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SITTING DAYS—2016

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<thead>
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<th>Month</th>
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<td>December</td>
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- PERTH     585AM
- PERTH     585AM
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FORTY-FOURTH PARLIAMENT
FIRST SESSION—EIGHTH PERIOD

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

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

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

Printed by authority of the Senate
<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
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<tbody>
<tr>
<td>Abetz, Hon. Eric</td>
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<td>Back, Christopher John</td>
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<td>Bullock, Joseph Warrington</td>
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<tr>
<td>Collins, Hon. Jacinta Mary Ann</td>
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<td>Macdonald, Hon. Ian Douglas</td>
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<td>Marshall, Gavin Mark</td>
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<td>McKim, Nicholas James(5)</td>
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<td>McLucas, Hon. Jan Elizabeth</td>
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<td>Moore, Claire Mary</td>
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<tr>
<td>Muir, Ricky Lee</td>
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<td>Nash, Hon. Fiona Joy</td>
<td>NSW</td>
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</table>
Pursuant to section 42 of the Commonwealth Electoral Act 1918, the terms of service of the following senators representing the Australian Capital Territory and the Northern Territory expire at the close of the day immediately before the polling day for the next general election of members of the House of Representatives:

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

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

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

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

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

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

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

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

Each box represents a portfolio. **Cabinet Ministers are shown in bold type**. As a general rule, there is one department in each portfolio. However, there is a Department of Human Services in the Social Services portfolio and a Department of Veterans’ Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases. Assistant Ministers in italics are designated as Parliamentary Secretaries under the *Ministers of State Act 1952*. 
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<thead>
<tr>
<th>TITLE</th>
<th>SHADOW MINISTER</th>
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<tr>
<td>Leader of the Opposition</td>
<td>Hon. Bill Shorten MP</td>
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<tr>
<td>Shadow Minister Assisting the Leader for Science</td>
<td>Senator the Hon. Kim Carr</td>
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<tr>
<td>Shadow Minister Assisting the Leader on State and Territory Relations</td>
<td>Senator Katy Gallagher*</td>
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<td>Shadow Minister for Women</td>
<td>Senator Claire Gallagher*</td>
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<tr>
<td>Manager of Opposition Business (Senate)</td>
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<tr>
<td>Shadow Cabinet Secretary</td>
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<tr>
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<td>Hon. Ed Husic MP</td>
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<tr>
<td>Shadow Parliamentary Secretary Assisting with Digital Innovation and Startups</td>
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<tr>
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<tr>
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<tr>
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<td>Hon. Tanya Plibersek MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Foreign Affairs</td>
<td>Hon. Matt Thistlethwaite MP</td>
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<tr>
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<td>Hon. David Feeney MP</td>
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<td>Hon. David Feeney MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Defence</td>
<td>Gai Brodtmann MP</td>
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<tr>
<td>Shadow Minister for Infrastructure and Transport</td>
<td>Hon. Anthony Albanese MP</td>
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<tr>
<td>Shadow Minister for Cities</td>
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* Senator Katy Gallagher’s appointment to the Shadow Ministry is effective from 1 November 2015. Senator the Hon. Jan McLucas will serve as Shadow Minister for Housing and Homelessness and Shadow Minister for Mental Health, and represent the Shadow Minister for Northern Australia, the Shadow Minister for Health, the Shadow Assistant Minister for Health, the Shadow Minister for Sport and the Shadow Minister for Indigenous Affairs in the Senate until 31 October 2015.
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Thursday, 4 February 2016

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

DOCUMENTS

Tabling

The Clerk: I table documents pursuant to statute and returns to order. 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

Environment and Communications Legislation Committee

Legal and Constitutional Affairs References Committee

Meeting

The Clerk: Proposals to meet have been lodged as follows: from the Environment and Communications Legislation Committee for a private meeting today from 1 pm; and from the Legal and Constitutional Affairs References Committee for a private meeting today from 3.45 pm.

The PRESIDENT (09:31): Does any senator wish to have the question put on any of those motions? There being none, we will move on.

ANSWERS TO QUESTIONS ON NOTICE

Question Nos 2630, 2631 and 2632

Senator COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (09:31): I seek leave to make a short statement relating to Senator Ludlam's request yesterday for a response to questions on notice relating to the Perth Freight Link.

Leave granted.

Senator COLBECK: I now understand that Senator Ludlam has requested information on the Perth Freight Link via several means, and the information provided to the Clerk on 23 November 2015 was in fact a response to an order for the production of documents on the Perth Freight Link and not a response to the questions on notice being referred to by Senator Ludlam. I apologise to Senator Ludlam and the chamber for the error.

In relation to questions on notice 2630, 2631 and 2632 from November 2015, I have requested the office of the Deputy Prime Minister action the responses as quickly as possible. Once these are made available to me, I will present them to the chamber.

Senator Moore: Mr President, I am just checking to see whether we had any advice that the statement that the minister just made was going to be made in the chamber at this time.

The PRESIDENT: The minister did seek leave to make a statement.
Senator Moore: Prior to the seeking of leave, it is actually standard practice to give some advice about when these things are going to occur in the chamber. I am just checking. It may well have come to someone else, but it did not come to me. I was unaware that the minister would be making that statement this morning.

The PRESIDENT: It is not really a matter for me to adjudicate.

Senator Moore: I am just seeking clarification.

The PRESIDENT: In this case, it was not a regular ministerial statement. It was a clarification of an issue that arose yesterday. I have seen it in a different light. However, if the minister wants to make any remarks in relation to that, he may.

Senator COLBECK: To clarify, no, I did not give advice. It was a clarification of an issue that occurred yesterday. I had discussions with Senator Ludlam yesterday afternoon once I became aware of the circumstances so that he was aware as soon as possible of the situation that existed. I did tell Senator Ludlam at the time that I would be making a statement to clarify the situation from yesterday, but I did not formally advise the opposition. If that was an omission on my part, I apologise.

The PRESIDENT: I will just make the comment that, in relation to these matters, the minister has no choice. He had to come and correct the record. So, really, whether advice was given or not I consider immaterial. I take your point, Senator Moore, but it was not a regular ministerial statement; it was more a correction of the record. The minister is in order and has corrected the record. But thank you for asking, Senator Moore.

PARTY OFFICE HOLDERS

Glenn Lazarus Team

Senator LAZARUS (Queensland) (09:34): by leave—I wish to inform the chamber that I am the leader of the Glenn Lazarus Team.

BILLS

Recognition of Foreign Marriages Bill 2014

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator SIMMS (South Australia) (09:35): The bill I rise to speak on today, the Recognition of Foreign Marriages Bill, will end a cruel and draconian feature of Australian law by providing recognition across Australia for same-sex marriages performed overseas. We currently have a situation where overseas same-sex marriages are recognised in New South Wales, Queensland, Victoria and Tasmania, but not in other states. They are not recognised in my home state of South Australia. It lags well behind, as does the state of Western Australia and the territories. We have to remedy this complex web of relationship laws so that married couples receive the acknowledgement that they deserve. Recognition should not stop at state borders. We need to have a uniform approach to these issues and these questions of human rights.

The consequences of this parliament failing to show leadership on this issue are heartbreaking and they became all too clear with the distressing case of Marco Bulmer-Rizzi
in Adelaide. It was appalling that Mr Bulmer-Rizzi was not recognised as next of kin following the death of his husband in South Australia last month. He and his husband, David, were on their honeymoon and visiting friends in Adelaide. I am deeply concerned that a grieving husband was treated in this way and had to go through the pain of reading ‘never married’ on his husband's death certificate. How traumatising that decisions concerning his husband's death had to be directed to his father-in-law. In the Australian government's eyes he was not recognised, despite having legitimately married his husband overseas.

His father-in-law described the degrading and humiliating situation to BuzzFeed, saying, 'It demeaned my son's memory and denied their relationship. It has cast them as second-class citizens. None should ever have to go through what we have gone through. We're at the bottom and somebody has dug us a deeper pit’—all of this, despite marrying overseas in a legal wedding and despite the father-in-law of the widow declaring that Marco was the person who should have been able to make these kinds of decisions.

Marco Bulmer-Rizzi told 7.30 that the issuing of this death certificate was the most humiliating moment of his life. Imagine the trauma of losing your husband, your partner in life, and then having that trauma compounded by being treated in such a cruel and degrading way. Had Marco Bulmer-Rizzi’s husband died just 400 kilometres east, in New South Wales, a state that does recognise overseas same-sex marriage, then he would not have been put through this experience. So the cruel reality of these laws has been exposed by this tragic incident, and the inconsistency between our states on this matter has been exposed. It is clear that there is a need for national action.

I have to say I am deeply embarrassed and ashamed that, as a senator for South Australia, my home state has been lagging so far behind on this issue. As the first state in this country to decriminalise homosexuality 40 years ago last year, South Australia has been a leader in the space of rights for gay and lesbian people, but it is a sad indictment of my home state that we are one of the last states to end this form of discrimination.

There was a huge reaction to this story in South Australia in early January. I do want to acknowledge that the Premier of South Australia, Mr Weatherill, has apologised and announced that he intends to take legislative action on this matter in the state parliament, and obviously we in the Greens welcome that development. However, this case highlights why we need national laws in this area. The fact that we had to wait for an appalling human tragedy for the state government to take action—a government that has been in power for more than 14 years—highlights why we need uniform laws at a national level. Human rights should never stop at state borders. Human rights do not stop at state borders, and we need to have some uniform legislation in place to deal with this issue. By supporting this bill, we can ensure that same-sex marriages performed overseas are recognised right across our country. There is no ambiguity. Whether you are in Western Australia, whether you are in South Australia, whether you are in the Northern Territory, you should have the same rights as other people visiting our nation, and our bill will achieve that.

Currently there are 14 countries around the world, along with a series of state jurisdictions in a further six countries, who recognise marriage equality—and the numbers are building. How must citizens of these countries feel when they visit Australia and know that they could be exposed to the appalling treatment that faced Mr Marco Bulmer-Rizzi and his family? What does that say about our country and the way that we promote ourselves on the
international stage, when people coming to our country could be exposed to that kind of trauma?

I want to point out that this bill will also impact on Australians who have same-sex marriages performed overseas. It is an absurd reality that the Australian government not only deny the rights of same-sex couples to marry on Australian soil but also deny their rights to marry overseas. It is not enough for the Australian government to deny the rights of Australians on Australian soil; they want to deny their rights when they are overseas too. What an appalling indictment of our country. We need to do all that we can to ensure that no-one experiences the humiliation that Mr Bulmer-Rizzi has experienced, and this law would be a powerful step in that direction. It would be a powerful step in favour of equality.

We must also remember that this kind of humiliation and degradation is experienced by Australian couples on Australian soil, who also want their love and relationships acknowledged by their home country. While this bill would address marriages performed overseas, we need to change the law to recognise same-sex marriage here in Australia. The Greens have been a leading force in that debate. We continue to fight for the rights of all Australians to marry the person we love.

We know from the polls throughout this country—there have been a series of polls coming out on this issue over many years—that marriage equality is supported by a majority of Australians, and support is growing day by day. Despite this huge groundswell of support, the government continues to try to defer the issue by going to a costly and divisive and pointless plebiscite, which would cost taxpayers over $160 million a year. I saw in the news today that the Attorney-General is looking into developing legislation on this matter, despite the huge public outcry on this plebiscite. What a blatant waste of taxpayers' money. What a flagrant disregard for taxpayers' money, particularly when people in the Liberal and National parties have come out and said that they will not support a decision of a plebiscite that they do not agree with. We are being sold this plebiscite lemon and told that it is the only way we are going to get this reform over the line, but the very people it has been set up to appease say they will not abide by the decision anyway; they will not even follow the outcome. They will turn their noses up at the Australian people and flout a decision of a plebiscite. So, really, the whole thing is a pointless and expensive sham.

Just a few days ago, a poll came out that looked at the majority of voters in three rural National Party held seats. It is clear that they reject the idea of a plebiscite. Almost two-thirds of those voters express that it is a poor or very poor use of taxpayers' money—and, obviously, we agree. These results clearly show that Australians want the parliament to act on marriage equality, and they want the government to ditch what would be an incredibly expensive and pointless plebiscite.

