It is proposed in the bill that the e-Safety Commissioner be a statutory office within the Australian Communications and Media Authority, ACMA.

The Australian Medical Association submitted that, while they were comfortable with the arrangement to have the commissioner working under the auspices of the ACMA, it is
important for the commissioner to also have access to child and adolescent health and development expertise to inform its activities.

The AMA also recommended that the e-Safety Commissioner work with the National Children’s Commissioner, who has already done some work in relation to cybersafety thus avoiding duplication of effort. This was also supported by the submission from Families Australia, who went further and suggested that the commissioner's role be placed with the National Children's Commissioner or the Human Rights Commission, or that the Children's Commissioner's role be extended.

The National Association for the Prevention of Child Abuse and Neglect, NAPCAN, expressed some concern about whether giving the commissioner responsibility for administering the ACMA's online content scheme would distract the commissioner from a dedicated focus on the online safety of children. The Association of Heads of Independent Schools Australia pointed out that schools are at the front line of dealing with bullying by children, especially cyberbullying, and proposed that there be a formal mechanism for the commissioner to consult with schools.

In relation to end-user notices, the Australian Psychological Society pointed out that developmental research supports an educational and restorative approach to cyberbullying rather than one that is punitive. This means the legal framework should aim to prevent rather than punish, and promote diversionary programs rather than fines for young offenders. As I mentioned briefly earlier in this contribution, there were some doubts expressed about the effectiveness of the proposed regime. The Australian Psychological Society questioned the evidence base for implementing the system and proposed rigorous evaluation of the process and impact.

We do need to recognise that the provisions of this bill, as with any bill that seeks to regulate the online environment, are only effective insofar as they relate to Australia's jurisdiction. As the New South Wales Advocate for Children and Young People pointed out in his submission, there are small offshore companies providing social media and other online communication services that are outside Australia's jurisdiction. This is a problem that confronts any national government when it tries to regulate behaviour in the online environment.

The other technical challenge is trying to remove material that has been shared more broadly, especially if it has reached a number of different platforms. The technical challenges of implementing this regime highlight that the problem of tackling cyberbullying requires more than just a regulatory solution. It requires a broader approach involving children, parents, teachers and the wider community. Once again, I refer back to the lessons in the High Wire Act report, that a coordinated approach is needed.

We need to provide children with cybersafety education and conflict resolution skills so they have the tools necessary to deal with online bullying and are encouraged to report it. These messages need to be promoted and reinforced through teachers and whole-of-school cybersafety education programs. As I said earlier, the ACMA provides some fantastic resources and materials to support children in learning how to keep themselves safe online, as well as resources and materials for parents and educators to help them keep children safe online and reinforce those safety messages. It is vital that the ACMA continues to be adequately resourced to deliver its suite of online safety resources, which are of great value to
many children, parents and schools. After all, the Children's e-Safety Commissioner is a complement to the ACMA's other cybersafety programs, not a replacement.

We also need parents to learn how to talk to their children about cyberbullying, how they can cope with it, and the importance of their child talking to someone they trust about it when it happens. I recall during the inquiry that a lot of young people would tell us that they would not actually tell their parents they were being bullied because they thought their parents' response would be just to take away the iPhone, the iPad or the computer or whatever instrument was being used. It was quite interesting that a lot of parents thought that if you did that or somehow stopped them using it that the bullying would automatically stop, but it does not. What often happens is that even if the young person is not even able to physically view the bullying at a precise moment, up to thousands of other people certainly can if the perpetrator has a wide network.

The Australian Council on Children and the Media, in their submission to the inquiry, highlighted the importance of involving parents in partnership with schools in educating their children about being safe online. The involvement of parents in all aspects of cybersafety education was also canvassed extensively in the High Wire Act report, particularly as it helps to reinforce the messages provided by schools and government.

Awareness of cybersafety also needs to be backed up with technologies that help schools to monitor internet use and children to report incidents or seek help. Parents also need to be aware of the resources that can help them to manage their children's internet usage at home. I do not believe these bills are a silver bullet. They are but one piece of a larger puzzle.

There is more work to be done on how the government can facilitate an effective whole-of-community approach to tackling cyberbullying. My message to the government is, 'Let's work together on the bigger picture, as we did through the Joint Select Committee on Cyber-Safety,' because in this area of policy the best solutions are going to be bipartisan solutions.

I commend the bill to the Senate.

**Senator WRIGHT** (South Australia) (19:07): I rise to speak to the Enhancing Online Safety for Children Bill 2014. In my roles as the Australian Greens spokesperson on mental health and on schools, I am acutely aware of the challenges facing young people, their parents and teachers when it comes to online safety. I am particularly aware of the mental health implications for young people who are trying to navigate the online world but who often find themselves in very problematic situations, with online bullying and harassment a reality for too many.

In Australia, we have a youth mental health crisis on our hands, with hundreds of young Australians losing hope and indeed even ending their own lives before their lives have really begun. Suicides have a ripple effect across homes, schools and whole communities. Particularly in country areas, the tragedy of a suicide reaches beyond those immediately affected to the broader community. Often those communities are small and tight-knit, and many people will be aware of what has occurred and have connections with the person who has taken their own life. This can then have serious ongoing implications for the mental health of many.

The statistics are very concerning. Our young people are now more likely to die by suicide than in a car accident. The 2014 *Children's rights report* by the National Children's
Commissioner, Megan Mitchell, examines suicide and self-harm among young people. It is extremely concerning in parts, as it details the real extent of this issue and the tragic loss of life which results. The report also gives us the clear sense that the issues surrounding youth mental health and wellbeing are complex and not easily fixed—indeed, not easily understood, which is why a great deal more research and better data sets are needed in this whole area.

We know that young people are under a great deal of pressure these days. Growing up has probably always been tough, but these days we know that technology can make it even tougher. There is no doubt that the online world can be a difficult one for young people to navigate. Certainly, as the parent of three young adults, I have seen the journeys that my children have taken and those of their friends in terms of the many benefits of being switched on 24/7 to social media but also the downsides as well. Of course, the internet provides the possibility of wondrous and amazing sources of information, great convenience in all sorts of interactions and exceedingly good relationships. But, of course, it can also be a portal to traumatising images and brutal behaviour. I cannot help but think that we are doing a big experiment on our young people these days.

I still remember going into my daughter's bedroom about 11 o'clock one night when I heard her sobbing—she was about 15. I found that she had been contacted by phone by a friend who was having a difficult time. She had been woken up and was upset about it. It just increased my awareness that once upon a time you had one telephone attached to the wall and you had to take your turn in speaking on it. If you were a teenager and you wanted to speak on it for too long your parents would get annoyed and be impatient with you. There was a natural limit on how much you could be in contact with the outside world when you were at home. But, obviously, it seems these days that young people can be in contact with the pressures, as well as the joys, of the outside world at any time of the night or day.

A 2014 study from the Social Policy Research Centre at the University of New South Wales estimated that 20 per cent of young Australians aged between eight and 17 have been victims of cyberbullying during one year, with 463,000 children estimated to have been affected. We know that increasing numbers of children and young people have access to the internet, particularly now on smartphones, and that in 2011 the Australian Communication and Media Authority identified social media as the primary form of digital communication between children over 13 years of age. If we take those statistics into account and then consider the sobering statistics we face in relation to the general mental health of young people in Australia, we realise what a complex picture we have to consider.

Last year, Mission Australia and the Black Dog Institute released a report which found that one in five young Australians are likely to be experiencing some form of mental illness or mental illness. We know that half of all lifetime mental health disorders emerge by the age of 14, and three-quarters by the age of 24. So, clearly, adolescence is a crucial time in a person's life when it comes to their wellbeing and their mental health across their lifetime.

While the statistics paint a worrying picture, it is also important, of course, to acknowledge how many wonderful, dedicated people are working throughout Australia to improve the situation for young people in this country and the creative, innovative solutions they are generating, including a preponderance of solutions that actually use online programs to assist young people. This is a vehicle that, of course, many young people are very comfortable with and it would sometimes be their preference.
There are the big organisations, such as ReachOut.com, the Butterfly Foundation, headspace, the Young and Well CRC, Orygen Youth Health and many others, who are all doing exceptional work to assist young people in Australia. But I would also like to mention the little ones. These are often actually generated by young people themselves using the online environment to help themselves and to help their peers. They might be websites, they might school based clubs in some cases or Facebook pages that have been started and which are driven by young people doing it for themselves, reaching out to their peers to offer support, understanding and assistance. Really, it is a bit like peer work. Often these will be young people who have experienced cyberbullying and who therefore are much more able to offer that consolation, assistance and support to their peers because that removes that sense of being judged for what a person is going through, which is one of the essences of the way peer work can be so effective.

An instance that I am aware of is the ‘What about me’ Facebook page, which is convened by two young people, Millicent Warne and Billy Russell. It started in South Australia. I met Billy when I was doing a school visit. He had started a club at his school to support students who were being bullied. He was an amazingly mature and compassionate young man of about 16 when I met him. It is interesting that he and Millicent Warne have started this ‘What about me’ Facebook page, which has been taken up with absolute enthusiasm by many, many young people and has had an amazing number of ‘likes’. It basically specialises in allowing young people to talk about the difficulties that they are facing. It offers support and helps them to feel strong. It focuses on providing positive, affirming messages.

We also have clubs like the Gay Straight Alliance at Unley High School, which was part of the Safe Schools Coalition. It is a wonderful young organisation and has made a wonderful film about the importance of young people being able to be proud of who they are.

This brings me to the wider consideration of how we tackle the increasing difficulty of the way that cyberbullying and other forms of attack can undermine the mental health and wellbeing of young people in society. We need, as a society and a community, a broader conversation about how we can build resilience in young people—but basically in all of us. It is about allowing and enabling people to take control of their lives so that they are less susceptible to the judgements and the toxicity that might be thrown at them by other people. One of the core aspects of that is creating a society where we are inclusive and respectful and we celebrate the fact that people can be proud of who they are as unique individuals, whatever their characteristics are.

Amongst other things, this bill establishes a Children’s e-Safety Commissioner and sets out the commissioner's functions and powers. It also establishes a complaints system for cyberbullying material targeted at an Australian child. One of the key functions of the Children's e-Safety Commissioner will be to administer the complaints system. The Australian Greens have some concerns about this bill. We are concerned to think that this might be considered some kind of panacea for what is a nuanced and complex problem which affects many, many young Australians. I know that my colleague Senator Ludlam has talked about our responses to the bill, but I guess in the end the question has to be predominantly: how effective and how practical will this bill be?

It is interesting to note this impressive tome here, which is the report of the Joint Select Committee on Cyber-Safety that was published in June 2011, *High-wire act: cyber-safety and
the young. The committee took a lot of submissions and considered a lot of evidence about the issue of cybersafety and how to keep young people safe. It ended up providing a significant list of recommendations—32 in all—which reflect the complexity of this issue. None of those was for a Children's e-Safety Commissioner, as it turns out.

One of the things I really want to say is that we need to consider the capacity of the mental health system to assist and support young people who are experiencing mental ill health as a result of bullying that they have experienced. We also need to consider how, as a community and a society, we can create conditions that foster resilience, respect and wellbeing. We have clear evidence that one of the most effective ways of dealing with cyberbullying is to educate parents and teachers about how to handle such situations and to educate children themselves from a young age. Again, it is about assisting young children to understand why other people may be doing the cyberbullying. In some cases, that can assist to take the sting out of what is occurring, build resilience and give children strategies for conflict resolution and being able to, if you like, deconstruct the situation that is going on. And, ultimately, giving children the ability to find and believe in their own value will make them more able to withstand some of the things that they are experiencing.

I want to have a bit of a critique of the effectiveness at the moment of our mental health system in supporting the young people who are being severely affected by cyberbullying. We know that, for a range of reasons, a significant proportion of young people are experiencing mental health challenges. I talked about that a bit earlier. But what does it look like to create a caring society where all young people can have access to the support and services they need to live long, full and healthy lives, to get through the tricky time of adolescence, to emerge as young adults and then to grow older, understanding how to be as safe and well as they can be?