We are at a unique point in this debate on marriage equality. It is the first time we have been at this point in this debate, where we have the numbers in the federal parliament—people who support marriage equality—but we also have the leaders of three major political parties in this parliament supporting marriage equality. We know that Mr Turnbull supports marriage equality, we know that Mr Shorten supports marriage equality, and of course we know that the Greens leader, Senator Richard Di Natale, supports marriage equality and that the Greens have been leading this debate; yet somehow we as a parliament have not been able
to get this done. The numbers are there; what we need is political leadership from the Prime Minister. He needs to step in and stand up to the conservative right wing of his party.

We have heard members of the Liberal and National parties saying they will ignore the outcome of any plebiscite. They have said that they will turn their noses up at that. I want to say to members of all sides of this chamber that, on this bill on recognising the rights of same-sex couples married overseas, they should vote according to their conscience. They should vote for what they know to be right. If it is okay for conservative members of this parliament to say that they are going to vote according to their conscience to reject marriage equality, then it should be okay for those members of this parliament who support the reform of marriage equality to vote according to their conscience, and Mr Turnbull should provide that right to members of this parliament.

This legislation would amend the definition of marriage in the Marriage Act to recognise same-sex marriages performed in a foreign country. It is a step in the right direction on this long road for equality. It would provide certainty to gay and lesbian people who want to come and visit our country. People in same-sex relationships who are married deserve that certainty when they travel. They want to know that when they go to a country they are not going to have their human rights trampled over, they are not going to be humiliated and have their love degraded in the way that Mr Marco Bulmer-Rizzi was treated in Adelaide earlier this year. People want to know that when they travel overseas their rights are protected, and this bill will provide that certainty to people who are seeking to come to Australia.

This legislation would also recognise same-sex marriages of Australian couples that have been carried out overseas. It is an appalling reality of this debate—and it shows the lengths that the Australian government will go to in order to deny the rights of same-sex couples—that the Australian government not only denies people the right to marry here in Australia but also denies them the right to marry overseas. They say, 'When you come back to Australia your marriage is null and void.' What an appalling attack on the rights of gay and lesbian people in our country. It is time for some leadership on this issue.

When the Labor Party were in government and Senator Hanson-Young put this issue on the agenda at that time, there was not support for this reform. But I do hope that members of this parliament will think carefully about this as an important step in the campaign for marriage equality and that they will vote according to their conscience. It is critically important that they do that.

Why is it okay for members of the Liberal and National parties to say, 'Irrespective of the outcome of any decision, we will turn our noses up and we will flout the views of the Australian people', but those who actually support getting something done on marriage equality are not given the right to vote according to their conscience. There is a really serious anomaly here and it needs to be addressed.

I also want to make the point that it is time for Mr Turnbull to show some leadership on this issue when it comes to the rights of gay and lesbian people. I spoke in the chamber the other night about Mr Turnbull's failure to stand up to Tony Abbott when he went overseas and spoke to a right-wing lunatic fringe group. Mr Turnbull sat back and said, 'You're free to go and meet with whomever you want, that's fine', and failed to show any leadership. He failed to bring Mr Abbott to attention for his inappropriate comments and inappropriate actions. This strategy of appeasing Mr Abbott is not going to work; it is not going to gel with the Australian
people. Australians are looking for a change in direction from this government—not the same old stale policies. Mr Turnbull is great with the sizzle but where is the sausage? Where is the meat on the bones in terms of offering a different direction for our country? There is an opportunity, with this bill before the parliament, for the government to do things differently and for the parliament to provide recognition of same-sex marriages performed overseas. It is important issue.

We saw earlier this year, with the appalling treatment of Mr Bulmer-Rizzi in Adelaide, the terrible human consequences, the human implications, of what can happen when there is not something like this in place. I urge this parliament to support this bill.

**Senator FAWCETT** (South Australia—Deputy Government Whip in the Senate) (09:51): I too rise to address the Recognition of Foreign Marriages Bill 2014. I would like to comment on three aspects of the topic at hand. The first is around the actual issue of same-sex marriage, which is obviously at the core of what the Greens are hoping to achieve. The second is around the issue at hand that Senator Simms spoke about, which is recognition and particularly the human rights of same-sex couples. He referred to the case in South Australia which I will come back to a bit later, and that in itself is an issue that we do need to cover. Thirdly, from a technical perspective, I want to comment on some issues with the bill, particularly around some of the conclusions that the Legal and Constitutional Affairs Legislation Committee came to when they looked at this bill in 2014.

To come to the first issue, it will be no surprise to people who have heard me speak in this place before, and indeed in my former role as a member of the other place, to hear that I do not support same-sex marriage. I make that statement quite openly. I think it is important that as a nation, as we have this debate, there is recognition on both sides of the debate that people of goodwill can hold differing views on this topic. We should be able to have the discussion without name-calling, without putting people down and without labelling them. I would ask Senator Simms, when he refers to the group he calls right-wing lunatics and a fringe group, to consider that there are many people in mainstream Australia of good character and goodwill who share the views of people who support marriage between a man and a woman. If we are going to have a respectful debate in this country that has to flow both ways. I am sure that Senator Simms would not appreciate people who hold the same views that I do calling him or others who support same-sex marriage lunatics, fringe groups or other things. I would ask that that same courtesy be extended so that both sides of the debate can put forward their perspective, their point of view and in some cases their beliefs on this topic, so that as a nation we can have an adult and mature discussion, reaching a point in what is a very successful liberal, plural, secular democracy. That plural part means that there are people with different views. Their views have to be respected and they have to be given the right to put forward those views without fear of name-calling or indeed, as we have seen in Tasmania, being hauled before tribunals for putting forward their point of view.

On the second issue, the very sad situation of David Bulmer-Rizzi was raised by Senator Simms. I share his concern for the very human trauma and cost that that situation revealed here in Australia. But, as with many things, we need to look at what the root cause was of the issue and the pain that was caused—other than the tragic accident and death of David, obviously. What was it that caused Marco the pain? In that case it was the fact that he was not able to act as the next of kin and make appropriate decisions about care in the medical sense.
or, indeed, actions after David's death. I do not believe that this bill directly addresses the root cause of that problem.

As Senator Simms correctly identified, on the east coast state legislation has made it possible for somebody in Marco's situation to make those decisions. The remedy for the kinds of problems that he faced, being able to make those decisions, is actually found in state legislation. Senator Simms is right that South Australia lags behind in that regard in a number of areas. We have seen bills come through that attempt to find a way forward in this sometimes quite complex situation of domestic relationships. In fact, in 2006 a domestic partners bill was introduced in South Australia, which recognises that in addition to married couples there are de facto relationships and, in some cases, there are relationships that go beyond just an interdependent relationship, where two people who may not be the classic definition of partners, particularly in a sexual sense, but in a relational sense, can have the need for the same kinds of supports, provisions and legal rights as other people. So we see in state law attempts being made in South Australia to bring forward legislation that increasingly recognises and gets rid of discrimination in relation to various kinds of relationships.

We also see changes in federal law that go to the issue of relationships. Whether we are talking about things like Centrelink or the Family Court of Australia and family law, we see that in law the federal government has already taken steps to remove discrimination in relation to same-sex couples. From March 2009, for example, parties who are in an eligible de facto relationship can apply to the federal Family Court if that relationship has broken down. Before the court can determine that, you need to make sure that that relationship meets four criteria. One of those is that the relationship was registered under a prescribed law of a state or territory. South Australia is one of the places where they do not currently have the ability to register, but they can register the relationship through a domestic partnership agreement.

The point I am bringing out here is that this has been presented as discrimination against same-sex couples. But if a heterosexual couple who have not registered their de facto relationship wanted the remedies available through the Federal Court, they would not be eligible for that if they had not met those four criteria, which include registering the relationship. That is dependent in part on a state law. So what we see is that the remedy for the situation that was highlighted in the case of David Bulmer-Rizzi and his partner, Marco, is that state law actually provides the ability to recognise the relationship and to enable those state authorities to engage—in this case it would have been with Marco—so that he could have made the appropriate decisions as a recognised next of kin. I think it is important that, if we as legislators identify what is seen as an injustice in our community, the remedy that is put forward is by the appropriate level of government, so that the laws address the issue rather than creating a broader concern or change within Australia's legislated environment.

That is when I come to the third part, looking at the specific issues with this bill. Australia is a sovereign nation. We have our own laws, and whether or not you agree with the laws and support changes to the laws, they are the laws of Australia. They are the laws that all of us, regardless of our status and position, are required to follow.

Currently, Australian law is clear that marriage is between a man and a woman. It does not recognise other arrangements as valid marriages, regardless of whether they were celebrated in Australia or overseas. Similarly, the law does not recognise marriages of people from overseas, who are already in a valid marriage, where they were entered into without the
consent of both partners, or, for example, marriages involving underage individuals. There are a number of aspects of marriages which may be quite valid overseas but which may not be recognised here in Australia. If we start making changes against our sovereign law in the interests of one group, then why not the other groups?

We have, as I said, those three clear areas in our law—for example, underage individuals. I think Senator Simms mentioned some 14 countries overseas that support same-sex marriage. There are many, many more countries that allow underage marriage—child marriage. If we see populations within Australia coming from those countries wishing to have those marriages recognised—and if we are going to be consistent in giving up our sovereign laws—then we need to start recognising things like child marriage, which clearly, I think, Australians would reject and say is not consistent with our values. I do not believe allowing overseas law to override Australian law is a good principle for us to be adopting, no matter how much you passionately value the cause. In this case it is same-sex marriage. Once you give up that principle of maintaining our sovereign laws and surrendering them to the values of others, then there are areas that I think would be quite damaging for Australian society.

As Mr Marco Bulmer-Rizzi indicated himself, Australia has its own process to go through with respect to same-sex marriage. I think in that statement he is recognising that we have sovereignty here. We have a requirement that, if we were to change that aspect of our law, a process through the parliament, a plebiscite, or engaging the community is the way we have chosen to do that, and that will result in a decision one way or the other. But that will be a sovereign decision, as opposed to surrendering our laws to those from overseas. If the Australian parliament were to remove the requirement that only a man and a woman can be validly married in Australia, then amendments would also be necessary to recognise foreign same-sex marriages. Clearly, the government does not support that.

The previous version of the bill was introduced in 2013, and it did not proceed. The second reading was negatived on 20 June 2013. Senator Simms has raised the point about people exercising their judgement and respecting the decisions of the Australian people or the parliament, so I would encourage him to consider that, in the history of this topic, there have been a number of times when bills have come before the parliament and have not been supported. If he believes that people should just follow polls or the decisions of previous votes in the parliament, he should perhaps consider the fact that the parliament has voted on these issues before and has not supported them. If he wishes to continue his advocacy, he needs to accept the fact that those who do not agree with him will likewise continue their advocacy against the bill.

The Senate Legal and Constitutional Affairs Legislation Committee tabled a report on 25 September 2014 on this bill highlighting a number of concerns which had been raised by various submitters, including the Attorney-General's Department. Some of the issues that arise with the bill include that there would be the potential for differential treatment of same-sex marriages solemnised overseas, in contrast to same-sex partnerships which are recognised by some states and territories here in Australia. Likewise, same-sex marriages which can be conducted in foreign consulates in Australia and in overseas countries where same-sex marriage is not legal would not be recognised as valid marriages in Australia. That would make what is already a complex situation, in terms of the types of relationships, who recognises them and what the impact is in law, even more complex. There may be issues in
how the amendments in the bill would apply to same-sex marriages that have been solemnised overseas, and it would need to be amended to ensure that the other current limitations on the recognition of foreign marriages in section 88D—that is, going to issues such as minimum age, prohibited relationships and consent—are preserved in relation to foreign same-sex marriages.

The passage of the bill would, by its nature, create some considerable inconsistency with the current definition of marriage. It would mean that a same-sex couple could not get married in Australia based on the current definition of marriage under the act; however, they could get married overseas and have the marriage legally recognised in Australia under amended section 88EA. Again, when it comes to sovereignty, if we as a nation have said we do not support same-sex marriage—and at the moment that is the status quo; that is the law and until it is amended that remains law—why should we vote to put in place a complex system where Australians can bypass that law by going overseas and then have us, instead, recognise the validity of somebody else's law to bring that relationship back? If the Australian people want that change, then they will support a change to the law here in Australia. We should not be giving up that sovereign aspect of our law-making by, instead, just accepting the laws from another country. It would, indeed, be seen as a means to circumvent, or create a loophole, in Australian laws, encouraging same-sex couples to travel overseas rather than be married here.

In conclusion, I clearly will not be supporting the motion. As I said, there are three elements to my position. The first is the issue of same-sex marriage, which I am on the record as not supporting. I just reiterate that Australians of goodwill and good character hold opposing positions on this and neither side should be shouted down or prevented from putting forward their point of view in a respectful manner.

Secondly, the issue that has led to Senator Simms and others very passionately advocating their position goes to the tragedy that occurred in South Australia several weeks ago. I have made the point that the remedy to that is, in fact, found in state legislation, not in federal legislation. To remove that injustice, the South Australian government needs to bring forward legislation to mirror what is allowed on the east coast of Australia, where somebody in that situation can make those decisions on behalf of a critically ill person.

Thirdly, there are the issues with the bill itself. As highlighted by the Senate Legal and Constitutional Affairs Legislation Committee, which, in 2014, considered this bill and recommended that it not be passed, there are issues or complications with the bill that I think mean it would not be wise for the parliament to pass it. As stated, I will not be supporting the bill.

Senator MOORE (Queensland) (10:08): In today's discussion on the Recognition of Foreign Marriages Bill 2014, we are particularly looking at the issue of the recognition of foreign marriages for same-sex couples. We know that, as Senator Fawcett pointed out, a Senate legislation committee considered the previous form of this bill in 2014. My friend Senator Carol Brown was on that committee and will be talking about what occurred at that time.

I also want to take up the point that was made by Senator Fawcett—I always enjoy his contributions—about the rights of people to have different opinions in our debates here and also in the wider community. Something we must always hold true is that people have the right to a variety of views and the right to express them. As always—I know that Senator...
Fawcett and I agree on this point—having the right to express your views brings the responsibility of causing no harm or distress in the way that you express your views. It is a longstanding point that it is a 'rights and responsibilities' issue. We do have the right to express our views, and I think one of the joys of working in this place is that we have the opportunity to hear a range of views, often put forward in very dynamic fashion. But always, at the heart of it, the issue of respect must remain strong.

In no case is this more so than in discussions we have either here or in the wider community around issues of same-sex marriage. We know that the issues around same-sex marriage have been the cause of widespread discussion in our community and in this place. At times, I do not think the aspect of respect has been maintained as strongly as it should be. The issue that we are discussing this morning is around the recognition of foreign marriages for same-sex couples. These are couples who have achieved the legal status of having their marriages accepted either overseas or, more recently, if they have British citizenship, in British consulates in Australia. One of the issues that came up in the Senate inquiry was the amazing situation of people who walked into a British consulate as partners, achieved marriage status there and then walked out without their marriage status being accepted outside. It is a situation that I find difficult to understand.

Since the time that this parliament discussed this bill last year, we have had the case, which I know many people will mention in today's debate, of the situation in Adelaide, where a gentleman tragically lost his partner, his spouse, in an accident in Australia. Because of the vagaries of Australian law—and this is not the time to discuss our Constitution in full and the challenges, but also the joys, it presents—someone whose marriage has been accepted overseas does not have that right under South Australian law. It caused immense pain and concern not just for the individual—I do not think anyone can truly understand that—but also for his family, his friends and the community that gathered around him to understand exactly what the immediate effect of the current situation under law can be. It is not theoretical; it is not an academic discussion; it is about a person. It is about what it meant for a man whose partner, whose spouse, was killed in Australia to have it marked on the death certificate that they were not married.

This particular point is one that we have discussed in this place in a number of inquiries about other people whose legal status is not understood or determined effectively to cover their rights. When I heard about the case in South Australia, with the death certificate being marked as 'not married', my mind immediately turned to a range of people that we have worked with here. For example, there were people who grew up in institutions and had ineffective documentation or whose documentation was not complete, so they did not have parental status on birth certificates. Also, there were women whose children were taken from them in the adoption process, which was the subject of a Senate inquiry. One of the core issues in that inquiry was legal status, documentation and the impact of not being able to have documentation which truly reflects your status.

The issue that came to mind when I heard about the Adelaide situation related to a woman with whom I have worked for many years. She had lost her child under the horror of the adoption process in this country and was not able to have a birth certificate that acknowledged that the child was her son. After having a wonderful reconciliation with him, the young man died early. It caused an amazing amount of grief to that woman when her son's death...
certificate did not reflect that she was his mother. My heart breaks for her situation, which, unfortunately, is not uncommon. When I heard about the Adelaide situation around documentation, the pain was so immense, and I understood that this is the kind of practical impact of the law as it stands now. That couple was formally married. They did not have a civil partnership; they did not have a personal commitment to each other—though I am sure they did. But it was more than that: they were married under English law. They came to Australia for their honeymoon—which is ironic in itself in terms of what happened.

Because marriages between same-sex partners conducted overseas—or now in the British High Commission or consul—are not generally recognised across Australia, it is left to a state jurisdiction, and in this case the vagaries broke in and on the death certificate it said 'Not formally married'. I am going to be careful with my language here, but it makes it even more ridiculous that, as Senator Simms pointed out, if that accident had occurred very close to where it did, across a state border—a state border that is completely unable to be seen; where you take a step across a line, which I do not think is even marked on the map—the law changes in this case, which is so difficult, as in many other cases. The difference between the debate that we had here around the previous act and the debate that we are having today is that we have this clear evidence of the case in Adelaide that someone has been brave enough to tell people about and to have their personal pain exposed to the world. We now have a circumstance where we can say, 'This is what this law means and this is the pain that it causes.'

Other people in the debate today will work through the legalities and the way that the law works and talk about the number of countries in a similar situation to ours, where at this point in time we have not taken a national decision to accept the legality of what I call marriage equality but other people call same-sex marriage. That is a fact: we have not had the process in our country to accept that. But the legislation before us now is about whether we accept the marriage status of people who have legal marriages elsewhere. A number of other countries—and they are all listed in the Senate report—are in exactly the same situation. In Israel, for instance—and I take that as a place that many people in Australia visit—there is no national agreement on same-sex marriage. But, if you have a marriage certificate from another country, they will accept that in that country and they will never have the situation of someone's rights as a partner being questioned or being disallowed. So there is a precedent in other countries which have the same lack of recognition for the concept of marriage equality. So we are not asking for something which is peculiar.

The wider discussion about whether we as a nation move to accept same-sex marriage as a right for all citizens is another debate. But in the Senate inquiry—and also, I would expect, in some of the contributions today in the discussion around recognition of foreign marriage—the core debate was and will be about whether or not people personally accept same-sex marriage. Reading the report and the evidence from the Senate inquiry, you see that it did tend to go into the wider issue of the legality of same-sex marriage, as opposed to the point of this bill, which is recognising people who have already that status elsewhere. That is an important issue, and one of the points that will come out today is the ongoing process in Australia about determining same-sex marriage in our country and the issue of the plebiscite and when and how that will occur.
We seem to have many Senate inquiries. They are so important. They are how we get our information. There was also a Senate inquiry on the issue of the plebiscite. Again, the discussion during that inquiry tended to be around whether or not people were accepting of the same-sex issue, as opposed to the particular issue of the inquiry, the plebiscite. There were pertinent questions around the cost and timing of the plebiscite, and in recent times there has been a real discussion about whether the plebiscite has any impact on people's votes. There was also discussion in the Senate inquiry about whether or not it would be binding. There is no clear rule around that, except the statements from parties and individuals about their intent.

There is a question about whether, if the way that that law is going to be addressed is through a plebiscite, it will in fact have a direct effect on what will happen in this place. On that basis, perhaps we should be looking at a plebiscite on the Marriage Act Amendment (Recognition of Foreign Marriages for Same-Sex Couples)—with more expense and more discussion across the community—and see what comes up with a vote in this place and see whether or not the plebiscite will be binding.

For me the importance of the discussion on this issue is twofold. Of course it is about making sure that people are aware of what is happening in the overall debate around the issue of same-sex marriage. Through any of these discussions we learn about what is happening in other countries in terms of their discussions and their legislation. It is important to look at how those processes operate. We also learn more about what is happening in the community—about their awareness of the issues, about their engagement and about what their hope would be regarding what would happen in their parliament about a decision that will impact across the board.

I think it is important in our discussion on this bill that we do learn more about what happens overseas and we do learn more about people's views on the impact of making changes around recognition of same-sex marriage generally. That is an important part of the ongoing discussion. Following on from Senator Fawcett, the mode and how we conduct that discussion is very important. The more opportunity we have to genuinely exchange views and listen to views and look at the impact of any changes we make is in itself valuable. I said to someone before this debate when I was looking at that speaking list—and it is an extensive one, because there is genuine interest in this area—that I would be surprised if I heard anything new from any of the people who are contributing, because the people who want to contribute have been contributing in this place and in the community over many years in some cases. But that does not make it any less valuable. Having the chance to exchange views and to be able to put on the record how you feel is an important part of being in the Senate.

So there is the element of the wider issue of how people feel about same-sex marriage, but I draw back again to the particular bill before us. The Senate inquiry had a range of evidence before it, but one of the points I want to raise is the issue around how the bill would impact on people who are transgender. In the wider discussion that we often have about the issue about same-sex marriage and same-sex equality, the particular concerns and sensitivities around transgender can sometimes be forgotten. Also, we had a previous Senate inquiry that looked at the issues of intersex, which is another area which should be considered when we have the discussion. It was important in the Senate inquiry that we heard from people who raised particular issues of transgender in the discussion. There is even another level of complexity in understanding what the impact of legislation would be. It is absolutely essential that when we
are drafting legislation we hear from people who will be impacted by any change. The Senate inquiry touched on issues around transgender, aspects of their rights in terms of what status they have in making partnerships and how decisions about marriage impact on transgender people.

Again, one of the underlying sensitivities is documentation. So often in this place when we hear about issues of identity what comes up is the formal documentation—those things that many of us take for granted: birth certificates, death certificates, certificates of status including marriage. In the transgender community, again this is an important aspect—just knowing what your identity means in the wider community. That carries on to the issues around identity on passports and identity in any process where you have to put your gender status or your marital status.

I cannot stress too strongly that the aspect of identity documentation is of critical importance. It must not be sidelined. What we saw in the case in South Australia, with the issue around acceptance of same-sex marriages in Australia, was that it really came down to the aspect of identity. What was the identity of that partnership? They were in fact married and the documentation, because of the way the law operated in South Australia, negated that. It negated their decision, negated their choice, negated who they were. So laws can be passed. The impact of laws must be understood.

Mr Acting Deputy President, you would not be surprised that I am speaking in favour of the bill, with an amendment to take into account the things that were identified in the inquiry. But absolutely the concept of accepting the right of people who have been married to have their marriages are accepted in Australia, in law and in documentation, is something that I strongly support.

I take Senator Fawcett's point that this is an issue that can be conducted state by state but, as we all know here, federal legislation overrides that. If there were standard law in our nation, just as the legislation before us would put in place, we would not have the ridiculous situation that your marriage status is determined by which state you happen to be in. You could get married in every state. Just go from state to state and see what happens. You would probably get caught out, because your documentation would be wrong and your documentation would not work. But, nonetheless, I think that we have seen now the impact of the law on people and the hurt it causes. This should be changed. It should be openly discussed. It should be legally clear and we should be able to say that, if you are married, you are married.

Senator RICE (Victoria) (10:26): In rising to speak today to our bill to recognise foreign marriages, I am coming from the perspective that it is the least that we can do in this ongoing debate that we are having in Australia about legalising and allowing same-sex equal marriage. It is the least we can do. There are other countries in the world that have moved on, where Australia has not been able to so far. We have had such a debate over so many years in parliament. I know the Greens have had bills in parliament to legislate for equal marriage since Bob Brown first arrived here in the Senate, well over a decade ago.