Debate interrupted.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Edwards) (19:20): Order! It being 7.20 pm, I propose the question:

That the Senate do now adjourn.

Rural Financial Counselling Service

Senator SMITH (Western Australia) (19:20): After delivering another record level of harvest, 13.52 million tonnes, Western Australian farmers are busy preparing for the upcoming season. And, despite producing another record level of grain harvest, the third in four years, many farmers, especially in the drought-stricken eastern wheat-belt, remain nervous about their financial future. The same can be said about pastoralists in the Pilbara and the Kimberley and sheep producers in the Great Southern, who are finally seeing prices slowly return to the levels they were at prior to Labor's disastrous decision to suspend live exports to Indonesia, crippling the financial future of thousands of families across regional Western Australia.

WA's farming families are no strangers to hardship. For generations, they have grown crops and raised livestock in some of the harshest and most challenging conditions you can find. They know too well the devastating impact of drought, of hailstorms, of bushfires, of floods, of having their markets taken from them at the whim of a Labor minister. This notion of toughing it out is something you have to admire, and the 'battler' myth remains true
throughout much of rural Western Australia. Yet, like all myths, it is slowly disappearing in an economic and social environment that is challenging the viability of most rural businesses.

Many farming families with long-term relationships with the land are slowly losing the battle to remain viable. Lack of profitability remains a major challenge for many farm businesses, with production costs such as fuel, labour, fertiliser, and transport continuing to increase, resulting in decreased profitability and increased farm debt levels. The purchase of stock, seed, tractors and headers all requires capital which is often difficult to source, especially when many banks are trying to limit these same debt levels.

Traditional farm succession practices involving the intergenerational transfer of the family farm are no longer viable, with tighter margins and high land values making it difficult to buy out siblings. The traditional practice of handing the farm to the eldest son is no longer acceptable, and the conflicting expectations of family members, divorce, and the growing complexity of laws which impact on the transfer of assets are making farm succession planning emerge as a major issue for most primary producers.

In every family, financial problems are the major source of stress and anxiety, but their impact on farming families, who live and work in isolated areas, is immense. These issues often cause a quiet desperation which becomes a way of life for many families, who try to manage without advice and support, often resolving to battle it out against the odds, often until the financial reserves are exhausted.

This is why the decision of the coalition government to maintain the current funding of the Rural Financial Counselling Service is to be commended, because it highlights that this government cares about the farming families in regional areas of my home state of Western Australia. Unlike Labor, we are committed to expanding their markets, cutting red tape, creating opportunity for regional industries and ensuring the continuation of the Rural Financial Counselling Service in Western Australia.

The value of the contribution being made to the lives of farming families by the Rural Financial Counselling Service in WA remains unquestionable. The Rural Financial Counselling Service of Western Australia offers a free, confidential and mobile service which assists individuals, families and small rural businesses with under 10 employees in identifying financial and business options for those in stressed situations, whilst dealing with the complex set of emotions being expressed by rural customers. It assists with negotiating with financiers and provides information about government and other assistance schemes. It helps rural businesses access accountants, farm management consultants and educational services. Perhaps most importantly, it provides support in identifying and approaching key professionals for succession planning, family mediation and personal counselling.

The board of the Rural Financial Counselling Service in Western Australia contains some of the most respected figures from the industry, from a range of backgrounds including banking, consulting, support agencies and farming groups. Over the past five years it has provided support and services to almost 600 clients, and it employs ten rural financial counsellors located throughout the state, all of whom are focused on engaging with and incorporating their client's ideas and solutions within a proper, sustainable business framework. In the words of the CEO of the Rural Financial Counselling Service of Western Australia, Chris Wheatcroft, the strength of the Rural Financial Counselling Service is that it 'returns control to the decision makers, the farming family'.
Severe Behaviour Response Teams

Senator POLLEY (Tasmania) (19:25): Tonight I want to address concerns about the Severe Behaviour Response Teams announced by Assistant Minister Fifield and his failure to provide a satisfactory response to my line of questioning at last week’s Senate estimates hearings. The Severe Behaviour Response Teams, also referred to as ‘flying squads’, have been put to the Australian people by the Abbott government as a replacement for the dementia and severe behaviour supplement. Yet, since the policy was announced officially by Minister Fifield last month, we still do not have any real details.

Most people who have dementia require constant medical treatment, so how will these flying squads support providers or deal with individual residents' behaviours? I understand the flying squad service will be extended to remote, rural and regional communities, but how will this happen? What is the operation? What is the process? How will these teams reach outback areas? Will there only be services in regional centres? I understand too that the flying squads will be available 24 hours a day, seven days a week. But how will they operate? What constraints will there be around the budget? How will the budget be allocated? How will the budget be allocated? Will there be a limit on the number of call-outs for this flying squad? These sorts of questions still have not been answered.

We need to know how they will interact with already established support agencies and mechanisms like the Dementia Behaviour Management Advisory Service. We already know that the minister failed when he came to office to oversee the dementia and severe behaviour supplement; that is why the cost of the supplement blew out. With that in mind, how do we know that the same will not happen again if the demand for the flying squads is so high that funding runs out? What are the KPIs, and what provisions have been put in place to address the process and outcomes?

We have no answer from the minister on these questions, and I know from the consultation I have had with this sector that they are still in the dark just as we are here in this chamber. When asked if a policy like this had ever been trialled anywhere else around the world, the minister could not provide any reassurance that any trials had been undertaken. I understand the architects are all professional and highly skilled in the area of aged care and dementia, but it has not been tested as far as we know. These are all fundamental questions that the minister needs to answer. If the minister cannot answer these basic questions, how can we be confident that this policy will be successful and will provide the support that the sector and those living with dementia and severe behaviours need and deserve?

Although Minister Fifield claimed in his announcement speech that the policy would be ready to be implemented by the end of the year, we still are waiting on the date when the policy will be implemented. In the answers to the questions we posed through estimates, the minister said that there will be further consultation with the sector. I think it is a good thing to continually consult with the sector, but let's face it: it was 26 June 2014 when the severe behaviour supplement was cut, without any warning whatsoever to the sector, and now, eight months later, what we have is an idea that came out of a meeting with the sector. It was not their first option; it was one of the options that were put forward at that forum. But what we have now is a government that still does not give the priority to aged care that those in our community expect and deserve.
We want to hear more from the minister. I do appreciate the fact that he offered to give me—and the shadow minister, Shayne Neumann—a briefing, but it is not just about briefing us. It is about us being able to reassure, along with the government, that the sector will have the support it needs to ensure the best possible care for people suffering with dementia and living with dementia and for those who have severe behavioural problems.

Thus far, this is a very light-on-detail policy. It is a policy that the sector has little knowledge of on how it will operate. We do not know what assistance we have for the training of staff who care for these most vulnerable people in our community. These people deserve so much better. I would encourage the minister to outline to us what the scope of the flying squad is and what their operations are going to be, so we can give some assurance to those living with dementia.

**Illicit Drugs**

**Senator LEYONHJELM** (New South Wales) (19:30): Sometimes, a single case highlights a bad law. After she was diagnosed with aggressive stage 4 neuroblastoma, Adam Koessler gave his two-year-old daughter, Rumer, cannabis oil to control her pain and fits. The cannabis oil helped. Rumer stopped fitting and began to eat again. She smiled and stopped complaining about constant pain.

On 2 January this year, Mr Koessler was arrested while seeing Rumer's oncologist in a Brisbane hospital. He was charged with supplying a dangerous drug to a minor. The cannabis oil treatment was halted and, for a time, he was prevented from visiting Rumer in hospital. As of last Friday, her condition has dramatically worsened and she is now in intensive care on morphine. This is a total outrage. It is unconscionable to deny people an effective, safe treatment for chronic pain and epileptic fits. Marijuana is legal for medical uses across much of Europe and America. In 2000 Portugal decriminalised the use of all illicit drugs. This means that most possession and supply is of comparable seriousness to illegal parking. Analysis by the UK's Home Office found the health of drug users in Portugal showed a 'considerable' improvement once possession became a health issue not a criminal one.

But carving out exemptions for medical marijuana, or accepting the half-way house of decriminalisation, is not the right way to go. I am a co-sponsor of Richard Di Natale's medical cannabis bill, but this is for reasons of compassion, motivated by cases like Mr Koessler's. I am unhappy with the regulatory burden the bill will impose. It envisages a whole new bureaucracy and supply network, inevitably creating entrenched new interests.

Subject to protecting third parties, including children, I support legalising all uses of marijuana. If this were done, medical use as well as the cultivation of hemp for industrial purposes could proceed with less bureaucracy, less regulation and less unnecessary suffering. Recreational use would also be legal, as it is already in Colorado, Oregon, Alaska, Washington state and Washington DC.

I see three broad arguments for this. First, it would deprive organised crime, including bikie gangs, of a major source of income and relieve police of the cost of finding and destroying illicit crops. Of the $1.5 billion spent annually on drug law enforcement, 70 per cent is attributable to marijuana. That is an expense we do not need. Secondly, there is the opportunity for increased tax revenue, something of interest to the big spenders on both sides.
of this chamber. If its consumption is legal, it can be taxed. Finally, it is not a legitimate use of government power to prohibit adults from doing something that does not harm others. It is irrelevant that it may not be wise to use a plant for recreational purposes. I neither endorse nor recommend recreational use.

The point is simply that governments are not competent and do not have the moral authority to ban something based on either disapproval or a desire to protect people from their own choices. It is also basic reality that most people have tried it at some point. That includes President Obama and me. When the law says one thing and people do another, a free society changes the law.

For legalisation to become a reality, action is needed at both the Commonwealth and state level. So when the people of New South Wales come to vote in the state election later this month, I encourage them to vote for the Outdoor Recreation Party, a party I lead in New South Wales. It shares the same philosophy as the Liberal Democrats. Medical cannabis is only half the answer. It is high time we stopped interfering in adult choices. Government opinions are only relevant to those who are incapable of deciding things for themselves.

Senator SINGH (Tasmania) (19:35): I rise tonight to pay tribute to an incredible woman, a civil rights activist, a writer and an incredible person: Faith Bandler. Faith was a true representation of modern Australia, a woman of Indian, Scottish and South Sea Islander descent. Faith was a civil rights activist, a feminist, a mother and a woman of profound integrity. To her family, I offer my sincere condolences and a commitment to continue to advocate for equality for all Australians.

Faith spent the majority of her inspiring life advocating for the equality of all Australians. Her multicultural background gave her the first insight into a darker side of Australia. The experience of joining the Land Army during World War II shaped her future as an activist. Working on farms, she witnessed the wage disparity between black and white Australians first-hand—an arrangement that went unchallenged but that Faith recognised as discriminatory.

Motivated by the inequality she experienced, Faith campaigned tirelessly to advocate for acceptance in the broader community of all Australians—regardless of cultural background. Faith's activism made Australia a better place for all Australians. In 1950, Faith was instrumental in forming the Aboriginal Australian Fellowship, while advocating for Aboriginal Australians. During 1957, she helped launch a petition in support of a referendum to remove discriminatory provisions from the Australian Constitution that denied Indigenous Australians citizenship rights. The petition gained thousands of signatures and the public campaign for equal rights under Australian law gained a lot of momentum. Her activism culminated in the 1967 'YES' referendum campaign. The overwhelming majority of Australians voted yes to equality, marking the beginning of a modern and inclusive Australia.

Faith recognised that discrimination could only be solved if inequality was understood and acted upon in the broader community. Proving the engagement of minority groups is the cornerstone of building sustainable communities and Faith built a network of campaigners, regardless of race, who understood the importance of equality. The connections that she made through the community gave strength to her convictions and motivated her hard-earned
achievements. The work and support of Jessie Street and Pearl Gibbs contributed to her success.

Former Labor senator, John Faulkner, described Ms Bandler as fearless and stated:

She built powerful coalitions, alliances both enduring and contingent. Working relationships based on personal friendships or shared goals. Her ability to reach across boundaries of race, class politics and opinion in the pursuit of her great aims was at the heart of her successes. Her life stands as a testament to how much one person can do to change the country they live in and the world they leave behind.

Faith's work still resonates today. Even as we celebrate her life's achievement, we must not remain complacent. Inequality remains in Australia, it lies especially—and unfortunately—in our workplaces and in our communities.

The recent Closing the gap report revealed that our Indigenous communities are still dealing with poverty and disadvantage; depression, addiction and suicide; jobs are difficult to find; and a young Indigenous person leaving school unfortunately has a greater likelihood of being jailed than attending university. This must change. Chronic disease and untreated conditions are still issues in our Indigenous communities. Family violence, again, is more likely in Indigenous communities and life expectancy still does not meet the same standard as for non-Indigenous Australians.

Faith fought for these changes. She fought inequality and the persistent wrongs our Indigenous community has suffered, and it is left to us to continue her work now. Rest in peace, Faith Bandler.

**Gender Equality**

**Domestic Violence**

**Senator LINES (Western Australia) (19:40):** I rise tonight to speak about Australian women on the day we celebrated the United Nations International Women's Day in this parliament. I want to talk about two areas which significantly hold women back: the gender pay gap and partner violence.

First to the gender pay gap. Australia's gender pay gap is at a 20-year high. Western Australia leads the nation in its shameful, almost-26-per-cent gender pay gap. This has nothing to do with the mining boom but more to do with unfair industrial legislation which the state Liberals introduced in the 1990s, and Western Australian women have never caught up. The harsh and unfair laws that the Liberals in Western Australia introduced enabled employers to offer individual contracts with pay and conditions which undermined and undercut award conditions for the very first time in Australia since the introduction of the arbitration system. What a shameful record for WA to hold—to have reduced women's pay, which has made it much harder for women in Western Australia to close the pay gap. And the gap in Western Australia has just grown. This was a shameful act by Western Australian Liberals and, unfortunately, it has been repeated by the Abbott government, as it has also actively contributed to the increasing gap between men's and women's wages.

The gender pay gap now at a 20-year high and the Abbott government has done nothing to close the gender pay gap; in fact, it has contributed to it getting worse. The Abbott government knocked off funds in aged care which were specifically targeted to improving wages and which would have given increases to the predominantly female aged-care workforce. The Abbott government knocked off the Early Years Quality Fund, which would
have boosted the very low wages of predominantly women workers who are early childhood professionals. And in its latest move, the Abbott government has reduced the hourly rates of cleaners through knocking off the Commonwealth Cleaning Services Guidelines. The Abbott government has refused to bargain with public sector workers in good faith, putting out wage offers which cut conditions or, worse still, use cuts in conditions to fund wage offers.

Public servants are overwhelmingly rejecting these unfair offers and Senator Abetz’s own Department of Employment—the experts in industrial relations—recently voted almost 100 per cent against their paltry offer. There is an attack on penalty rates, which the government is leading, to slash the take home pay of many women workers, such as nurses—particularly penalty-rate workers across the service sector.

And on domestic violence the Abbott government’s record is no better. Mr Abbott said he would be implementing new measures to fight domestic and family violence. Unfortunately, his government has cut national funding which supported family violence prevention services entirely. The worst affected area is Indigenous women and children all over Australia; that group has the highest rate of family violence. The Abbott government has cut funding to community legal services all over Australia—more than $6 million in this area. The Abbott government has cut all federal funding for the Men’s Behaviour Change program. Relationships Australia has been forced to reallocate money due to this cut. The Abbott government has slashed funding and given no long-term certainty on funding to homelessness and crisis accommodation. The Abbott government has ensured that specialist staff across the country that are trained in assisting victims of domestic violence will be displaced—almost $300 million worth of cuts.

And Rosie Batty, the Australian of the Year, a shocking victim of domestic violence, has called Mr Abbott’s comments and actions contradictory and hypocritical. She has called it a double standard. I am with Rosie Batty: the time for words is over. Now is a time for action, and that action starts with restoring funding and acting to genuinely reduce the gender pay gap.

Queensland Government

Senator McGrath (Queensland) (19:45): I am going to be controversial tonight because I want to defend Campbell Newman and the Liberal National Party government of 2012-2015 in Queensland. Right from its election in March 2012 the Liberal National Party government in Queensland made the tough but necessary decisions needed to stabilise the budget after not just years but decades of Labor waste and mismanagement.

The Liberal National Party reduced the rampant growth in spending while at the same time increasing funding for the front-line services that Queenslanders want in health, education, transport, and law and order. The Liberal National Party government in Queensland kept state taxes amongst the lowest in Australia and put downward pressure on the cost of living. The Liberal National Party froze car registration and reduced public transport fares by five per cent across the state for the first time in history. The party reversed Labor’s $7,000 stamp duty whack on the family home and provided a one-off water rebate to South-East Queensland residents. For the business community the Liberal National Party abolished the waste tax, forced down the cost of workers’ compensation premiums and reduced the burden of payroll tax, helping to boost jobs and economic growth. Through this disciplined economic...
management the Liberal National Party has left Queensland on track for a surplus in 2015-16 of $862 million—the first surplus in a decade.

On the economic front the Liberal National Party left the state on a track to higher economic growth, with nation-leading projected economic growth of 5.75 per cent in 2015-2016. But, most importantly, the Liberal National Party of Queensland halted Labor's debt train at $80 billion, $5 billion less than the former Labor government had planned, meaning less money on interest payments to overseas banks and more money for public services.

Then there are the achievements in health. The Liberal National Party, under the stewardship of Minister for Health Lawrence Springborg, delivered the best elective surgery waiting times in the nation. Patients treated at emergency departments within four hours went from 63 per cent to 73 per cent. The Liberal National Party obliterated the long-wait public dental waiting lists from 62,500 to zero and also ensured that, unlike under Labor, Queensland's nurses and doctors actually got paid.

And the story in education is just as good. John-Paul Langbroek, the Minister for Education, saw NAPLAN testing results improve in years 3 and 5, with 90 per cent of kids reaching the minimum national standard. One hundred and thirty independent public schools were funded across the state, enabling principals, teachers and parents to decide themselves how best to meet the educational needs of their children. And the $300 million dollar maintenance backlog in public schools left by Labor was all but eliminated.

In law and order the Liberal National Party, unlike Labor, did not shy away from tackling the thugs and hooligans terrorising Queensland families and businesses. Over 800 extra police were put on the beat, supported by new technology, more helicopters and, more importantly, stronger laws. And the statistics speak for themselves. For the year ended October 2014, car thefts were down 21 per cent, break-ins were down 20 per cent, robberies were down 24 per cent and assaults were down 4 per cent. On the Gold Coast the results were stronger, with robberies down a whopping 43 per cent.

Senator O'Sullivan: That's amazing.

Senator McGrath: Thank you, Senator O'Sullivan. It is amazing in terms of what the Liberal National Party did to make Queensland a safer place for Queensland families. And the Liberal National Party's Safe Night Out strategy, rather than pursuing Labor's approach of nanny-state tactics shutting pubs and clubs, targeted the genuine miscreants, the few troublemakers who were spoiling the fun for everyone else.

The Liberal National Party tore up Labor's tangled mess of vegetation management restrictions, which were brought in to please inner city, Green-voting preferencing latte sippers rather than looking after the farmers on the land. This has saved up to 86 years in productive time and saved hundreds of thousands of dollars for farmers across the state. And the highly popular Royalties for the Regions program—almost half a billion dollars—delivered real improvements to infrastructure and local facilities for regional communities across the state.

These are the irrefutable facts, regardless of what the naysayers and political vampires would have us all believe. The Liberal National Party government was a good government that delivered real results for Queensland. Therefore, it is very sad to think what the future has in store for my home state now that everything old is new again and the Labor government is
in power. Annastacia Palaszczuk and Labor have no plans for Queensland. They went to the last election hoping no-one would notice, but they have no plans to continue to grow the Queensland economy and deal with their legacy from before 2012. Their whole approach to the election campaign was just to send a message. They had no plans for the future; all they wanted to do was send a message. They have no plans to pay down the rest of their $80 billion worth of debt. They have no plans to invest in the infrastructure needs of my growing state. They have no plans to reduce taxes for families and businesses. They have no plans for transport, for the Bruce Highway, for the Brisbane CBD bus and train tunnel project, for the duplication of the rail line between Beerburrum and Landsborough. They have no plans to deal with the outlaw motorcycle gangs. Sorry, I made a mistake there. They do have a plan: they want to hold an inquiry! They have no plans for the four pillars of Queensland's economy: agriculture, construction, mining and tourism, which have been relegated to subcategories in megaministries. Instead, we know what Labor's plan is. They have got one plan and that is to be re-elected in three years time—actually, in two years time, because Labor are going to sit there for two years and do absolutely nothing. They are not going to make the tough decisions that need to be made to secure Queensland's future; they will call an early election. The average term of a Labor government in Queensland is two years and four months. They will call an early election and they will try and sneak back into power because they have made no decisions. They have played politics but they have not governed for the sake of Queensland.

Opposition senators interjecting—

The ACTING DEPUTY PRESIDENT (Senator Edwards): Order! This is an adjournment speech.

Senator McGrath: But if you sort of scratch it a little bit, you know who is actually running Queensland: it is the union barons. The union barons are back in charge, because is going to be a government for the union paymasters—for the Queensland Council of Unions, for United Voice, for the thuggish Electrical Trades Union. Each of these had their representatives at the swearing in at Government House. Labor's union backers are back in town, senators. They chose the cabinet—

Honourable senators interjecting—

The ACTING DEPUTY PRESIDENT: Order! It is highly unusual to have interjections during an adjournment speech. I would ask that the senator be heard in silence.

Senator McGrath: You know what the first act of this Labor government was? The first act of this new Labor government in Queensland was not about approving a mining project for jobs. It was not about approving some infrastructure for jobs. It was nothing like that. The first act of this new Labor government—this new nirvana in Queensland—was to shift Labour Day. It was to shift Labour Day from October back to May, because that is what the union paymasters want. They will get their public holiday in May, and that is what it is all about. It is all about rewarding their union paymasters.

Senator Bilyk: That is when it is!

The ACTING DEPUTY PRESIDENT: Order!
Senator McGrath: I think the Labor senators opposite are a little bit sensitive because they know it is true. They know it is true that the union masters in Queensland are back in charge.

I must give special mention tonight to the man who made it all possible—Peter Wellington, the state member for Nicklin. Peter Wellington has only ever delivered one thing for Nicklin. Nicklin is on the Sunshine Coast, where I come from. He has only ever delivered Labor governments for Nicklin. He has never delivered better infrastructure. He has never delivered better roads or schools. He has never delivered jobs for Nambour. He delivered power to Peter Beattie in 1998, and guess what? Now he has delivered Labor power again in 2015.

Senator Bilyk: We're pretty happy!

The Acting Deputy President: Order! Senator Bilyk.

Senator McGrath: The future independent Speaker of the Queensland parliament is no such thing. With the minute that I have remaining I would like to say to our 14,000 party members across Queensland that, while the result was disappointing, I would like to thank them for their work—the many supporters who have worked so hard over the past three years. Our party does not have the money of Labor and the unions. Our party does not have their paid workforce. Our party is a party of volunteers. Our party is funded by raffles. Our party is funded by the mums and dads—

Senator O'Sullivan: And very good treasurers!

Senator McGrath: Our party is funded by very good treasurers like Senator O'Sullivan. What I would like to say is: we have a lot of hard work ahead of us, but it is our job and our duty to deliver responsible government and freedom to Queensland, whether it is in three years time or in two years and four months.

Northern Territory Government

Senator Peris (Northern Territory) (19:56): You think it might be hard to find a more incompetent, divided, dishonest government than the Abbott government. But tonight I give you: the Northern Territory government.