In the time that I have been here in the parliament, 18 months, I think I have spoken on equal marriage as many times as I have spoken on any issue. So we are getting there. We know that we have the majority of the Australian community. In fact, we are told the majority of Australian parliamentarians are now in favour of equal marriage. But we are stymied. We
are roadblocked. We do not seem to be able to take that step and actually celebrate marriage between same-sex attracted couples.

Our bill today, the Recognition of Foreign Marriages Bill 2014, says that the very least we can do is to recognise the marriages that have become law in other countries, where they have had the debate and they have moved forward. There are so many countries in the world now where that is the case. We have a situation where we had a change of law quite recently in Ireland, the change of law quite recently in the US. Not many years ago we had the change of legislation and the recognition of same-sex marriages in the UK and so close to home in New Zealand. Australians and Australian laws need to acknowledge that people who get married in these countries, and many others, are legally married. When they come to Australia, their marriages should be recognised.

Of course, as the speakers before me have acknowledged, including Senator Simms, who started this debate, this has all come to a head in recent times because of the tragic circumstances in South Australia with Mr Marco Bulmer-Rizzi after his husband, David, died last month. It brought to a head not just how absurd it is but that the consequences can be so harmful and so hurtful when people who have been married in other countries come to Australia and then find their marriages are not recognised.

In considering this legislation today, what we are calling upon the government to do and all members of parliament to do is this. We are saying: even if we cannot quite get to the stage, as yet, of accepting a change in Australian law to legalise equal marriage, at least have some courage to take action to legalise these foreign marriages. Having courage to do this is something that in fact will be accepted and will be celebrated by the majority of the Australian community. I think that celebration and acceptance is a reflection of—and we continue to have these debates because of—the importance of marriage in our society.

I know that is where the fundamental controversy arises, because, yes, changing to legalise equal marriage is a change. It is a change so that it is not just heterosexual couples, it is not just a man and a woman, who are able to get married. Yes, it does allow a man to marry a man, a woman to marry a woman, and somebody who is gender diverse and gender fluid and does not want to fit into that binary element of their gender to marry anybody they like. Yes, in some ways that will mean a change to how we have traditionally seen marriage. But we have seen change in what a legally accepted marriage is before. It used to be that we had situations where people of different races were not permitted to marry. I think that accepting that marriage is changing is accepting that, yes, our society changes, and it is accepting that there are couples in Australia who deeply love each other, who want to make that deeply personal commitment but also a public commitment of their love and commitment to each other. They want that to be legalised. They want to be considered the same, to have the same respect and the same recognition and not to be discriminated against—like every other couple in Australia.

I have, of course, personal experience of this, which I have spoken about before. I was married in 1986. In fact, my wife, Penny, and I are going to be celebrating our 30th wedding anniversary next month. When we married in 1986 we got married in a church, and it was a lovely wedding. It was just being part of society's celebration of a wedding, celebration of the institution of marriage, that deeply personal and public celebration. It was totally non-controversial. But then Penny, after a number of years of marriage, acknowledging that she
was transgendered, changed her gender. She is now Penny. She was Peter then, back in 1986. And suddenly, at that stage, we were in a situation where we were the same two people; we still loved each other, but suddenly our marriage was not considered the same as it had been for the previous 16 years. Why should it be so? We were the same people. We still loved each other. The fact that Penny was transgendered, that she had changed from being Peter to Penny, suddenly put us in this situation where it was a controversial thing.

It should not be so. The basic reason why it should not be so is that we need as a society to acknowledge that we are not just all heterosexual people. That is the fundamental thing that our society is still coming to terms with. We are still discriminating against same-sex-attracted people. We are still discriminating against people who are transgendered or gender fluid or gender diverse. In this debate and the other marriage debates, what we need to come to terms with is recognising that we are diverse—we have this great diversity of sexuality and gender identity—and that there should not be discrimination. We should all be celebrated and all be accepted and loved for who we are.

Penny's and my marriage is still controversial in that, if Penny were to change her birth certificate, we would have to get divorced. This is a ridiculous situation, and it is totally illogical. Penny has decided that, no, she is not going to do that; she is not going to change her birth certificate, because we want to stay married. But we need to be changing our legislation so these completely ridiculous, old-fashioned, outdated notions of who is able to be married disappear.

Where we are at now in our Australian society in recognising that not everyone is heterosexual and that everybody, regardless of who they are, regardless of their gender and their sexuality, needs to be able to be married really comes to a head in this sort of legislative change that is needed to bring our legislation to catch up with where the Australian community is. As I mentioned before, we are now in a situation where clearly we have a majority of the Australian community who support same-sex marriage, who would think that the issue of Australia acknowledging the marriages of people married overseas should be a complete no-brainer—there should not be any discussion about it at all.

It is certainly not controversial amongst young people. I have been struck over the last couple of years by the total acceptance of same-sex relationships and the total acceptance of gender diversity amongst young people and by the number of same-sex-attracted young people I know who have been getting engaged. They have engagement parties. They have great celebrations, declaring their love and saying, 'Yes, we intend to get married.' They are engaged. They do not know how long they are going to have to stay engaged before they are going to be able to be married in Australia, but they are saying: 'This is who we are. We intend to get married and are waiting for the law to catch up.' So this legislation that we have before us today is just a small way, the beginnings, of the law catching up.

We had a contribution from Senator Fawcett, who was expressing concern that people would essentially go country shopping for their marriage, that these same-sex-attracted couples who are getting engaged in Australia would go off—whether they go off to New Zealand or they go off to the UK or, if they are able to, get married in the British consulate—and that this was a concern. For me, I think, it is actually acknowledging the power of their love and the deep commitment that they have. If they are going to make that effort to actually go to another country to get married, I say good on them. I am told that New Zealand is very
nice at this time of year and that the New Zealand wedding industry is doing very well out of Australian couples who are travelling there to get married—having a legal marriage there that should be recognised here in Australia.

Recently I was invited to a pre-marriage party of friends of mine, one of whom is an Australian who has been living in the UK for a number of years and is getting married to his husband in the UK later this year. He would dearly like to have been able to get married in Australia. Most of his friends and family are in Australia, but, no, they are getting married in the UK. I have my wedding invitation, or effectively my wedding invitation, to come to their pre-marriage party in Australia.

We have such social acceptance of people who are same-sex attracted, transgender and gender diverse marrying in Australia that, here in this parliament, we need to be reflecting that. It is a ridiculous situation that our parliaments are so behind, so stuck in the last century. We need to be moving into the 21st century and catching up with the attitudes of the vast majority of Australians.

Returning to the issue of recognition of foreign marriage, it is such a ridiculous situation and, potentially, as we saw with the tragic case in South Australia, such a hurtful situation that foreign marriages are recognised in Victoria, New South Wales, Queensland and Tasmania but not in South Australia, Western Australia, the ACT and the Northern Territory. It just makes a mockery of our laws relating to this issue that that is the case. It shows the importance of why something like marriage should be legislated at a national level so that we can have uniform laws, because it does not make any difference as to whether you are in South Australia or in Victoria.

It is ridiculous that if you travel between those two states you have such a change in the status of your relationship. It is ridiculous, it can be so hurtful and it is just totally confusing. In the states where foreign marriages are not recognised, it is discrimination through and through. In the states where foreign marriages are not recognised, it is basically saying to people, 'Your marriage, your relationship, is not as significant and is not as important as other people's relationships.'

The Greens position is that we want to see equal marriage recognised as soon as possible but, in the meantime, this legislation is one small step forward. I must note that in relation to this legislation, which has been on the Notice Paper for quite a few years, it was drafted at a time when the issues of transgendered people were not as much in the spotlight as they are now. So those who are transgendered or who may not fit into either gender are not reflected in this legislation. I think it is unlikely that we are going to bring this legislation to a vote today, but at a later stage we would intend to amend this legislation to make sure that it does account for equal marriage not just same-sex marriage.

The Greens have got the courage. We have had the courage for years and years to be putting this on the agenda. Every time we have had a debate about equal marriage in any parliament in Australia, every Green—every vote, every time—we have been supporting the idea of equal marriage and having our parliaments and our legislation catch up with the community. We are very much commending this legislation to the Senate today. We see it as a small step forward that will really make a huge difference and a small step forward towards the time when we know that we will be celebrating the love between two people, regardless of their gender, regardless of their sexuality, celebrating the end of discrimination against same-
sex attracted people and transgendered people, and celebrating everybody being treated and valued for who they are.

Senator BERNARDI (South Australia) (10:42): I understand perfectly well that same-sex marriage and redefining marriage is a very sensitive subject. It is personal to many in this chamber and out in the community. I also recognise there are very strongly held views for those of us who want to defend and protect the institution of marriage as we see it and not redefine it. But this Recognition of Foreign Marriages Bill 2014 is not really about that. It provides a platform, of course, for Senators Rice and others to stand up and talk about their personal relationships or about community demands and the need for a redefinition of marriage.

At the heart of this bill is a challenge to Australia's sovereignty to determine the laws that apply in this country and not be subject and beholden to laws implemented in other countries. That is the essence of what we are being asked to do here: to say something is not allowed in this country, is not legal in this country, yet we have to recognise the laws of foreign nations even though they conflict with our own existing legislation. That is what we are being asked to do: it is not legal for same-sex couples and homosexual couples to get married in Australia but it is okay, apparently, for them to get married overseas and come here and then say they are married.

It is a way of subverting Australia's self-determination in this place. I think that is wrong. I have said it is wrong whether it is about same-sex marriage or whether about subverting ourselves to the dictates of international treaties or anything else. We should be able to make our own determination about what happens in our country and the laws that apply to our citizens just like other countries. That is what national sovereignty is about. Of course, there are people in this place, in that corner on the other side, generally, who want to break down borders. And may I paraphrase their former leader, Bob Brown, who wanted one global government. That is what he wanted. He did not want borders. He wanted one global government and the rules, as determined by this global government—which would not be elected, by the way—to apply to all citizens equally. It is communism by any other form.

Now we have this conflation of the emotive topic of same-sex marriage working its way in with this global governance theory that the Greens have been pursuing. Bob Brown let it out of the bag when he referred to us as 'Earthians'—and I think he probably did want to include 'aliens', because he said the aliens were not talking to us because of what we were doing to the planet. This is utter madness.

The madness did not stop when former Senator Brown left. He left a legacy of it. It is like a virus that has infected that corner of the chamber. We have to start standing up for our national sovereignty and our self-determination and pass this bill. We have to advocate for this bill in this place—and it is not the first time it has been introduced. To advocate for it is to pre-empt the process that is already underway to survey the Australian people about their views on changing the definition of marriage. As I said before, people have personal and distinct views on this, but we should not conflate them. This is about Australia self-determination.

There are a number of flaws with this bill which have been dealt with, because it does circumvent our law. It would encourage same-sex couples who wanted to get married to go to where it is legal, like New Zealand, where, Senator Rice said, the marriage industry is doing
really well. May I suggest—respectively, through you, Mr Chair—to Senator Rice that if people want to have a celebration of their love and commitment they can do that anywhere in the world. They can have it in their own backyard. I am sure they would find a religious institution that would allow it, notwithstanding the fact that it is a same-sex couple. You would find an enormous tolerance for it. People could do it in the beautiful parklands around the seats of Adelaide. They could do it here in the parks of Canberra—anywhere they like. They can have the party industry to their hearts content. And they could wear whatever they like. They could wear white dresses and tuxes. They can do whatever they want to in that respect.

But to suggest that we have to recognise a foreign law that is contrary to our own I think undermines this institution as well as our legal system. Now, you may disagree—and I suspect you do, Senator Rice. And you will not be alone in disagreeing with me over there—I see three heads nodding. But it is attached to the principle here, and that is where I think you are barking up the wrong tree, because you are jumping the gun, if I can put it that way. You are trying to force something upon this country that it has not accepted as yet. This parliament has not accepted it. There is a process going forward about it.

The ACTING DEPUTY PRESIDENT (Senator Williams): Order! Senator Bernardi, direct your comments through the chair.

Senator BERNARDI: Indeed, I am. I am just facing the Greens' way.

The ACTING DEPUTY PRESIDENT: Is that right, Senator Bernardi? Continue please.

Senator Lines interjecting—

Senator Bilyk: It is disengaged from his body, I reckon.