The Abbott government's colleagues in the Northern Territory are without a doubt the most farcical government this nation has ever seen. That might sound like a big statement, but some of the events that have occurred this year are unprecedented in Australian political history—from a failed midnight coup and a Chief Minister who refused to resign, and who is still governing against the will of his own colleagues, to members of the same party launching some of the most malicious allegations and slurs we have ever seen in politics.

I could spend my next 10 minutes talking tonight about the bizarre and incredible dysfunction and infighting, but I would have only just begun. Territorians know that their government is dysfunctional and they do not need me to remind them. Instead I intend to focus on some of the practical realities that Territorians are facing, with both Commonwealth and Territory governments in such a state of crisis.

I will start with the Palmerston hospital. Both governments have completely dropped the ball on this project. This project is so important, not just for Palmerston residents, but for all of the Northern Territory as the pressure on the Royal Darwin Hospital has become so enormous that the hospital is in a constant state of crisis.
Darwin and Palmerston need extra hospital beds right now. Unfortunately the first patients to be seen in the Palmerston hospital are many years away. It is important to note that until the CLP and the Abbott government got their hands on the Palmerston hospital, the project was due to open later this year. We are still around 18 months away from construction even beginning, and perhaps longer. In August—

**Senator O'Sullivan:** There is no money, Senator!

**Senator PERIS:** The money has been committed already—yes, it has. In August last year, an agreement for the Palmerston hospital was signed between the Commonwealth and the Northern Territory governments by the respective health ministers at the time, Peter Dutton and Robyn Lambley. Both ministers have since been dumped. This agreement had clearly published milestones which are simply not being met. They clearly state that construction of the hospital should start in May 2015. That is two months away. The Northern Territory government has admitted it will not start construction for at least a year after that. They are now not going to start until after they were meant to finish. The project agreement has a completion date for the hospital building of April 2016, but the Northern Territory government has admitted they will not have it even started by then.

Rather than be honest in response to the claims that the Palmerston hospital has been delayed, the Northern Territory government has decided to try to claim that the milestones in the agreement are not really construction milestones. That is clearly not correct and the health department has shot this claim down in flames, saying that the milestones are construction milestones and expected to be met as part of the agreement. People know that the Northern Territory government is not being honest. I will read out just some of the headlines from the last few days: 'Palmerston Hospital timeline total cot case', 'Please explain on hospital', 'Denial won't fix health woes', and 'We're sick of lies and delays'. This sums up the feeling. People know that the project is delayed, and that is bad enough. But what makes it even worse is that people know they are being lied to. Unfortunately, the reality is that the first patient to be seen at Palmerston Hospital is many years away. And until that time Territorians will continue to have to endure the worst hospital system in the country.

I was staggered by the response from the member for Solomon, Natasha Griggs, to the delays. The Palmerston Hospital is her promise. It involves $110 million of her government's money, but when she was asked to comment on the delays she just said that she would 'leave the technicalities up to the bureaucrats'. A hospital project being delayed by a year is not a technicality. Those comments underline her attitude. She believes her role is to make the announcements and let others worry about implementing them. Unfortunately for Natasha Griggs, people do expect more from their politicians and their local members.

I call on the member for Solomon to become proactive. She should insist on an immediate investigation from the Commonwealth government into the status of the project. In estimates last week the health department said they were 'optimistic' that the project was on track. It is clearly not on track, and an investigation is warranted. The investigation can determine who is right and who is wrong. But most importantly it can determine when the hospital is going to be built and when the people of the Palmerston-Darwin region might get what they have been promised. Natasha Griggs should go and see the new health minister and demand an investigation.
It is not just in Palmerston that we are seeing delays and dishonesty. We are seeing the same problems with health infrastructure in the bush. Last week, the dysfunctional Northern Territory government announced that they were about to start construction on two health clinics, at Elliott and Canteen Creek. Completely missing from the press release was the fact that in the project agreement with the Commonwealth these buildings were meant to be completed by now.

Remarkably, once they were caught out, the only defence the Northern Territory health minister could muster was: ‘We are meeting the expectations of the federal government.’ He simply does not get it. It is not about meeting the expectations of the federal government; it is about meeting the expectations of the people of the Northern Territory—and being honest with them. You are not here to serve the federal government; you are meant to serve the people. These communities need these health facilities urgently. They do not need delays and they do not need lies.

There are two other disgraceful things occurring in the Northern Territory that are being overshadowed by this chaos and dysfunction but are actually much more important. Violence is out of control. The Alice Springs Women's Shelter is so overflowing that, on average, every single night seven women and their children are turned away. They have only gone to the shelter because they have nowhere else to go to escape violence. They are left destitute. This facility needs more funding. Instead they have not even got their current funding yet. They do not have any funding beyond 30 June this year. This is an essential service, and it is disgraceful that their operation has slipped through the cracks of dysfunctional governments.

Another disgraceful issue is children as young as 11, who often have not been convicted of anything, being locked up in a prison that was deemed unfit for adults. The girls are to be held in the former adult male maximum security cells. The commissioner for corrections said that the facility was fit only for a bulldozer. However, the Northern Territory Country Liberals government decided that meant it was fit for children as young as 11. It is disgrace. But it is occurring right now in Darwin. The number of children being locked up has skyrocketed, and 97 per cent of them are Aboriginal.

The Abbott government has decided to scrap their promise to bring in closing-the-gap targets on Indigenous incarceration. This is the green light that the Northern Territory government needed to start locking up as many Aboriginal people as they can. New laws mean Aboriginal people get locked up just for drinking. And they are all Aboriginal people. White people drinking are not locked up. A drunken Aboriginal person in a park gets locked up. A drunk white person in Mitchell Street is simply doing what the Chief Minister Adam Giles says is a 'core social value'.

There are a lot of opinions and speculation about what the chaos in Darwin and Canberra will mean for the future of Territorians and Aboriginal people. What I am more concerned about is the 11-year-old locked up in a condemned jail. What future do they have? What future does this country offer them?

Short, Mr Peter

Senator DI NATALE (Victoria) (20:04): I rise today to pay tribute to Peter Short, who died peacefully on 29 December 2014, while holding the hand of his wife Elizabeth. Elizabeth is in the public gallery tonight and I want to publicly acknowledge her.
The irrepressible Peter Short was a successful businessman, and chief executive of Coles Express, a business turning over $7 billion a year and employing about 4,000 people. Nephew of Jim Short, a former Liberal senator and assistant Treasurer, Peter enjoyed fast cars, hitting the blackjack table, and wining and dining at the nation's best restaurants.

But that was not the Peter Short I knew. The Peter Short that I knew was the loving father and husband who in the last year of his life dedicated himself to changing the laws around physician-assisted dying. Peter was diagnosed with oesophageal cancer in 2009 and, following treatment, he made a full recovery—or so he thought. Five years later, on 28 January 2014, on the day of his 57th birthday, Peter was told that his cancer had returned, that it was inoperable and that he only had months to live.

His response was typical of the man known as 'Shorty'. He would defy all expectations and live for almost a year, savouring every moment. And he would become a passionate and outspoken advocate for the right of terminally ill people to choose the manner and timing of their death. It would be this cause that would give Peter's life purpose in his final months and that would ultimately shape the debate around physician-assisted dying in Australia.

In April 2014, Peter, penned his first entry on a blog called 'Tic Toc, Tic Toc, Dying to a Killer Clock', which was, in Peter's words, an outlet for Peter to help others facing terminal illness, and to help ventilate and inform the struggle for the right to choose. Peter's blog would range in topics from his chemotherapy through to successful jaunts to the casino and his cherished moments with his wife Elizabeth, son Mitchell and much-adored cocker spaniel, Missy. He would finish each blog by rating his pain, mental health, physical health and life enjoyment—none of which ever dipped below five but almost always exceeded 10 out of 10 for life enjoyment.

Peter's awakening came when he happened to hear of Victorian doctor Rodney Syme, a 'dying with dignity' campaigner, who spoke about his experience of offering a Victorian man, who, incidentally, was also suffering from oesophageal cancer, a drug to allow him to die. Peter posed the question to the readers of his blog: 'What do you think the right answer is; maybe we should become a voice for change?' And what a powerful voice he became. I first heard Peter Short being interviewed on morning radio on the ABC talking about his illness and his campaign to exercise choice over how he died. Peter was a natural performer and a wonderful advocate for dying with dignity, so I called him and arranged to meet. I liked him instantly. He was funny, he was direct and he was passionate. I told him about my plans to introduce federal 'dying with dignity' legislation and asked him whether he would consider working with me to change the law. Without a moment's hesitation he jumped on board.

In June 2014 he joined me, along with my parliamentary colleagues and several other 'dying with dignity' advocates also suffering from a terminal illness, for a parliamentary briefing in Canberra to launch our bill. Peter's speech to the parliamentarians and assembled media was powerful and more than a few tears were shed that day. Sadly, one of those advocates, Max Bromson, died a few weeks later. Peter expressed not just sadness but disgust at the treatment of his family, who had their phones and laptops confiscated whilst an investigation was conducted into whether they assisted his suicide.

In his final few months Peter fought relentlessly for the rights of people with a terminal illness to choose how they would die. His wife, Elizabeth, would say that she now found
herself married to a different person—someone nicer, someone more caring and more generous. That was the Peter that I knew.

Secretly, I think Peter enjoyed the limelight. He revelled in his interviews with radio personalities like Jon Faine and Neil Mitchell. He enjoyed TV appearances on *The Project* and meeting with politicians like the then Premier, Dennis Napthine. When *The Age* newspaper ran a one-week right to die feature, Peter referred to it as a 'Berlin Wall moment,' and urged the growing readership of his blog to participate in the discussion. He continued to push his online Change petition, which has now attracted almost 25,000 signatures. He set records in crowdfunding the production of a documentary that documents his life and his journey and the need to legalise physician-assisted death in Australia. He was not one to do things by halves. He initiated a detailed politician survey, he engaged with academics to incorporate his campaign in their coursework and he employed his corporate experience and connections as the basis to approach the top 300 ASX-listed companies in his campaign.

The day before his presentation to a Senate hearing into our bill, he said:

... I am representing the thoughts, hopes and wishes of my 21,000 petition signers, my Facebook, Twitter and LinkedIn supporters, The Dying with Dignity ... groups, the politicians who have represented to me they support—this cause—that is, dying with dignity—

and of course the 82% of Australians who want this draft bill turned into national legislation.

His performance at the hearing was outstanding. His impassioned speech was part of the reason that the Senate Legal and Constitutional Affairs Legislation Committee recommended that all members of this parliament should have a conscience vote into federal 'dying with dignity' legislation.

Through a combination of interviews, letters and even rock songs, Peter would document his attempts to speak to the PM. That is right—he started a band and wrote a song that he directed straight at the Prime Minister. At one point he entitled a blog post: 'Christmas plea to Prime Minister for a meeting—it would be easier to meet Santa.' In one of his final letters to the Prime Minister, he wrote:

The embargo placed on all Liberal members by your ... government ... is simply no longer acceptable ...

And further:

I have but weeks left to live quite possibly, and certainly Feb should see me out. I promise you it will be a respectful, honest discussion and though I am not a head of state, a corporate giant or a poll and media strategist I am very special and this is my highest end of life priority outside my family. I am sure we would both be richer for the experience of meeting.

Regards, Peter.

Remarkably, Peter's campaign to speak directly to the PM would not end in vain. On 19 December, 10 days before Peter's death, he would receive the eagerly anticipated call from the Prime Minister, Mr Tony Abbott. Peter reflected on that call as a turning point in bringing choice at end of life for the terminally ill, because the Prime Minister reassured him that if the 'dying with dignity' bill came to the House it would be under terms of a free vote.

When Peter's time finally came, he did not seek physician assistance to end his own life. Instead, he died in a palliative facility that offered him the care he needed at that moment. He
died peacefully, surrounded by his family. The fact that Peter decided against physician-assisted dying when his time drew near makes his story even more powerful. Like many others, simply having the choice about how he would end his life was a great source of comfort for him, even though he never ultimately exercised that choice.

Peter's funeral was just what Peter wanted—it was a celebration of his life and a real insight into his larrikin spirit. I will never forget his Ferrari-red coffin, with an inscription on it. His wife Elizabeth and his son Mitch did him proud and they have vowed to continue Peter's fight to change our laws around dying with dignity. Peter said that his mission was to make Australia not just a great country to live in but a great country to die in. I have already committed to Peter that I will do whatever I can to honour that legacy. Vale Peter Short.

Workplace Relations

Senator KETTER (Queensland) (20:14): Tonight I rise to speak about the great Australian fair go and how that manifests itself in our industrial relations system. Before I do so, I would like to say that I was very pleased that I was able to be here earlier this evening to listen to Senator McGrath's rather farcical and yet humorous contribution with respect to his defence of the Newman government in my home state of Queensland. With respect to Senator McGrath, he was defending the indefensible in that case; nevertheless it was a humorous contribution from Senator McGrath. Predictably, in the course of his contribution, Senator McGrath sought to attack trade unions in my home state as part of his defence of the Newman government. I was not going to stray into this territory as part of my contribution tonight, but it does behove me to once again record the important, legitimate and responsible role of trade unions not only in our society but also in the course of the recent state election campaign. The union movement played a very important role in that election, and the issue of asset sales was certainly an issue that the union movement focused on particularly. One must come to the conclusion that the people of Queensland took great note of what was said during the course of that campaign. I say 'well done' to the trade unions in my home state of Queensland, to the many Labor candidates who were successful in that election, and particularly to the thousands of Labor supporters who participated in that election campaign. I am one who is very much looking forward to having a government in Queensland which is prepared to work with the people and with unions rather than castigating them and seeking to pick fights with everybody.

I want to talk about the fair go and the fact that our country prides itself on the fair go: giving everyone a fair go in the workplace and giving people a fair go to enjoy a few days off throughout the working week. The weekend is often the very thing that binds families and friends together. The weekend is a time to relax, a time to catch up with friends, a time to take the kids to football or netball. The weekend represents the principle that Australians do not 'live to work' but rather 'work to live'. However, not all Australians are able to enjoy the weekend as two consecutive days off—Saturday and Sunday. Every weekend across Australia, thousands of hospitality, retail, frontline service and shop assistant staff sacrifice their weekend so that we can enjoy ours. Every Sunday morning, thousands of baristas across Australia sacrifice their Sunday sleep-in so they can serve us our mid-morning coffee on our day of leisure. Australia is a land of fairness that has, for more than half a century, enforced laws that say: if you are working unsociable hours, such as a being a barista on a Sunday or a shop assistant on a Saturday, you should be compensated for your hard work.
For decades, penalty rates—which are part of our fair work system—have compensated those in retail, hospitality and emergency services, for example, for sacrificing their weekend so we can enjoy ours. However, we have seen threats to this system coming with the new government. Since the leaking of the government's politicised Productivity Commission issues paper, Australians now know that our penalty rates system—indeed our whole workplace relations system—is under attack. It is quite clear that this is a government which has an ideological obsession in relation to our national industrial relations system.

One only has to look at one of the very first acts of this government, which was to commission a report of the National Commission of Audit—titled Towards responsible government. Amongst its many recommendations, the commission considered that containing future growth in the minimum wage would improve job opportunities, especially for lower-skilled Australians, and would also ensure that government programs to get people into work are more effective. The commission also recommended that minimum wages be set on a state basis to better reflect local labour market conditions and cost-of-living expenses. There is no better illustration of this government's ideological fixation with our industrial relations system than that so-called independent report.

We know that the Treasurer has been looking at the industrial relations system more closely. We were expecting the terms of reference for the workplace relations inquiry to come out in about April of last year, but for some inexplicable reason those terms of reference have been delayed. Ultimately we did see them on 23 January, but I suppose it just represents the fact that the Treasurer's office is something of a black hole for important reforms. One only has to look at the tax white paper and the Intergenerational report as examples of roadblocks in terms of activity by this government. The terms of reference have now been issued and there is an issues paper out for consultation. It is quite an extensive issues paper and we are expecting the final report to government on 30 November 2015.

We did see an interesting comment from the workplace relations minister on 24 February, when Senator Abetz came out and very much disappointed the business community by indicating that the coalition's position for the next election would be that penalty rates and the minimum wage would continue to be determined by the Fair Work Commission. Senator Abetz was asked about the review by the Productivity Commission and his comments were:

So, the minimum wage and penalty rates came up when that is clearly the bailiwick of the Fair Work Commission. It did surprise me because the government's policy on that is very clear. These are matters for the Fair Work Commission and I just hope that those two issues have not taken away from the other systemic issues that we want examined.

One could be forgiven for thinking that the minister for workplace relations was surprised by this intrusion by the Productivity Commission into this area of penalty rates. At the recent estimates I took the opportunity to ask the Chairman of the Productivity Commission, Mr Harris, why the Productivity Commission was looking into issues such as penalty rates when the relevant minister seemed quite surprised about that. He took me to the terms of reference of this inquiry, which were, as I said, issued by the Treasurer and received on 19 December 2014, and he made reference to the fact that the scope of the inquiry deals with a number of issues and, in particular, it says:

… fair and equitable pay and conditions for employees, including the maintenance of a relevant safety net …
Mr Harris was quite adamant that that part of the terms of reference allowed him to investigate the issue of penalty rates and the minimum wage quite closely.

So we have a government which has been caught out once again on its ideological fixation with workplace relations. We know that there is plenty of evidence out there that the current system is not broken and we have seen a recent report from the Australian Workplace Relations Study which indicates a number of key facts about the current system. For example, wages and salaries account for only a minor portion of sales and services revenue for almost 90 per cent of enterprises that operate for profit and less than a third for 60 per cent. There are a number of other very important findings there which illustrate that there is no real need to change the system. Labor will stand up for penalty rates and for the 4½ million Australian workers who rely on them. The Abbott government speaks a lot about families, but if they really cared for those who actually have to work on weekends, away from their families, then Prime Minister Abbott and Senator Abetz should support penalty rates and our fair work legislation.

Coal Seam Gas

Senator LAZARUS (Queensland—Leader of the Palmer United Party in the Senate) (20:24): In the short time I have been working for the people of Queensland as a senator for the sunshine state, I have come across many issues. One of the most distressing issues involves the plight of farmers and the property owners in rural and regional Queensland. On the weekend I travelled to Dalby and Chinchilla to speak at a community forum regarding the harmful impact of coal seam gas mining in the region and to tour properties affected by CSG mining. The forum was organised by wonderful local people, including the lovely Shay Dougall. The people of Chinchilla have come together to support each other in the wake of a CSG mining tsunami which is ripping the region apart. While most people in city and urban areas across Australia get on with their daily lives, the good people of rural and regional Queensland are being devastated by the impacts of CSG mining.

CSG mining is one of the most contentious and environmentally and socially destructive forms of gas extraction known to the developed world. CSG mining involves drilling holes deep down into the earth to tap into gas trapped in coal seams. Coal seam gas is principally methane found in underground coal seams, where it is trapped by natural water pressure. Often the coal seam gas is found below premium agricultural land. To extract the gas, CSG mining companies undertake drilling, often horizontal drilling across large areas of land, to access underground coal seams. They inject a toxic and poisonous mixture of chemicals into the ground to ease the extraction of water and gas.

In many cases, they need to undertake fracking to break up the underground coal seams to extract the gas. This involves the injection of vast volumes of water under pressure, combined with a mixture of chemicals to break up the underground earth, to fast track the process of gas extraction. The chemicals and compounds used in fracking are mostly unknown. Gas companies do not disclose their toxic recipes. When gas companies drill down deep into the earth to extract the gas, they also extract vast volumes of water from the underground watertable. The produced water, which is water that has been extracted and or injected and then extracted with the megatoxic cocktail of chemicals and compounds, is then dumped into ponds which sit on people's properties.
In Queensland, landowners have virtually no rights. Incredibly, landowners in rural and regional Queensland do not have the right to say no to CSG mining on their properties. As a result, the industry has enjoyed unrestrained growth, and, in the view of many, unlimited access to people's land. We are talking about land on which the people of Queensland live, farm, manage their stock, run their businesses, raise their families and play with their kids. CSG companies simply knock on the door and, through bullying, intimidation, threatening behaviour, unrelenting pressure and other tactics, force their way onto people's land. They threaten farmers with legal action or tell them that they will take them to the Land Court. Landowners are left distressed and feeling like they have no option but to be forced into lifelong contracts to have CSG mining undertaken on their properties because they cannot afford the cost of a lawyer to help them out.

People living on the land in Chinchilla are not connected to the town water. They get their water from dams, bores and wells. Queenslanders survive on groundwater, which they access from their own land. This water is their lifeblood. They use the water to live and shower. They use it to feed their stock, water their crops and operate day to day. But thanks to CSG mining, they now have no water, and what water they have is being contaminated by CSG mining—mining which is taking place on their own property, as well as on properties nearby. Because CSG mining rapes the land, it bleeds the underground watertable dry, and it will take hundreds of years for the water to return underground, if at all. Farmers' wells and bores have gone dry. People in regional and rural Queensland have no water. Instead, methane gas pours from their bores and wells.

Farmers and their families are becoming ill. They are suffering from headaches, breathing issues and a range of other health problems. Children are having seizures and are waking up with blood noses. Farm animals are losing their hair and are dying. The toxic chemicals used in coal seam gas extraction are making their way into the land, the air, the water and, unfortunately, into the people.

From above, the land in Chinchilla is littered with CSG wells, networks of piping, plants, wells, ponds, low-point drains, high-point valves and other infrastructure. The value of properties affected by CSG mining has plummeted. Farmers cannot sell their land and their land is now worthless because it no longer includes clean safe water.

While I support the resource sector and value its role in our society, we cannot and must not allow the health of our people to be compromised. Therefore, I would like the government to establish a royal commission into the human impact of mining, in particular, CSG mining and establish a resources ombudsman. An independent resources ombudsman would provide the people of Australia with a point of contact to resolve mining and CSG mining issues. The ombudsman would be an advocate for the people. It is about time these people had someone on their side.

In my home state of Queensland, all levels of government have let the people of Queensland down. We provide legal aid at the expense of taxpayers to assist people charged with sex offences against children yet we are allowing the decent and hard-working people of rural and regional Queensland to have their lives decimated by CSG mining without any assistance or access to taxpayer funded support.

I cannot believe that this type of thing is happening in Australia but it is. All Australians should be very concerned. Farmers and land owners across Queensland are being treated in
the most deplorable manner. These people are Australians who have served in our military to defend our country, have lost relatives who have fought and died for our nation. These people are part of the very fabric of our country. They do not deserve this treatment and they deserve our help.

Let us start to make things right today. A royal commission into the human impact of CSG mining and the establishment of a resources ombudsman will take us in the right direction.

Tropical Cyclone Marcia

Senator CANAVAN (Queensland) (20:32): I rise tonight to talk briefly about the impact of Tropical Cyclone Marcia and particularly its impact on Central Queensland. Last month I moved to Rockhampton. I have never been through a cyclone before. I was not actually there during the cyclone—I was stuck in Brisbane—but my family went through it and it was a harrowing experience for all involved. It was a cyclone that built in intensity and destruction with remarkable speed. Last week at Senate estimates, the Bureau of Meteorology confirmed that they have never seen the cyclone like this develop so quickly and without warning. This one certainly did that. On the morning of Thursday a week and a half ago, it was rated to category 2 cyclone. By that evening it was upgraded to a category 4 and by the time everyone woke up in Australia the next morning it was rated a category 5. There have been very few category 5 cyclones to hit Queensland over time. I have seen different figures. Whether it is five or eight or nine, it is certainly fewer than the number of fingers and toes I have. It was a remarkable event to hit so far down south on the Queensland coast. The towns of Yeppoon and Rockhampton are not really used to dealing with cyclones of this intensity. Rockhampton is a town that is used to dealing with floods but not so much with the wind.