The ACTING DEPUTY PRESIDENT: Order! Continue.

Senator BERNARDI: I seek your protection from the vile slurs!

The ACTING DEPUTY PRESIDENT: The chamber has been very good this morning since we have been here, Senator Bernardi. The chamber will come to order and Senator Bernardi will continue with his comments directed to me.

Senator BERNARDI: It is about circumventing Australian law, so I am trying to dismiss my personal views about redefining marriage and attach them to the principle about allowing or redefining our laws to accommodate foreign laws. I do not want to cause headlines—but I probably will anyway—but where do we take this? How far are we going to take this, because in Saudi Arabia or some of the Islamic countries you could go to it is legal for a man to marry four wives? That is a foreign marriage. Should we be expected to recognise that in this country? My argument is exactly the same: the answer would be no. They have their laws they can apply to their people, but we should not be forced to recognise it in this country, because it is not our law. If people want to change our law to do that, they are welcome to make the case, just as I am welcome to make the case against it. But the same principle applies.

We have this case where the advocates are trying to conflate two significant issues, one from their personal desire to redefine marriage in this country, and they have found a way that they think they can do it by stealth. They can encourage Australians to go overseas to get married and then come back here and say, 'We are married and recognised as married under
Australian law.' You could encourage individuals who are, perhaps, British residents to get married in the high commission here, for example, because it is legal under British law, and then we would be expected to recognise their marriage in this country.

I also make the point that there is a lot of debate about this word 'marriage' and redefining what it means. We have, in effect, the opportunity for same-sex attracted couples who want to permanently recognise their union or register their union to do that through an appropriate register already. I note, Mr Acting Deputy President, I think it was you who suggested that perhaps that could be called a different name rather than 'marriage' and that might satisfy the diverse groups that have an opinion in this space. Whether that is accurate or not, I am not entirely sure. My point is that there is already an opportunity for same-sex attracted couples who want to recognise themselves and register in a permanent union to get all the same benefits, if you will, of married couples in this country. They can register with the government and they can be treated as spouses for all intents and purposes of government facilities.

In the 2011 census the total of same-sex couples whose relationship was reported as 'de facto partner'—and 'de facto' means, basically, 'common-law partner'—in Australia was 32,377. There was also a small group of 1,338 same-sex couples where the relationship was reported as 'husband' or 'wife'. So the total number of same-sex couple relationships that were registered either as de factos or claiming to be husband and wife was 33,714. That contrasts with the 4,650,986 opposite-sex couples whose relationships were either recognised as de facto or husband and wife. So it is a tiny subset of the community who are seeking this sort of registration or government recognition of their relationship status. For that tiny subsection of the community we are asked through this bill to suspend Australia's self-determination and to modify our existing legal framework to accommodate foreign laws. I find that an extraordinary precedent. I find it extraordinary not just in this case but also if we were asked to do that for any realm of our law. The laws are made in this place. We should not be subdued or subject to the laws of a foreign land simply because it is convenient for a group of advocates.

As I mentioned, there are some potential issues in respect of this. There is the potential differential treatment for same-sex couples who have their relationships solemnised overseas in contrast, perhaps, to same-sex partnerships pursuant to some state and territory laws in this country. Broadly speaking—there may be one or two exceptions—if same-sex relationships are registered they can obtain pretty much the same benefits in many respects as married couples, particularly under Commonwealth law in respect of inheritance, pensions and so forth. I think there are one or two anomalies in some states. That could bring us into conflict with some of the states and territories. Simply because someone has gone off to New Zealand to marry does not mean that what is recognised in New Zealand, for example, will be recognised in the UK, America or any other areas where it happens.

Then there is the question: if you have same-sex marriages conducted in foreign consulates in Australia and in consulates in overseas countries where same-sex marriage is not legal, would they be recognised as valid marriages? If you go to the Australian consulate overseas and decide that you want to get married there but it is not allowed by the law of the land, is that going to be recognised as a legal marriage? These are the sorts of questions that have not really been considered in this bill, although they were referred to a committee. There are a
number of amendments in the bill that would apply to same-sex marriages that have already been solemnised overseas and they may give rise to some particular legal issues.

I am not sure if there is a proposal for an amendment coming through or not but the bill would need to be amended to ensure that other current limitations on the recognition of foreign marriages—and section 88D of the Marriage Act deals with things like minimum age, prohibited relationships, consent and so forth—are preserved in relation to foreign same-sex marriages. We know that in certain countries the age of consent, the engagement or marriage of minors, the legal age for sexual relations and all of those sorts of things are not always consistent with Australia's expectations and societal expectations. The question is: are we supposed to accommodate that simply because it is legal or culturally acceptable in another country, even though it is not acceptable in our country? These are the sorts of real world questions to be asked. It is easy to put forward simplistic demands and say that this is about fairness, it is about equality or it is about something else, but there are implications for all of these things. That is what this place is meant to do; it is meant to consider the implications of things. In considering this bill, I cannot accept that we should be suspending Australia's sovereignty and self-determination to satisfy the laws of another land.

I made mention before that the bill was referred to the Senate Legal and Constitutional Affairs Legislation Committee. It reported on 25 September 2014. That was a couple of years ago and I do accept that maybe the public debate has slightly moved on since that time, but that does not negate the concerns that the Legal and Constitutional Affairs Legislation Committee had because it dealt with the legal aspects and implications of the bill and not the emotive aspects of the bill. The committee recommended that the bill not be passed. I am not a lawyer and I have not had any legal training, but I do respect some of the eminent legal minds in this place, people who have studiously sought to apply legal principles to the examination of bills and the potential consequences and implications of that. That committee, which is entrusted with the scrutiny of legislation by referring to our legal system and to our constitutional affairs, has recommended that this bill not be passed, for appropriate reasons, some of which I have detailed today.

It would come as no surprise after my earlier remarks that I am unable to support this bill because it not only undermines our status of self-determination but also creates inconsistencies. It creates inconsistencies with the current definition of marriage—that may change of course in the years ahead; time will tell—and it encourages people to run away from Australian law, subject themselves to other laws and to subvert the laws here. I note that there are a range of definitions of marriage around the world that are inconsistent with Australian law and that has not been dealt with in this place. I think what they have tried to do here is include same-sex couples, but in that determination they are ignoring a range of other people who for cultural, religious or other reasons may engage in other forms of relationship status. It is not about ending discrimination and it is not about opening up marriage to all and sundry; it is about trying to satisfy the demands of a relatively small subset of the Australian relationships register, as I have noted before, due to the 2011 census.

With that, I will seek to conclude my remarks with the sense that it may be true—and I am not conceding any point—that the Australian public are much more sympathetic to redefining marriage than I think they are. It may be true what Senator Rice said—that many more young people are open to seeing marriage as something different to what I have seen marriage as
throughout my entire life and what society generally, Western society, has seen it—but there is a limit to the tolerance. There are people that have an open mind in this space but who do not want to see a regular formal process, a process in which many people have a lot invested, subverted by bills like this.

I would expect that many Australians would regard this bill as a tricky way of advancing a particular cause which they may or may not agree with. The parliament, the Liberal Party, the coalition and the government have, to their credit I think, said that this is significant issue. Redefining marriage has not been able to be resolved through the parliament notwithstanding 16 different bills not having been passed. That is not good enough for the advocates of redefining marriage, so they want to put it to the Australian people. The Australian people are pretty smart. They will understand the implications of what they are going to be asked to deal with, but I do think they are not as tolerant of these sorts of measures that have come through because they are seeking to undermine what I would regard as due process. These measures are sneakily trying to advance the homosexual marriage cause without really going through the appropriate consultation period.

I have outlined the reasons why am I unable to support this bill; some of them are personal. I respect that other people would have very personal investment and engagement in this but I do not think it does us any service as a nation to undermine our own national sovereignty to try and advance the homosexual marriage agenda by stealth, which this really is, because it would encourage people to go outside Australian law to engage in a solemnised union overseas and then come back here and demand a different set of standards or a different relationship status than is available to people under Australian law.

Senator LINES (Western Australia) (11:02): I too rise to support the Recognition of Foreign Marriages Bill 2014. It would come as no surprise to anyone in this place that I am a strong advocate for same-sex marriage. I think it is long overdue and I would want to see foreign marriages recognised. It was interesting to listen to Senator Bernardi’s contribution this morning because he did touch on Australia’s sovereign rights and said that if we moved on this bill and we allowed foreign marriage to be recognised in this country that it would create inconsistencies. What I want to do this morning is draw heavily on the dissenting report of Senator Carol Brown, who also was at the inquiry into this bill. Her report shows very clearly that there are already inconsistencies about how particularly same-sex couples are treated with a foreign marriage certificate in Australia. So those inconsistencies are already there and they absolutely impinge on the rights of individuals to operate fully in our society. Of course it is an absolute inconsistency that I could choose as a young woman to get married in Britain, live there for quite a few years and, on my return to Australia, have my marriage fully recognised. Those rights just automatically transferred.

I know Senator Moore and other senators have touched on the tragic case of David Bulmer-Rizzi, who recently was killed in South Australia. What is really tragic about that case is I am sure even those who do not support marriage equality would recognise that this was a genuine relationship, that they were genuinely in love and that they wanted to celebrate that love through a formal marriage, which of course, being British citizens, they were entitled to do and did so. When people get married or they engage in a civil union or whatever they choose, they seek to celebrate that. So as part of that celebration, the couple decided to come to Australia on their honeymoon to continue to celebrate their love and their union in a way that
many of us in this country choose to do. What of course nobody imagined was that, during that honeymoon, Mr David Bulmer-Rizzi would unfortunately lose his life in a freak accident.

We cannot really imagine the loss of a partner but we can all understand that that would be absolutely horrific, made worse in a foreign country away from family and friends to support you. But what happened then was truly tragic because the death certificate did not record David as being a married man—a final insult to this couple. To tragically lose your partner and then not have Australia recognise that the person you loved more than anyone else in the world, who you recognised and indeed who the British government and British people recognised as your husband, was a married man would be something that would sadden you for the rest of your life. It is something that is for me a given, having married in Britain and come back here. My marriage was recognised and simply continued on with all of the legal rights that came with it, but, in the case of David, his marriage was not recognised or recorded on his death certificate. That is an inconsistency right there in front of us that goes to the heart of unfairness and to the heart of what most Australians, I think, would regard as an absolute injustice. That that final piece, that final legal document did not have 'married' on it is the ultimate tragedy.

There is also the story of two gentlemen who moved to Pennsylvania from New York City: Bill Novak was 78 and Norman MacArthur was 76. Again, this is a US example but could equally apply here in Australia. Their domestic partnership was not recognised. In order to enable those rights—which those of us who can marry take for granted—to be recognised, they went to the extraordinary length of Mr Novak adopting Mr MacArthur as his son. Everybody knows that is farcical, but imagine being forced to go to that length just to make sure that your partner had rights under the law. This is what is being denied when we do not allow marriage equality. There are inconsistencies in the law. It is a tragic circumstance to make this farcical arrangement of pretending that someone is your adopted son so that there are legal rights about having access to someone if they are taken into hospital. Hospitals are very strict about next of kin and so on and so forth, and at that point when someone is ill you do not want to have to fight the bureaucracy to have your rights recognised. So that was an extraordinary length that they went to.

Australian Marriage Equality also tells the story of Julianne, who married in 2006 overseas. The minute she stepped back onto Australian soil, her marriage was not recognised. As I said earlier, the minute I step back onto Australian soil, my marriage was recognised. That marriage has dissolved and we are divorced, but today I still have the choice about whether I marry or whether I remain in a de facto relationship. We need to modernise our Marriage Act, because the phrase 'de facto' quite offends me. But I have that choice. Yet all of my friends in same-sex relationships in Australia are denied the same rights as I have.