In my contribution tonight, I first want to pay tribute to the leaders and to the entire community who, through their efforts, their quick responses and their listening to the authorities on what they needed to do, made sure that no-one died, fortunately, in this event and no-one was even seriously injured—a remarkable outcome given the strength and force cyclone and given the lack of general preparedness for something of this intensity in that region.

I particularly want to thank Councillor Bill Ludwig, who is mayor of the Livingstone Shire Council and Councillor Margaret Strelow, who is mayor of the Rockhampton Regional Council. They enacted their disaster management plans with great speed—they had to given the speed of the cyclone. They, with very little warning, got messages out to residents to evacuate in low-lying areas. Some of that had to be done at three or four o’clock in the morning given its increased rating of category 5. They successfully made sure that everybody who had to evacuate did evacuate and got to the shelters in time.

We are very fortunate that the damage that was done in Central Queensland was limited to those things that we can rebuild or those things that we can regrow. No-one was lost, no-one had to go through the ultimate tragedy of losing a loved one or a friend. In saying that, there is a fair amount of devastation in the region. Some people have lost their homes. Something in the order of 500 or 600 homes are uninhabitable as a result of the cyclone. For those people, it is a particularly tragic time to go through. I was fortunate enough.

I thank the Prime Minister; the Minister for Human Services, Senator Marise Payne; the Minister for Justice, Michael Keenan; the Deputy Prime Minister; and the Minister for
Agriculture. On separate trips they came up to visit Yeppoon and Rockhampton in the last couple of weeks. They themselves walked down the streets where people have lost their homes. Mother Nature is a great thing but it is not so good when it comes through your living room. It is a tough period in your life when you have the contents of your living room laid out in the street waiting to be picked up by a garbage truck. But the people of Rockhampton and Yeppoon are stoic and have responded with great discipline and nonchalance to the event. They are getting on with rebuilding their lives and homes.

Another thing that strikes you when you visit Central Queensland now and fly into the towns and drive around them is that an enormous number of trees have been felled by the cyclone. The damage to buildings is limited to those random people who have unfortunately lost their homes. But for much of Yeppoon and Rockhampton it does not look like there has been a cyclone through. Those buildings that are built to the ratings and the building codes that have existed since the mid-1980s stood up very well. But the trees did not. There are no new codes for the growing of trees. A lot of them fell down. That caused a lot of power to go out. There were 1,900 separate incidences or breaks in the powerlines across Central Queensland as a result of the cyclone and of course for farmers it meant that they lost a lot of produce. We must always remember—me included—that when we who live in the suburbs lose trees it is a sad thing because we lose shade, but when farmers lose trees they use their income and their cash flow. And farmers have had to suffer through that. The power was cut to more than 60,000 homes. The majority of homes lost power for at least three or four days and many for a week or longer.

I do want to pay tribute to the work of Ergon Energy in the region, which brought more people to help fix the power in a shorter time than was first feared. It was first feared that a lot of people would be without power for two weeks, but, in the end, most people had their power restored within that week, which is a fantastic outcome, particularly given how hot and humid it has been in Central Queensland since the cyclone.

For the primary producers the impact is very real and ongoing. On Saturday, I visited Yeppoon and a smaller town west of Rockhampton, Jambin, with the Minister for Agriculture, Barnaby Joyce, the member for Capricornia, Michelle Landry; and the member for Flynn, Ken O'Dowd. We spoke to a number of farmers and primary producers in the region. The losses to the pineapple industry alone are more than $4 million. About 35 per cent of our pineapples come from that region of the world and they are going be without an income probably for six months at least and possibly longer depending on the damage to some more nascent crops where they are not quite sure what the damage has been yet. Other producers of lychees and mangoes have had their trees flattened. They will probably not get a crop until Christmas next year. Some of those trees will never come back. They will have to wait until others grow back up towards the sky and not across the ground.

With respect to the timber industry, the good news story in Yeppoon recently has been the installation of a sawmill from Tasmania to help create about 50 or 60 jobs in Yeppoon. But they have had about 18 years of their supply of products wiped out by this cyclone.

We went out further west, to Jambin. They had two natural disasters. The cyclone hit them, which was still a category 3 or 2 out in that area by the time it got out there, and they had floods as well given the amount of rain and the related dam releases that had to occur because of that rain. So for some people in Jambin they have had three floods in four years. They have
received assistance from the government many times and they have had to go into more debt, but many of them are at their limit in terms of what they can do and how they can continue on.

In finishing tonight, I know the government will do what it can to help, in coordination with the new Queensland Labor government. We are working together to make sure we get assistance out to people. There is already assistance available to households who cannot replace the contents of their fridge. A lot of people are struggling to put fuel in their cars or simply get back on with their lives. Last week, the Minister for Justice announced assistance for people who could not get to work as a result of the cyclone. They can immediately access Newstart allowance for at least 13 weeks. There will probably be more assistance coming in the form of concessional loans and grants to primary producers and small businesses who have been affected.

As we speak, the Queensland government is making an application for category C assistance under the Natural Disaster and Relief Recovery Arrangements, and I am sure that the Australian government will respond carefully and positively to that application.

When disasters hit like this, we do get together as a country and that is a great thing. Politics should be parked throughout it. We have got plenty of time in the rest of the year to go on with that sort of rubbish. What we need to do now is come together as a community, realise that there will be better times going forward and realise that we are all in this together and we will help out. My final message to the people of Australia, and Queensland in particular, is that if you are considering having a holiday this Easter, come to Yeppoon. It is still beautiful and you will have a great time.

Pharmacy Sector

Senator XENOPHON (South Australia) (20:42): Tonight, I would like to speak on an issue of significant community importance and that is the position that community pharmacies around the country are now facing.

I want to put this in context. Recently, I met with the Pharmacy Guild of Australia representing the vast majority of Australia’s 5½ thousand pharmacies. There are 432 or so community pharmacies in my home state of South Australia. What the pharmacy sector is facing is quite dire. They are now at a tipping point where many of them are facing bankruptcy and the difficult decision of laying off staff—indeed, many staff have been laid off. There are 60,000 employees in this sector and the fear is that thousands will be losing their jobs in the next 12 months as a result of decisions made by successive governments.

The background to this is that previously the policy of simplified price disclosure was announced by the former government. Pharmacists do not have an issue about price disclosure and more transparency in respect of that. But concerns have been raised about the way it has been done and the way that pharmacists have taken an undue burden in terms of the heavy lifting when it comes to budget cuts for the sector. It seems that it is disproportionate compared to the big pharmaceutical companies that manage to weather the storm, many of whom have multibillion-dollar capitalisation. What we are now seeing is that the price disclosure cycle was shortened from some 18 months to 12 months under this government, despite its promises whilst in opposition. Price disclosure commenced in late 2007 and has been part of the Fifth Community Pharmacy Agreement. However, accelerated price
disclosure was not part of the agreement. The legislation that was passed in March last year changed that. It was a breach of promise of the coalition in respect of that. But it is a continuation of a policy of the previous government.

The consequence of that change has been that, on average, each pharmacy in this country has had its income cut by some $90,000. They cannot bear those cuts without reducing their hours, laying off staff and borrowing more heavily. There has been an increasing number of bankruptcies in the pharmacy sector. Quite tragically, a pharmacist that I spoke to just a few moments ago told me that her pharmacies' value has been slashed. Everything—their whole life savings—had been put into pharmacies, and their capital value has been slashed as a result of government actions that have destroyed their value.

What is the consequence of that? We will see more and more pharmacies fall by the wayside. The consequences can be even more severe for country Australia. With 425 country towns only having one pharmacy operating, imagine what the consequences will be of losing a pharmacy in a community. Along with the local post office and other key facilities, it is the heart and soul of a country community. More and more pharmacies are closing their doors earlier, especially on weekends. Pharmacies on average are operating for 5½ hours fewer a week.

We have a situation where, unless something is done very soon, we will see more pharmacies closing their doors, more staff being laid off, and more and more professional pharmacists—who undertake a five-year degree—losing their jobs as well. We have a situation where we will lose more and more of our network of health professionals. When you consider the integral role of a pharmacy—a central pillar of communities across Australia—it is the fact that the pharmacy provides a regular stop for most Australians to receive treatment and advice on their health.

I have spoken to too many pharmacists in the last few days who have told me how bad things are. The pharmacy sector fully supports price disclosure, but accelerated price disclosure was a clear breach of the community pharmacy agreement. The government is now in negotiations, seemingly at the eleventh hour, in respect of the Sixth Community Pharmacy Agreement. The Fifth Community Pharmacy Agreement is due to expire on 30 June this year. There is very little time, and my fear is that community pharmacists will once again be the whipping boys, a source of easy and lazy government savings when it comes to this sector.

Let us put this in perspective. Between 1991 and 2012, Australians' median annual household income rose by 118 per cent, while the costs of products at pharmacies rose by only 58 per cent. In contrast, medical and hospital services rose by 191 per cent. So, in relative terms, community pharmacies have been given a raw deal. They are the poor cousins of the health system, and their ever-diminishing income is, quite frankly, unsustainable. That is a very real concern to me.

What will the impact be on regional communities if their local pharmacy closes down and residents have to travel another 10, 20, 30 or 50 kilometres or more down the road to get access to basic medicines? The purpose of the community pharmacy agreement is to provide community pharmacists with financial certainty over the longer term. Although pharmacists are offering a service, they still have to run a business. Their rents go up. Their wages go up. They have to train their pharmacy. They have to train and pay their highly skilled and valued staff. A community pharmacy is a type of small business which does not just rely on its skills...
and advice and business acumen; it is also at the mercy of regulatory change, and those changes have been savage, because the community pharmacy sector has been a soft target for too long.

Big pharma seems to survive. The wholesalers can pass their cost-cutting on to the pharmacists, who are the ones that bear the brunt of this. There is no sense in robbing Peter to pay Paul and trying to minimise the cost to the PBS by putting community pharmacies under further strain. Let me remind you of that figure. Annual household income rose by 118 per cent from 1991 to 2012, and medical and hospital services rose by 191 per cent, but the cost of pharmaceutical products rose by only 58 per cent. Why should pharmacies bear the brunt of this? How can you expect small businesses around the country to survive if they have an average drop of income of $90,000 for each of the 5½ thousand community pharmacies around the country? That is half a billion dollars a year. It is not sustainable.

My fear is that this will lead to a push by the supermarket duopoly, Coles and Woolworths—because they have been sitting on the sidelines jealously eying off the pharmacy market. We all know that, if pharmacies were ever deregulated, the supermarkets would poison the fruit, commodifying a service that Australians have come to trust with their lives. Medicine is not like petrol or sausages or cans of Coke, and the one thing that I believe the supermarkets will never offer is expertise. Pharmacists do not simply sell medicines; they help regulate their use and they help educate the users. Delivering medicines to homes, advising on dosages and providing dose administration aids are part of the expertise they are increasingly providing.

We are at a tipping point. Unless the Sixth Community Pharmacy Agreement provides sustainable income to the 5½ thousand community pharmacies—a number diminishing, I am afraid, on a regular basis—then this sector faces incredibly hard times. But the real victims will be the consumers of Australia, who will miss out on the high-quality service they have come to expect over many years.

I spoke to another pharmacist just a few moments ago, who told me that more and more pharmacists are seeking help from the Pharmacy Guild, speaking to their bank managers, saying that accelerated price disclosure has hit them for six because they have borne the brunt of it unnecessarily. It is ripping up a key part of our community. They do not understand why they have been targeted in this way.