As I said earlier, I am drawing on the work of Senator Brown on this. What we saw through the Senate inquiry—and Senator Bernardi did not go quite far enough with what the Senate inquiry discovered—is that there are countries that do not recognise same-sex marriages within their own systems but do recognise foreign marriages. This alleviates the sorts of minefields that people then encounter the minute that they want to be recognised as the spouse or the partner, often at a hospital or on a death certificate. So countries that do not have marriage equality as part of their sovereignty already recognise overseas marriages so that people have that smooth transition.
We know now that many countries have moved to look at marriage equality. This issue of marriage being between a man and woman has only been in the Marriage Act for 10 years, so it is a relatively new part of the Marriage Act. As we know, it was brought in by former Prime Minister John Howard. It is not as if has been in there forever and a day; it has not been. That definition was only put in 10 years ago, so it is not something that is like our Constitution and is enshrined and is very much part of who we are. That definition has only been in the Marriage Act for 10 years.

There are countries that, whilst they have not yet moved to marriage equality, recognise foreign marriages. For those foreign marriages—when you now get married as a same-sex person and you come back into Australia—your marriage is recognised under some level of Australian law, but really it is recognised as either a civil union or a de facto relationship. In Tasmania, the relationships recognition scheme recognises foreign same-sex marriages but as local civil unions. They are changing that definition, changing people's legal entitlements. It means that same-sex couples married in Tasmania who are married under foreign law have the same rights as married couples but not that same legal definition. That is because the state cannot do that, because this is a federal law.

When you start to look at what each state does, you start to see the inherent inconsistencies. If a Tasmanian couple who have their foreign marriage recognised move to South Australia, for example, it would not be recognised. So we have this massive inconsistency across the country, where one state jurisdiction recognises everything and gives, under state law, 100 per cent access to law and rights, and other states do not. That is completely unacceptable and is an inconsistency.

There have been policy changes in Australia to enable Australian citizens to enter into same-sex marriage under foreign laws, because some foreign countries that allow same-sex marriage have obviously different rules about what you need to do in order to make your marriage lawful under their laws. There are a number of countries that require proof that there is no impediment to marriage. Those of us who have been married know that those words are something to the effect of, 'Does anybody object?' Some countries require proof. So the Commonwealth government has now moved to give those same-sex couples certification that there is no impediment to their marriage, which is going to take place in a foreign country. Again, we see this pseudo-recognition that this couple is going to be taking on a formal marriage in another country, so the Commonwealth now assists by giving a certification saying that there is no impediment to marriage.

Again, this is another inconsistency. We do not have marriage equality in this country and we do not recognise those foreign marriages once the people come back to Australia, but we have smoothed the way and we provide a certificate to say there is no impediment to that same-sex couple getting married. The impediment occurs the minute they step back, wanting their foreign marriage to be recognised—even though Australia, under the Commonwealth, has enabled that to happen through the issuing of the no-impediment certificate.

This is a minefield. Again, this is another inconsistency—that we would enable that marriage to take place by issuing the certificate but the minute that couple comes back to Australia: bang! We do not recognise the marriage. That is sheer madness. That is really something out of Yes, Minister; that is bureaucracy gone crazy, that we do one thing to enable the marriage but then the impediment comes when you step back in.
Of course, as we know—and Senator Bernardi talked about this—you can now, as an Australian citizen, go to a British consulate to have your marriage recognised there. So if you have dual nationality you can go to the British High Commission in Canberra or wherever they exist in Australia and be married. Now, you are standing in Australia—sure, you are in a foreign embassy—but the minute you step outside that door, just a few steps away, your marriage is suddenly null and void and no longer recognised. Again, that is bureaucracy gone mad and another inconsistency. Whilst you are in that embassy office you are recognised as a married person and the minute you take two or three steps outside and back onto Australian soil then Australian law does not recognise that foreign marriage. That is complete madness.

Of course, we know that since New Zealand introduced the ability for same-sex couples to marry that many Australians have gone over there to be married. Indeed, two good friends of mine from Western Australia, in the few moments that we had marriage equality here in the ACT—well known to you, Mr Acting Deputy President Sterle—Stephen and Dennis came over here and I think were one of the first couples who were married. But, of course, that was very short lived. Even here in Australia that law was overturned, unfortunately. While Stephen and Dennis were married for a short time, now there is no formal recognition other than what Western Australia offers in relation to civil unions.

So we know that Australians who want to marry and who cannot marry here are going to New Zealand in significant numbers to be able at least to have a marriage certificate that acknowledges them as a couple. So it is quite incongruous, in spite of policy changes that enable same-sex couples to marry under foreign laws, and the recognition of foreign same-sex marriages, civil unions or de facto partnerships under state and Commonwealth laws, that these unions are still not considered as legal marriage under Australian law. Just trying to get your head around that is crazy.

And so the law treats same-sex couples differently. Certainly, during the Senate inquiry a number of submissions raised concerns about the interaction between some foreign marriage laws and the state and territory relationship recognition schemes, some of which cut right across that relationship. For example, we see that in effect Australian same-sex couples are being forced to choose between the practical protections offered by the recognition of the relationships under an Australian scheme—that they become the next of kin, that they are recognised in relation to immigration, legal recognition when not living under one roof et cetera—or to have the relationship appropriately recognised, as they see it, by being legally married under the British scheme.

But the British scheme forces Australians to make a choice, because under the British law being in a civil union is seen as being an impediment. So if you are in a civil union under Australian law you have to renounce that in a sense in order to take up marriage. This is an inconsistency and it is treating people differently because of the nature of their relationship. So, if you are same-sex person and you want to marry your partner you have to make that choice. It is ridiculous, and there are obvious legal hurdles that you have to go through.

This is forcing people to face the choice of having substantive rights through having an Australian certificate or having the dignity and respect of marriage with none of the rights. Here we are: if you want to be married and you have dual citizenship, you could be married under British law—which presumably gives you some dignity—but you would have to let go of any rights that you had through a civil union in Australia. That is the situation that people...
are faced with. It is not just a matter of saying, 'We are deeply in love and we want to make this lifelong commitment to one another, and we want to do that through marriage.' It is not as simple as it is for people like me to make that commitment; it is much more complicated if you are in a same-sex relationship. Again, that is an inherent unfairness that I really rail against. It is not appropriate, it is not right and it is not just to make those distinctions between one person and me based on my sexual preference or their sexual preference. It is not right and, certainly, in 2016 we should be a lot further along in this debate than we already are.

Of course, Senator Bernardi mentioned the plebiscite. It would seem that despite Mr Turnbull being an advocate of same-sex marriage that we are going to have this very expensive and unnecessary plebiscite, which people like Senator Bernardi have already said they are not going to support if it comes back with an overwhelming yes. At the crux of this is what the question will be. We have no certainty that it is going to be a fair and just question. We on this side of politics all know that that question can be manipulated so that we get a no vote. Again, saying the plebiscite will decide where we go on marriage equality—I am sorry, but I do not have that faith.

I urge the Senate to support this bill to recognise foreign marriage not on the basis of morality but simply to get rid of those inconsistencies and legal minefields that people face and to bring justice to David, quite frankly.

Senator SIEWERT (Western Australia—Australian Greens Whip) (11:22): It is with pleasure that I stand up to contribute to this debate because, the more we can do in this place to progress the debate on these issues, the better. I have been on my feet in this chamber for as long as I have been in this chamber to contribute to the debates we have had to achieve marriage equality in this country. I will continue to do that and I am really pleased that the Greens are yet again at the forefront of this debate, bringing this bill on for debate to recognise foreign same-sex marriages.

As people who have made contributions to the debate have articulated, this was brought to a head by the very tragic circumstances in South Australia over the summer, where we saw Mr David Bulmer-Rizzi pass away and his death certificate not recognising his marriage. That is in fact a lie. We have contributed to a lie. He was married. How can it be possible that his death certificate actually has a lie? He was married. He was deeply loved. He was on his honeymoon. Imagine being in that situation. It is unbelievable that that can still occur in the 21st century in this country. I must admit it shames me that that could happen in this country.

Look at last year in particular. We saw so much progress internationally in terms of marriage equality. On 22 May last year a referendum in Ireland reflected the people's call for marriage equality, and it was truly an amazing moment in history. A month later the Supreme Court of the United States ruled that same-sex couples had a fundamental right to marry. We all saw the coverage of that. We all—certainly on this side in the Greens and my extended families—celebrated with our friends that we had seen such progress. We all saw the cheering crowds. I was part of the amazing rally in Russell Square in Perth in Western Australia, where we had over 5,000 people come together in the pouring rain to send a message to the federal government but also to celebrate what had happened internationally with the progress that we made. It was to call on our government to reflect the people's will and progress marriage equality.
Mr Abbott's response was that we will have a plebiscite which now, as has been articulated in the chamber by Senator Lines most recently, many people in the coalition are saying they will not respect. The fact is that we should not need that plebiscite. We should be progressing right now with marriage equality. One of the steps now is to support this bill in recognising same-sex marriages. I heard Senator Bernardi say in his contribution that we should not allow ourselves to be controlled by foreign decisions and that they are controlling Australia. Perhaps we should not be recognising any marriages from overseas if that is his call. I am shocked. My parents were married in England. Maybe we should not be respecting their marriage, because it is a foreign marriage. Of course it is a ridiculous argument and a ridiculous argument for this particular matter.

Maybe we should go back to the time in marriage when divorced people could not get married. That would nullify my current marriage. Maybe we should do that. Or maybe we should take it right back to when marriage was really, for a lot of people, about getting control of women's assets. Maybe we should go back to that time. It is a ridiculous argument to say we are just preserving marriage, because marriage has changed over the centuries and it needs to change again. We need to recognise same-sex marriages. As I said, at least this current bill is a step in the right direction. For couples who come to Australia, their marriages will be recognised so that nobody is ever again put in the position of Mr Marco Bulmer-Rizzi—the terrible circumstances that he has been put through, the pain and agony, on top of the grief of losing his husband, of having a lie put on the death certificate and having to have that fight. I do not want to see anybody have to go through that ever again.

In my home state of Western Australia, unfortunately, we do not recognise foreign same-sex marriages. We are not as lucky as some of the other states, and I will come to that a bit later. Not only would this bill address the issue I have just been talking about, where people come to Australia and tragic circumstances happen; it would also address marriages for Australians who have gone overseas and got married. That is a hard thing to do, too. They have made the effort to go overseas to get married so that their love is legalised. They come home, and Australia says, essentially, 'Get stuffed. We're not recognising your marriage.'

Members of the coalition were saying this morning, 'You can do something else—a civil union. You can do something else. You can have a ceremony. You can have your flowers.' Clearly they do not actually believe that themselves. They know why we have the institution of marriage, why people want to get married. I myself have chosen to get married. I have actually done it twice. We share it because we want to legalise our love, have it recognised. It is not just about the ceremony. The ceremony is great, but it is actually formalised in front of your loved ones, your friends, your family. That is why this is important. People should not be fobbed off with: 'You can have a ceremony. You can have your friends there. But you can't have access to our protected institution of marriage.' As I said, marriage has evolved.

You can look at statistics for the LGBTI community. I am putting this into the debate because I think it is very important because it puts in context the way that all members of the LGBTI community have been treated, but particularly young people. When you look at statistics from the Australian Human Rights Commission and beyondblue for 2013-14, they show some of the very significant impacts of the discrimination, the abuse and the vilification that members of the LGBTI community still get in our community. Sixty-one per cent of
LGBTI young people report experiencing verbal homophobic abuse. Eighteen per cent have experienced physical homophobic abuse. I can report that very dear friends of mine in fact have been subject to that abuse. Gay, lesbian, bisexual and transgender people are three times more likely than the broader population to experience depression. LGBTI people are at a higher risk of suicide than many other groups of our population. Same-sex attracted Australians are up to 14 times more likely to attempt suicide than their peers. At least 50 per cent of trans people have actually attempted suicide at least once in their lives. A large number of LGBTI people hide their sexuality or gender identity when accessing services, at social events or at work. Young people aged 16 to 24 are more likely to hide their sexuality or gender identity. This is wrong. This is a tragedy that people suffer every day of their lives.

This is, as I said, the 21st century. What the laws do makes a real-life impact on people's lives. It is not just a small difference. There is a huge difference that we can make by addressing marriage equality, by changing our laws. This bill, I must admit, does not achieve everything. We have still got a way to go. But at least it will recognise those marriages that have taken place overseas.