The former Minister for Health, the Hon. Peter Dutton, said to a Pharmacy Guild dinner on 19 November 2013: 'I want to make sure that, as small business people, people can have adequate returns on the capital they invest into pharmacy. That is at the heart of what, as a government, we will be out to deliver into the next community pharmacy agreement and well beyond that.' Well, the promise was broken in relation to accelerated price disclosure. Let us hope that promises will not be broken in terms of having a sustainable pharmacy sector in this country. If the Sixth Community Pharmacy Agreement does not provide a fair and equitable deal for our 5½ thousand community pharmacies, then this nation will see a tearing-down, a disintegration, of a key part of community infrastructure in this nation, and all of us will be the poorer for it.
Animal Welfare

Senator BACK (Western Australia) (20:52): I rise this evening to speak on the scourge of animal cruelty and its increase in this community, the efforts that I am making through a bill presented in this place on 11 February, and the vitriolic, not surprising attack on me and this legislation by animal activists. The bill, very briefly, undertakes two areas. The first is that, if a person sees what they believe to be malicious cruelty to an animal or animals, they would report that in the least possible time and they would provide a visual image, if they have taken an image, of that cruelty so that, if indeed it is happening, it can be inspected and examined and, if there are other animals at risk of suffering the same fate, it can be stopped. Indeed, if there is the capacity for prosecution of the perpetrators then that is what would flow from it. The second element of the legislation goes to the actions of a person who would, for whatever reason, intimidate, threaten or attack a person or persons associated with an animal enterprise or would invade that property to place animals and, indeed, humans at risk from an occupational health and safety, animal welfare or biosecurity point of view.

Let me make the point strongly: nothing in this bill prevents a person acting legally in any way at all. Once a person has presented that material, together with the evidence, they can go to the media and continue to collect more evidence. In fact, nothing at all under this bill prevents a person from carrying on in a legal, lawful way to gather more information, to go to the press or to do whatever they want to do—contrary, unfortunately, to the vitriol and the stupidity which have been visited upon me.

What is the scope of this particular issue? Let me go to the annual reports of the RSPCA going back the last few years. In 2008-09, there were 50,700 complaints, resulting in 200 successful convictions. Go forward to 2011-12: 52,000 complaints, with 300 convictions. Last financial year, in 2013-14, there were 59,000 complaints, with a measly 230 convictions. I am trying to do something about improving prosecutions. Nationally, there are 1,100 complaints a week. In my own state of Western Australia, there were 3,664 cases in 2011-12, doubling to 6,100 the following year. And the level of convictions? A measly 0.35 per cent of those complaints. I am bringing legislation into this place so that the visual images of that particular cruelty would be made available to authorities so that they might be able to get on top of the issue.

I go to an article in yesterday's Conversation by two people, a Jed Goodfellow and a Professor Peter Radan. Goodfellow, from his bio, is a policy officer for the RSPCA and has been a prosecutor for RSPCA South Australia and an inspector for RSPCA Queensland. If I go and have a look at some recent South Australian and Queensland figures for complaints and convictions, I see that the conviction rate is 0.6 per cent in South Australia—a mere 30 out of 4,700 complaints—and in Queensland 0.12 per cent—222 convictions out of nearly 19,000 complaints. But this is what the two of them wrote in yesterday's Conversation about my program. First of all, they have said my bill 'has nothing to do with animal protection'. What an amazing statement from two people of supposedly superior legal capacity. They say:

By inhibiting those inconvenient investigations that have been so successful in exposing animal cruelty...

Nothing in my bill prevents a person from continuing investigations. They make the amazing statement:

The bill requires all persons who record malicious animal cruelty to report it—
and then go on to say:
Notably, the bill is not concerned with those who may witness cruelty firsthand …

How can anybody record it without witnessing it firsthand? They make the case—or try to make the case—that in some way I am trying to protect people who are 'in a position of responsibility within an industry or business that involves animals'. Nothing in my legislation comments at all on the actions or inactions of such a person, whether they work for an industry or work as an employee of an animal enterprise—absolutely and utterly nothing. They make the point:
The reporting requirement will effectively stop private investigations in their tracks.
I have not read that in the bill, I have not read it in the explanatory memorandum, it is not in the second reading speech, and I say this evening that it is not in the legislation. So what are their motives in coming out with these statements? I do not know. This is the gentleman who tells us that he has been associated with the RSPCA in two states where their success rate for prosecutions has been abysmal. What I am trying to do—as, indeed, is the role of CCTV in hot-spot areas in different locations around Australia—is to provide visual imagery so that responsible authorities actually have something with which to prosecute people.

I go secondly to an advertisement in today's mainstream media, an open letter to the Australian public—a half-page ad. I do not know what a half-page ad in The Oz costs. These animal activist groups must be very, very well resourced. What they are saying in this is that 'the bill reduces the capacity to gather evidence and build a case'. How does it do that? What it does is require someone who comes upon evidence of what they believe to be malicious cruelty to report it and to provide supporting evidence. The ad then goes on to say, 'The recent expose of animal cruelty within the greyhound racing industry would likely have been a criminal act.' Let me make this point, if I may. I think I am right in the quote; I have made it several times in the media, and I have not yet been corrected. The footage that we saw on the Four Corners program in mid-February—it is an amazing coincidence that I brought the bill in on Wednesday, 11 February and the Four Corners program was on the following Monday evening. I will not reflect on that anymore. It is the case, as I understand it, that the footage in Victoria—at that training track for greyhounds—was commenced in November 2014.

I believe I am right when I say that the RSPCA were given that footage on Wednesday 11 February. They closed the training track the same day or the next day. It then becomes incumbent to ask the question: if the motivation was indeed animal protection and animal welfare, upon what premise would people have held that footage for a three-month period, allowing the cruelty of those animals to continue when the RSPCA, as I understand it, was able to close up that training track and cease that cruelty literally within hours of being presented with the information?

In this particular advertisement, in today's newspaper, they go on about the term 'ag gag', which I take to mean the willingness or legislation that would stop people from actually reporting. That is what I understand 'gag' to mean. How can you apply that to a bill that far from gagging a person it requires them, if they see what they believe to be malicious cruelty, to go to a responsible authority and present that information?
With regard to people who might be trying to covertly obtain information, I only make this point: nothing in my bill prevents or precludes any person from acting legally. If they wish to protest, if they wish to gather outside a facility, all of that is legal. Any person in this country can act legally. But we must not take the law into our own hands. The legislation provides that a person would report that.

This is either about cruelty or it is not. It is about a moral obligation to act. It is, in my view, the concern of the welfare and the wellbeing and the protection of animals. I am at a loss to know how holding that footage for three months works. Where is the test of human decency in an action that fails to protect the wellbeing of animals?

**Middle East**

Senator FIERRAVANTI-WELLS (New South Wales—Parliamentary Secretary to the Minister for Social Services) (21:02): I rise to speak on the plight of the Assyrians in the Middle East but most especially in some of the recent atrocities that we have seen in the Mosul district. Soon we will be celebrating the Assyrian New Year—the year 6765—and I will be joining those celebrations, as I have for the last nine years. But it will be against the background of some very terrible events that are now happening in the Middle East—in particular, in the area of Mosul.

I remind the Senate, and I have spoken about this on various occasions, that the Assyrians have a culture that is embedded with the evolution of humanity and has helped to influence many forms of modern Christianity. Their language of Aramaic was the language of Lord Jesus Christ. Regrettably, the oppression of the Assyrians, often because of their faith, is also testament to their resilience. Understandably, this persecution has meant that increasingly, in past decades, thousands have sought refuge elsewhere.

I would remind the Senate that the Iraqis are one of the largest national groups that have been resettled under our humanitarian program over the last 10 years. They include quite a number of Christians of Assyrian background. According to the 2011 census, there were almost 22,000 people living in Australia who claimed Assyrian descent. Reflecting their persecution, Christian minorities from Iraq form the largest group of Iraqis that have been settled here in Australia. They suffered greatly after the 2003 invasion and have faced kidnappings, threats and even death due to their ethnicity and religious beliefs.

The foreign minister has recently used her powers, under the criminal code, to declare the district of Mosul in the Nineveh province, in Iraq, as an area where listed terrorist organisation Daesh is engaging in hostile activities. The declaration will make it an offence for a person to enter or remain in Mosul district without a legitimate purpose, and it carries a maximum penalty of 10 years. Mosul city, the largest city in Iraq controlled by Daesh, is the central location for foreign extremists to form networks and train. Daesh has carried out massive atrocities in the Mosul district, including public beheadings, crucifixions and summary executions as well as destroying numerous historical and religious sites.

Most recently, the dire situation facing the Assyrians occurred only in the recent week, with 35 Assyrian villages and towns on the banks of the Khabur river in Syria being attacked by Daesh. Most of the towns are now under their control. They have killed many people and taken hostages of a large number of families, including women and children. This has been reported in the press. I refer to a report by Al Jazeera on 1 March this year. It is a direct report
from an observer. It said that fighters seized Syrian villages from Kurdish forces in Hassakeh last week, where entire residential areas were ransacked and houses were burned to the ground. Those who were not able to flee were either killed or kidnapped, according to their relatives.

Activists in the Assyrian community in Beirut have put the number of kidnapped Assyrians at around 240, but relatives say the number is much higher. Again, in *The Daily Mail*, an article on 3 March has some very graphic photographs in relation to this.

What we have seen as part of Daesh's assault on Mosul is the destruction—the absolutely appalling ransacking—of Mosul's central museum, where they have destroyed priceless artefacts that are thousands of years old—statues and artefacts that date from the Assyrian and Akkadian empires, some dating back to the ninth century BC. Some were sculptures from the Roman-period city of Hatra, situated in the desert south of Mosul, and there were Assyrian artefacts from Nineveh and surrounding cities.

As we know, UNESCO has been founded on the belief that peace must be established on the basis of humanity's moral and intellectual solidarity. In July last year, UNESCO launched an action plan to safeguard Iraq's cultural heritage. Indeed, in September last year UNESCO called for saving Iraq's cultural heritage following reports of massive destruction of books in museums, libraries and universities. According to the Director-General of UNESCO:

Islamic, Christian, Kurdish and Jewish heritage, among others, is being intentionally destroyed or attacked in what is clearly a form of cultural cleansing. We are gravely concerned about scale of traffic in cultural goods, from which Iraq has already greatly suffered over the past decade.

In November last year a conference was held on the endangered heritage and cultural diversity of Iraq and Syria.

Of course, on 26 February, Daesh destroyed these ancient artefacts. They actually posted a five-minute video which showed the destruction—men using hammers and drills to smash several statues in the museum. The militants have destroyed priceless collections of statues and sculptures. What they have done is absolutely atrocious in this wilful destruction. This is billions of dollars' worth of artefacts which have been destroyed with hammers. You can see from the video how they did this.

A Syrian writer from one of the activist groups in the area is quoted in *The Guardian*:

When you watch the footage, you feel visceral pain and outrage, like you do when you see human beings hurt.

As we know, under the Rome statute of the International Criminal Court, the deliberate destruction of cultural heritage is a war crime. Indeed, action is being taken, as I understand it, at various levels according to the Director-General of UNESCO, to stop what she describes as 'cultural cleansing'. She stated at a press conference on 27 February:

… the "deliberate destruction" of cultural heritage is a war crime …

It is a similar process in relation to the attacks that we saw on the mausoleums in Timbuktu by al-Qaeda

On 27 February the United Nations Security Council issued a press statement on this destruction of the religious and cultural artefacts in Mosul. The statement condemns the ongoing barbaric activities of Daesh:

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**CHAMBER**
... targeted destruction of religious sites and objects, and noted with concern that ISIL and other individuals, groups, undertakings and entities associated with Al-Qaeda are generating income from engaging directly or indirectly in the looting and smuggling of cultural heritage items from archaeological sites, museums, libraries, archives, and other sites in Iraq and Syria, which is being used to support their recruitment efforts and strengthen their operational capability to organize and carry out terrorist attacks.

I conclude by saying that there is no way that Iraq should have to face this alone. Australia, as we know, is part of a coalition of 60 countries that are seeking to defeat Daesh. (Time expired)

Hadgkiss, Mr Nigel

Senator RHIANNON (New South Wales) (21:12): Nigel Hadgkiss, director of the Fair Work Building and Construction inspectorate, has framed his career and, indeed, his life, as a crime fighter, exposing corruption, drug runners and criminals. His backers, from employment minister, Eric Abetz, across to the Institute of Public Affairs, clearly believe he is the man with the drive and the attitude to deliver on their wish list to restrict union rights and to destroy the CFMEU.