I would like to take the opportunity to acknowledge the work done in Western Australia. As I said, unfortunately we are not one of the states who have made the significant progress of recognising foreign same-sex marriages, which is a great shame to me as a Western Australian. But I must pay a lot of tribute to one of my colleagues, Lynn MacLaren, a member of the Legislative Council in Western Australia, who has been fighting tirelessly ever since she has been a member of parliament—in fact since before she was a member of parliament—to achieve same-sex marriage, to achieve marriage equality, and has also been working on trying to achieve recognition of foreign same-sex marriages in Western Australia. But we need to make sure that we have a national approach. Lynn has campaigned to improve services for the trans community, to have overseas marriage recognised in WA and for the right to remain married after a sex transition. She has campaigned to make sure that people have the right to be relieved of a criminal conviction for engaging in consensual gay sex in years past. She has campaigned at every level of government to try and bring about change.

This is an issue that we fundamentally need to address. I would like to make reference to the LGBTI community in Western Australia and particularly the young people in Western Australia, whom I have spent a lot of time with, spoken to on numerous occasions and helped to campaign. We know in this place that you are suffering from discrimination at home in Western Australia. You have been failed by your politicians to date because we still have not achieved marriage equality. I should say 'some of your politicians', because many of us in this place have been fighting tirelessly. I know my colleagues have spoken about the work of Bob Brown and Christine Milne. And my colleagues who are here today and I all campaign tirelessly on this issue. We know that the community deserves better. We have been standing up with the people of Western Australia, the Greens in Western Australia, to change these laws and to enable you to have your voices heard. We will continue to support you, and all Australians, but we Western Australians will support the Western Australian LGBTI community to achieve this change. As I said earlier, we are not going to stop until we achieve change.

On previous occasions, with permission, I have shared the experience of Graham and Damian Douglas-Meyer in this place. I think their experience is particularly pertinent in this
debate. I count Graham and Damian as friends. I will again remind the chamber of their experience. Graham and Damian have spoken publicly in the past about how they wanted to demonstrate their commitment in the same way their siblings did. The symbolism and ceremonial aspects of a wedding were important to them. They wanted the same thing. They had a commitment ceremony in 2004. Their friends and family were there and their union was blessed by a priest. It was a wedding ceremony for them, and their friends and family, but they wanted the recognition of the wider community. So they were able to marry in Canada, which had removed that piece of discrimination from its legislation, but when they came back to Australia their marriage was not recognised. Despite their best efforts, our broader community was not willing to recognise their love and commitment. That is wrong. Their marriage should be recognised. They went to a lot of effort to be able to go to Canada. They are married, but it is not recognised here. We want to change that. We need to change that. We need to recognise these marriages.

Ultimately, this is a debate about whether we should recognise the love that two people share and whether we should accept and celebrate it. This is what we are really debating. I would argue passionately that we should recognise and respect the love that any two people share. Those who do not support this bill are trying to deny the love of two people and, in fact, to stand in their way. In Mr Bulmer-Rizzi’s case it is a falsehood. Not only are they denying it but also there is a lie now on the death certificate. It is a lie. They want to point to people in our community and say, ‘Your love isn’t real; your love doesn’t exist,’ which is of course a complete nonsense.

Some states have made progress on this issue. New South Wales, Queensland, Victoria and Tasmania all recognise overseas same-sex marriages. These are important steps, but tragically many states do not; hence the need for this bill. As I have articulated earlier, this debate got renewed focus on it because of the tragic circumstances in South Australia. And, as Senator Simms articulated, it is good to hear that South Australia is moving on.

This bill is an important bill. We should standardise recognition of foreign same-sex marriages—overseas marriages—across Australia. It is an important step. Coming from Western Australia, I am ashamed that my home state does not recognise overseas same-sex marriages. My home state does not. I expect my national laws to achieve this. This tragic story that has happened in South Australia could happen in my home state of Western Australia. I do not want to see that happen. It should never happen again. That is why it is important that we pass this bill. Right now there are people in Western Australia whose love and commitment is not recognised. They are in our community, like Graham and Damian. They are Western Australians. They are Australians and their love, their commitment and their marriage is not recognised. That is a huge shame on Western Australia.

Australian Marriage Equality has written to the state Attorney-General calling for urgent change. I support that and I add my name to that call, but here today in the Commonwealth parliament we can make a change. We can make a change to recognise foreign same-sex marriages. This is a part of the step to achieve marriage equality. It is a small step, but we can take it and we must take it. I commend this bill to the Senate.

Senator CANAVAN (Queensland—Nationals Whip in the Senate) (11:41): It is an appreciated opportunity to make a contribution to this debate on the Recognition of Foreign Marriages Bill 2014, a private senator’s bill brought forward by the Greens party. I was
listening to Senator Siewert's speech, and often when this issue comes up members of the Greens party in this place show little respect for other people's views. They show little respect for the fact there might different perspectives on what it means to be married and why we have had a definition of marriage as one between a man and woman for thousands of years. But, of course, that is immaterial to the Greens because they have come here in the last 10 or 15 years and are all knowing, omnipotent and omniscient and believe that it should be changed, and anyone who disagrees with that—including presumably our fathers, grandfathers and grandmother, who had a different view—is a bigot; we are right and they are wrong. That is their view. They have no respect at all for other individuals' viewpoints.

I think if you are going to change an institution that has stood the test of time, if you are going to propose a change in definition to something that has been in place for centuries—not just here but in other cultures as well—you would take some time to familiarise yourself with the history of the institution and why it actually exists. I see none of that. I see no evidence that the Greens have done that. At times they seem to imply that this particular institution is a religious one or a Christian one when in fact that is completely not true and it is also not true in our own Western culture. As I said, this is an institution that in different forms is effectively replicated across almost the entire world, or has been until the turn of this century, as an act where two people—a man and a woman—come together in union to become married.

In our own culture, in our Western European roots, this particular institution does not go back to Jesus's time, Christian times, Judaic times or any monotheistic religious times; they actually go back to Roman times, because the very word 'marriage' is derived from a Latin term, 'matrimonium'. I think it is important to understand that definition, because it helps you understand the history of this institution and why it has come about. 'Matrimonium' in Latin is the combination of two definitions: 'matri', meaning mother, and 'monium', meaning state of being or condition. So for Roman people the institution of marriage was the state of being a mother. That was why people got married or entered in matrimonium.

Of course, in Roman times there were plenty of other adult human relationships. Homosexuality was a commonly accepted relationship, but in Roman times they stuck with the definition. They had an institution that was separately recognised: the coming together of a man and a woman, in particular with the mother becoming the parent of a child. That for me must be something at the core and centre of this debate if we are going to change this institution.

Obviously, there was felt a need to establish an institution like this to raise and to protect children. Obviously it has been an incredibly successful institution given its permanence and consistency over many different cultures and over many different forms of government and societies, even in our own Western culture. We have of course evolved a lot from Roman times. Through the emergence of a nation state, through the Dark Ages and through feudal times, this institution has stood through all those tests of time and has basically stayed constant from its initial inception. It is of course something that is important to many religions as well. But, again, that is an indication of its universality, and we should be very careful before we change it.

So it disappoints me that the Greens cannot actually see that there are very considered and reasonable arguments for why we should not change this definition. I certainly respect other
people who have a different view. Some of my colleagues have a different view. Some of my Senate colleagues on the other side have a different view. I can understand that view. I disagree with that view, but I do respect it. The Labor Party—I give them credit—are showing some respect in saying that they support a free vote. They say they support a free vote but whenever these debates come up in this place we never see Labor Party senators able to express such freedom.

I know there are senators over on that side who share a different view on this issue than the views we have heard so far from the Labor Party, but where are they? They never seem to be allowed to get up here and speak. I would say to the Labor Party: please, please, let the diversity of views reign; let hundreds of flowers bloom; and let Senator Bullock have his say. Unleash, Joe. Let Joe have his freedom. Let Senator Bullock have his say here, because I would be very happy to listen to his view on this debate. I think he would have a lot to contribute. But the Labor Party want to keep people like Senator Bullock down and not give him the opportunity to contribute to this debate. I do not think they really believe in a free vote. It is a political position at the moment. Even they admit that post not the next election but the election after they will adopt a binding vote and it will no longer be free. So it is quite a strange position for them at the moment.

This bill seeks to recognise same-sex marriages that have been solemnised in foreign countries and recognise them for the purposes of Australian law. To that effect, it is effectively a back door to change the definition of marriage in our act today. Today it is fairly easy and fairly low cost to travel overseas, and many Australians do that. So, by recognising a same-sex marriage in another country, that effectively means that we would have changed our own definition in our own act and allow anybody who wants to be married, inconsistent with the current definition in our Marriage Act, to quite easily do so. It would simply be the cost of a plane ticket to somewhere else.

I do not think that is how we should change the definition of our Marriage Act. We do not need to do it in such a loophole kind of way. We can very easily change the definition in the Marriage Act if that is what we want to do. Indeed, as my colleagues would all know, there have been a multitude of bills put forward to this place and the other place to do that very thing. That should be the way that we try to approach it. Of course, every bill that has been put up to change the definition of marriage over the past 10 years or so has not succeeded and has not won the support of either chamber.

This debate has become more prominent in our public sphere and views about it have become more impassioned, I think, in all political parties. The government has decided that the best way to solve this would be to ask the Australian people what their views are and make sure we make a decision consistent with their considered views. If we are going to change an institution that has stood for thousands of years, there is no harm in taking a couple of more years to make sure that whatever decision we make is a well-informed one and one that we know and trust is consistent with the Australian people's views.

I make the point that this debate heated up last year because the Irish people had that very opportunity to have their say. They had a referendum and the vote came back in favour of changing their definition of marriage, and it was subsequently changed. The supporters of change to our Marriage Act welcomed that at that time. They called it a landmark event and thought it was a wonderful outcome for their particular cause. So I ask them: what do they
have to fear from exactly the same process being replicated here in Australia? They so welcomed that particular event and they were so proud of what the Irish people had done. What is the problem with giving the Australian people exactly the same right? I say that the reason they are so scared at the moment of taking it to the Australian people and the reason they are fighting so hard to stop any plebiscite going to the Australian people is that they are concerned that they may not get the same decision as Ireland.

For my part, I have nothing to fear. I am happy to ask the Australian people what their views are. I recognise that right now in polls that are done the majority is there. But I do think that we should make this decision after a considered debate, not after a phone poll—not after someone has called up after they have had their dinner and have asked for a considered view on an institution that has lasted for thousands of years. We should have the respect to have a proper debate, a lengthy debate, before we go changing something as important as this.

I would also like to make the point that while I am happy to be guided, and will act in accordance with the views of the electorate, it is also important that we hear from those who want to change the Marriage Act on what they would do in the event of a vote that supports traditional marriage. Many of them have been out during the past couple of weeks, such as the leader of the Greens, Senator Di Natale, saying that it is reprehensible that some individuals may not vote in accordance with the people's wishes. What would they do if the people's wishes come back in support of traditional marriage? That question must be asked. They must be asked: what would you do if it comes back saying the Australian people want to support traditional marriage? Will the Greens political party accept that particular decision? Will they end their attempts, their continual and interminable attempts, to change this act? Will they do that? I doubt it very much, but I would be interested to hear their response to that question.

People should have the freedom to carry out their own religious beliefs, the freedom to carry out their own beliefs. It is a right that is enshrined in our whole system of government, it is implied in our Constitution and it is something we have committed to sign up to in various international human rights agreements. For that reason we should not do anything that undermines those rights, and I am concerned that some of the particular proposals at the moment to change the Marriage Act—the detailed, specific ones—may in fact do that, particularly where they force private celebrants to solemnise same-sex marriage relationships, even in an event where they may have religious views or beliefs that do not support such a solemnisation of marriage. I do not think anybody should be forced to do that, but the current bills before this place and the other place would do that.