The work Hadgkiss drives through the FWBC, if successful, stands to reshape Australia. Unions would be weakened until they were no longer effective in representing workers attempting to organise collectively: industrially for improved wages and conditions, and politically on social and environmental issues. Hadgkiss and his team do not just have the CFMEU in their sights. This is about reducing the pay workers that take home at the end of the week and reducing the rights of workers to ensure they have a safe workplace.

With Hadgkiss the man driving these changes, it is only legitimate that Australians know who he is. Born in the English Midlands, Hadgkiss early in his career took a job with the Hong Kong Police Force. In 1989, as a Winston Churchill Fellow, the Hadgkiss CV tells us that he studied methods for combating organised crime in Northern Ireland. I understand he also did a second stint in Northern Ireland in 2002, when he worked for Australia’s National Crime Authority. The Royal Ulster Constabulary—known as the RUC—was the local police force in Northern Ireland until 2001, when it was renamed the Police Service of Northern Ireland.

This is where Senator Abetz’s favourite public servant owes the Australian public a full explanation of his time in Belfast. In 1989 the RUC was not an exemplary police force. It is now on the historic record that the RUC was involved with paramilitaries in carrying out brutal crimes, including murder. The RUC was not fighting organised crime; it was the organised crime outfit of Northern Ireland.

There is no suggestion that Hadgkiss was involved in crimes committed by the RUC. However, why does he promote this visit as a study trip to examine methods of fighting organised crime? What did he study when he visited Northern Ireland in 1989? The actions of members of the RUC are shocking criminal acts. Probably the most serious crime committed by the RUC in 1989, the year that Hadgkiss was apparently first in Northern Ireland, was the murder of the Belfast solicitor Patrick Finucane. He was shot 14 times as he sat eating his Sunday lunch with his wife and three children in their Belfast home. His wife was injured, while his young children witnessed the murder as they sheltered under the kitchen table.
In 2001 a retired Canadian Judge, Peter Cory, was appointed by the British and Irish governments to investigate allegations of collusion by the RUC, the British Army and the Gardia—the police force of the Republic of Ireland—in a series of murders including the killing of Finucane. When one reads about the extent of collusion between the RUC and paramilitaries, it is hard to imagine what form combating organised crime could have taken in Northern Ireland in 1989 and what a visiting police officer from Australia would have studied. British Prime Minister David Cameron has acknowledged what he described as 'shocking levels of collusion'. He issued an apology to the Finucane family. The RUC crimes are not just linked with one murder in 1989. One of the British government instigated investigations found that the RUC was aware of two previous plans to kill Finucane earlier in the 1980s. They failed to notify him of the threat.

The report of the inquiry headed by prominent British lawyer Sir Desmond Lorenz de Silva states that, notwithstanding the apparent seriousness of the threat to Finucane's life, the decision was taken by RUC special branch, supported by the Irish Joint Section of MI5 and MI6, to take no action to warn or otherwise protect him because to do so could compromise an agent from whom the intelligence derived. Prime Minister Cameron noted in his comments on the Finucane case that he accepted that the RUC branch was 'responsible for seriously obstructing the investigation'. It is also on the record that Prime Minister Cameron's former director of security and intelligence, Ciaran Martin, had warned him that senior members of Margaret Thatcher's government may have been aware of 'a systemic problem with loyalist agents' at the time of Pat Finucane's death but had done nothing about it.

Hadgkiss cannot use the excuse that the crimes perpetrated by the RUC were not known when he visited. The evidence that the RUC colluded with loyalist paramilitaries—murdering gangs—is not new. The comments associated with the British prime minister—the reports, the apologies, the speeches in parliament—provide an insight into the brutal work of the RUC. Juxtapose this against Hadgkiss's public statement that the RUC provided him with an opportunity to study how to fight organised crime. There is an extreme disjunct here. What did Hadgkiss study in Northern Ireland? What lessons did he learn? Did he gain an insight into the crimes being committed by the RUC that were so serious they warranted an apology from the conservative prime minister of Britain? Did he observe any activities at the RUC that he should have reported?

I urge Hadgkiss to provide details about his past. Such information is relevant to how the FWBC director undertakes his job and to determine if Hadgkiss should be in such a powerful position. We do know that Hadgkiss's career has been under a cloud at least since the 1990s. In 2005 the Building Industry Taskforce at the time, headed up by Hadgkiss, said it lost interview records at the centre of former Detective Sergeant Michael McGann's accusations of payback and victimisation against Hadgkiss after McGann was effectively forced out of his job at the taskforce.

In the 1990s McGann and Hadgkiss had clashed at the Wood royal commission into corruption in the NSW Police Force. Hadgkiss was director of operations for the Commission. McGann, who had been awarded the Valour Award, the NSW police's highest bravery medal, was adversely named over an alleged assault on a thief and paedophile. All charges against McGann and four other police officers were dismissed by a magistrate who found the evidence to be unreliable. McGann maintained that Hadgkiss's investigators working at the
Wood royal commission fabricated evidence and that Hadgkiss should have known about it. McGann told the House of Representatives Standing Committee on Legal and Constitutional Affairs in 2003 that in his case Hadgkiss's investigators falsified witness statements and then forced the witness to sign the statement on the threat of going to jail themselves. Understandably, McGann believed his past run ins with Hadgkiss were linked to his dismissal from the Building Industry Taskforce. I doubt you would find details of these events on the Hadgkiss CV.

The Fair Work Building and Construction Inspectorate Hadgkiss heads up is part of a network of commissions and inquiries the Liberal-Nationals government has set up that are squandering millions of dollars of public money and resources on what we could call the ultimate in corporate welfare. This is one of the key objectives of coalition governments: to use public money to assist companies to boost profits by reducing the share of income going to wages. This corporate welfare is being laid on with a mighty big trowel. In the last budget the FWBC picked up a 17.25 per cent increase in funding to take them to $34.3 million. This included a 32.6 per cent increase in spending on staff. Last year Hadgkiss received a $90,000 pay rise to take his annual salary to $406,000. All this in a climate of budget cutbacks across the entire public sector, excluding the spy agencies and defence. Meanwhile, Hadgkiss's FWBC has offloaded any responsibility for employees' unpaid entitlements and sham contracting to the Fair Work Ombudsman, the corporate regulator ASIC and the tax office. These agencies have all suffered budget cuts, unlike the FWBC.

I think the evidence is well and truly in that Hadgkiss has a deep level of bias against the CFMEU and construction unions and that his work is designed to assist the plan of this conservative government to drive down and abolish penalty rates, reduce wage increases and limit workers ability to fight for a safe workplace. Hadgkiss is putting himself out there as the celebrity police officer riding into town to extend his fight against organised crime into the Australian union movement. If that is how he wants to be portrayed and we can assume be remembered, surely he needs to provide an accurate record of his public life with the Royal Ulster Constabulary and with the fabricating of evidence at the Wood royal commission. 

_Time expired_

**Hadgkiss, Mr Nigel**

**Senator O'SULLIVAN** (Queensland—Nationals Whip in the Senate) (21:22): I was not going to speak, but I cannot let the address by the last speaker go unchallenged. I participated in Senate estimates this week, where there was a serious examination of this witness who is being referred to with respect to the details, and I would say to the senator: you portrayed the deposition provided to the Senate and the committee in a false form. You should be encouraged to go and read the *Hansard*, and you should then have the courage to come back into this place and correct—

**The DEPUTY PRESIDENT**: Order! Senator O'Sullivan.

**Senator O'SULLIVAN**: Through you, Mr Deputy President: the senator should be invited to come back into this place and deal with the misrepresentations that have been made here tonight. I have only been here a year, but tonight's presentation was one of the most scurrilous abuses of the protection of this Senate I have seen since I have been here, in order to attack a person who is serving this government.
I will not take up time; it is late at night. But the senator needs to be urged, though you, Mr Deputy President, to go and check her facts; and to pay enough respect to that individual to come here and provide the truth on the floor of this Senate, rather than the false and misleading material that was just presented in her speech. I thank you for this opportunity.

Senate adjourned at 21:24

DOCUMENTS

Tabling

The following documents were tabled by the Clerk pursuant to statute:

 Acts Interpretation Act 1901—Statements relating to extension of time for presentation of periodic reports—
 Northern Territory Fisheries Joint Authority, Queensland Fisheries Joint Authority and Western Australian Fisheries Joint Authority—Reports for 2013-2014.
 Western Australian Fisheries Joint Authority—Consolidated report for the period 2005-2013.
 Autonomous Sanctions (Designated Persons and Entities and Declared Persons – Iran) Amendment List 2015 (No. 1) [F2015L00227].
 Autonomous Sanctions (Designated Persons and Entities and Declared Persons – Libya) Amendment List 2015 (No. 1) [F2015L00215].
 Autonomous Sanctions (Designated Persons and Entities and Declared Persons – Syria) Amendment List 2015 (No. 1) [F2015L00217].
 Autonomous Sanctions (Designated Persons and Entities and Declared Persons – Zimbabwe) Amendment List 2015 (No. 1) [F2015L00218].
 Autonomous Sanctions (Designated Persons and Entities – Democratic People's Republic of Korea) Amendment List 2015 (No. 2) [F2015L00216].

 Civil Aviation Act 1988—
 Civil Aviation Order 82.0 Amendment Instrument 2015 (No. 1) [F2015L00226].
 Civil Aviation Safety Regulations 1998—
 Exemption — DAMP organisations to provide information to CASA—CASA EX39/15 [F2015L00225].

 Main Rotor Blades—AD/R44/25 Amdt 1 [F2015L00232].
 Commissioner of Taxation—Public Rulings—
 Class Rulings—
 Erratum—CR 2015/12.
 Miscellaneous Taxation Ruling—Addendum—MT 2006/1.
Taxation Ruling (old series)—Notice of Withdrawal—IT 2521.
Taxation Ruling TR 2015/1.


*Criminal Code Act 1995*—

*Customs Act 1901*—Customs (Prohibited Imports) Amendment (Côte d'Ivoire Rough Diamonds) Regulation 2015—Select Legislative Instrument 2015 No. 14 [F2015L00238].

*Defence Act 1903*—
- Section 58B—

*Environment Protection and Biodiversity Conservation Act 1999*—Amendment—List of Specimens taken to be Suitable for Live Import (24 February 2015) [F2015L00221].


*Migration Act 1958*—Revocation of Direction No. 57—IMMI 14/150.

*National Health Act 1953*—
- National Health (Efficient Funding of Chemotherapy) Special Arrangement Amendment Instrument 2015 (No. 2)—PB 13 of 2015 [F2015L00230].
- National Health (Listed drugs on F1 or F2) Amendment Determination 2015 (No. 2)—PB 15 of 2015 [F2015L00222].


*Private Health Insurance Act 2007*—Private Health Insurance (Prostheses) Rules 2015 (No. 1) [F2015L00241].


Workplace Gender Equality Act 2012—Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Amendment Instrument 2015 (No. 1) [F2015L00237].

Tabling

The following documents were tabled pursuant to standing order 61(1)(b):

Regional Australia—South Australian Country Fire Service—Letter to the President of the Senate from the Treasurer (Mr Hockey), dated 27 February 2015, responding to the resolution of the Senate of 10 February 2015.


Order for the Production of Documents

The following documents were tabled by the Clerk pursuant to order:

Departmental and agency contracts for 2014—Letters of advice pursuant to the order of the Senate of 20 June 2001, as amended—

Education and Training portfolio.

Health portfolio.

Prime Minister and Cabinet portfolio.

Indexed lists of departmental and agency files for the period 1 July to 31 December 2014—Statement of compliance, pursuant to the order of the Senate of 30 May 1996, as amended—Department of Education and Training.