I would also like to make the point that while I am happy to be guided, and will act in accordance with the views of the electorate, it is also important that we hear from those who want to change the Marriage Act on what they would do in the event of a vote that supports traditional marriage. Many of them have been out during the past couple of weeks, such as the leader of the Greens, Senator Di Natale, saying that it is reprehensible that some individuals may not vote in accordance with the people's wishes. What would they do if the people's wishes come back in support of traditional marriage? That question must be asked. They must be asked: what would you do if it comes back saying the Australian people want to support traditional marriage? Will the Greens political party accept that particular decision? Will they end their attempts, their continual and interminable attempts, to change this act? Will they do that? I doubt it very much, but I would be interested to hear their response to that question.
Finally, I want to return to where I started. While this is somewhat of a semantic debate, I think words are important, I think definitions are important. I believe that if we do change the definition of the word, it does change our culture. I believe in what Ludwig Wittgenstein said: 'If I do not have a word to describe something, I cannot conceive of it. The limit of my world is the limit of my language.' If we do change this particular definition, it will remove some of the colour and imagination from our lives because we will no longer have a word that just describes the union between a man and a woman often coming together to make children. I think that is an incredibly miraculous and important event in many of our lives and in our culture, and we should have a particular institution and a particular word to describe the creation of the next generation.

The DEPUTY PRESIDENT: The time for this debate has now expired.

NOTICES

Presentation

Senator Xenophon to move:
That the following bill be introduced: A Bill for an Act to amend the Commonwealth Electoral Act 1918, and for related purposes. Commonwealth Electoral Amendment (Above the Line Voting) Bill 2016.

Senator Back to move:
That the Joint Standing Committee on Migration be authorised to hold public meetings during the sittings of the Senate, from 9.45 am, to take evidence for the committee's inquiry into the Seasonal Worker Programme, as follows:

(a) Wednesday, 24 February 2016; and
(b) Wednesday, 2 March 2016.

Senator Conroy to move:
That there be laid on the table by the Minister representing the Minister for Infrastructure and Regional Development, no later than 3.30 pm on Thursday, 25 February 2016, the following documents in respect of the 'communications campaign' funded from within the Infrastructure Investment program, as referred to in the 2015-16 Mid-Year Economic and Fiscal Outlook released in December 2015:

(a) all correspondence, including emails, between officials of the Department of Infrastructure and Regional Development and any of the following ministers, including any staff in their offices:

(i) the Prime Minister, including the former Prime Minister,
(ii) the Deputy Prime Minister and Minister for Infrastructure and Regional Development,
(iii) the Treasurer, including the former Treasurer,
(iv) the Minister for Territories, Local Government and Major Projects, including the former Assistant Minister for Infrastructure and Regional Development,
(v) the Assistant Minister to the Deputy Prime Minister,
(vi) the Acting Minister for Cities and the Built Environment, including the former Minister for Cities and the Built Environment, and
(vii) the Special Minister of State, including the former Special Minister of State;

(b) all correspondence, including emails, between officials of the Department of Infrastructure and Regional Development and external parties, including but not limited to Mitchell & Partners Australia Pty Ltd and the Wallis Consulting Group; and
(c) all notes or other documents held by officials of the Department of Infrastructure and Regional Development which refer to the 'communications campaign'.

**Senator Ludlam** to move:

That the Senate—

(a) notes that:

(i) the Australian Government has initiated a voluntary site selection process for a national radioactive waste facility,

(ii) consecutive ministers have confirmed that such a facility would not proceed against the wishes of host communities,

(iii) six sites have been selected for further assessment for shortlisting, including Hill End in New South Wales, Omanama in Queensland, Hale in the Northern Territory, Cortlinye, Pinkawillinie and Barndioota in South Australia, and

(iv) strong local opposition clearly exists at all six sites currently under consideration; and

(b) calls on the Government to:

(i) acknowledge the opposition and lack of community support at all six sites,

(ii) respect previous commitments on non-imposition and the importance of community consent, and remove all six sites from further consideration,

(iii) initiate a genuinely independent inquiry to investigate long-term stewardship options for spent fuel, reprocessing waste, and other categories of radioactive waste, including drawing on international examples and experience,

(iv) investigate options for active waste minimisation, including increased use of non-reactor based methods for radioisotope production, and

(v) clearly reaffirm policy and legislative prohibitions on the importation and disposal of international radioactive waste.

**Senator Siewert** to move:

That the Senate—

(a) notes that:

(i) Aboriginal children make up less than 5 per cent of the general population, but 35 per cent of children in out-of-home care nationally, and more than 50 per cent in Western Australia, and

(ii) children in out-of-home care experience poor outcomes on a range of indicators; and

(b) calls on the Government to address the unacceptably high rates of Aboriginal children in out-of-home care.

**Withdrawal**

**Senator WILLIAMS** (New South Wales) (11:55): Pursuant to notice given on 3 February 2016, I withdraw business of the Senate notice of motion No. 5 standing in my name for 10 May 2016 proposing the disallowance of the Removal of Prisoners (Territories) Regulation 2015.
Committees

Selection of Bills Committee

Report

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (11:55): I present the first report of 2016 of the Selection of Bills Committee and I seek leave to have the report incorporated in Hansard.

Leave granted.

The report read as follows—

SELECTION OF BILLS COMMITTEE

REPORT NO. 1 OF 2016

1. The committee met in private session on Wednesday, 3 February 2016 at 7.17 pm.

2. The committee resolved to recommend—That—

(a) the provisions of the Australian Crime Commission Amendment (National Policing Information) Bill 2015 and the Australian Crime Commission (National Policing Information Charges) Bill 2015 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 10 March 2016 (see appendix 1 for a statement of reasons for referral);

(b) the provisions of the Building and Construction Industry (Improving Productivity) Bill 2013 [No. 2] and the Building and Construction Industry (Consequential and Transitional Provisions) Bill 2013 [No. 2] be referred immediately to the Education and Employment Legislation Committee but was unable to reach agreement on a reporting date (see appendix 2 for a statement of reasons for referral);

(c) the provisions of the Social Services Legislation Amendment (Miscellaneous Measures) Bill 2015 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 10 March 2016 (see appendix 3 for a statement of reasons for referral);

(d) the provisions of the Tax Laws Amendment (New Tax System for Managed Investment Trusts) Bill 2015 and the Income Tax Rates Amendment (Managed Investment Trusts) Bill 2015 and the Medicare Levy Amendment (Attribution Managed Investment Trusts) Bill 2015 and the Income Tax (Attribution Managed Investment Trusts—Offsets) Bill 2015 be referred immediately to the Economics Legislation Committee for inquiry and report by 10 March 2016 (see appendix 4 for a statement of reasons for referral); and

(e) the provisions of the Water Amendment (Review Implementation and Other Measures) Bill 2015 be referred immediately to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 10 March 2016 (see appendix 5 for a statement of reasons for referral).

3. The committee resolved to recommend—that the following bills not be referred to committees:

- Broadcasting Legislation Amendment (Digital Radio) Bill 2015
- Communications Legislation Amendment (Deregulation and Other Measures) Bill 2015
- Competition and Consumer Amendment (Australian Country of Origin Food Labelling) Bill 2015
- Competition and Consumer Amendment (Payment Surcharges) Bill 2015
- Insolvency Law Reform Bill 2015
- Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015
- Tax and Superannuation Laws Amendment (2015 Measures No. 6) Bill 2015
Telecommunications (Numbering Charges) Amendment Bill 2015

The committee recommends accordingly.

4. The committee deferred consideration of the following bills to its next meeting:

- Automotive Transformation Scheme Amendment (Securing the Automotive Component Industry) Bill 2015
- Corporations Amendment (Publish What You Pay) Bill 2014
- Social Security and Other Legislation Amendment (Caring for Single Parents) Bill 2014
- Tax Laws Amendment (Small Business Restructure Roll-over) Bill 2016
- Veterans' Entitlements Amendment (Expanded Gold Card Access) Bill 2015.

(David Bushby) Chair
4 February 2016

APPENDIX 1

Proposal to refer a bill to a committee:

Name of bill:

Reasons for referral/principal issues for consideration:
For further scrutiny of the Bill and an opportunity for stakeholders to raise any concerns with the proposed merger of CrimTrac into the Australian Crime Commission and to allow an opportunity for concerns with the implementation of, or timeline for, the proposed merger to be resolved.

Possible submissions or evidence from:
State and Territory Attorney's General
Attorney General's Department
CrimTrac
Australian Crime Commission
State Police Commissioners
AFP
Australian and New Zealand Society of Criminology
ARC Centre of Excellence in Policing and Security, Griffith University, QLD
Australian Strategic Policy Institute

Committee to which bill is to be referred:
Senate Legal and Constitutional Affairs Legislation Committee

Possible hearing date(s):
Possible reporting date:
10 March 2016

(signed)
Senator McEwen
APPENDIX 2
Proposal to refer a bill to a committee:
Name of bill:
   Building and Construction Industry (Improving Productivity) Bill 2013 [No. 2]
   Building and Construction Industry (Consequential and Transitional Provisions) Bill 2013 [No. 2]
Reasons for referral/principal issues for consideration:
   Detailed consideration of the impact of the legislation
Possible submissions or evidence from:
   Employee associations
   Employer associations
   Department of Employment
Committee to which bill is to be referred:
   Senate Education and Employment Legislation Committee
Possible hearing date(s):
Possible reporting date:
   15 March 2016
(signed)
   Senator McEwen

APPENDIX 3
Proposal to refer a bill to a committee:
Name of bill:
   Social Security Legislation Amendment (Miscellaneous Measures) Bill 2015
Reasons for referral/principal issues for consideration:
   Concerns raised by stakeholders, in particular:
    Concerns from stakeholders about changes for students studying part-time
    Concerns from the stakeholders on restricting access to special benefits
Possible submissions or evidence from:
   NTEU
   NUS
   NWRN
   ACOSS
   Sydney Welfare Rights Centre
   Other community organisations
Committee to which bill is to be referred:
   Community Affairs Legislation Committee
Possible hearing date(s):
   Hearing on the papers
Possible reporting date:
   10 March 2016
(signed)
   Senator Siewert

APPENDIX 4
Proposal to refer a bill to a committee:
Name of bill:
Reasons for referral/principal issues for consideration:
   Further examination is required of drafting and implementation issues identified during consultation with sector stakeholders.
Possible submissions or evidence from:
   Treasury
   Tax academics
   Major banks
   Australian Custodial Services Association
Committee to which bill is to be referred:
   Senate Economics Legislation Committee
Possible hearing date(s):
Possible reporting date:
   10 March 2016
(signed)
   Senator McEwen

APPENDIX 5
Proposal to refer a bill to a committee:
Name of bill:
   Water Amendment (Review Implementation and Other Measures) Bill 2015
Reasons for referral/principal issues for consideration:
   Primary concerns are with changes under Item 27 (Section 106) which allows trade revenue to be used for 'environmental activities' instead of being limited to buying more water for the Murray Darling Basin. There is also no clarity on how projects would be defined as an environmental activity and on what basis a decision is made as to whether a project adheres to that classification.
Possible submissions or evidence from:
   Stakeholders (e.g. Australian Conservation Foundation)
   Relevant government departments (e.g. Commonwealth Environmental Water Holder) Researchers
Committee to which bill is to be referred:
   Rural and Regional Affairs and Transport Legislation Committee
Possible hearing date(s):
15 February 2016
17 February 2016

Possible reporting date:
10 March 2016

(signed)
Senator Siewert

Senator BUSHBY: I move:

That the report be adopted.

Senator MOORE (Queensland) (11:56): I move an amendment:

At the end of the motion, add 'and, in respect of the provisions of the Building and Construction Industry (Improving Productivity) Bill 2013 [No. 2], and the Building and Construction Industry (Consequential and Transitional Provisions) Bill 2013 [No. 2], the Education and Employment Legislation Committee report by 15 March 2016'.

The reason we have asked for this date is to allow fulsome debate in our process. We all know the sensitivities of this legislation; we all know the issues around the legislation and the importance of having engagement on the evidence in front of us. Since we these bills were originally put to the Senate, we have had the TURC report and there is a great need to examine the evidence that came through in that inquiry. We all know there are elements of that which have not been opened to the wider public, so if we are moving to such significant legislation—and these bills are significant legislation—then there should be absolute scrutiny from the Senate Education and Employment Legislation Committee of the evidence in front of us before we actually come to taking a vote on such important elements.

As I have said in these discussions many times, that is the role of the Senate. The role of the Senate is to scrutinise legislation. That role does not belong to anybody else. It does not belong exclusively to the royal commission, it does not belong to the media; it belongs to the Senate, and the process for Senate scrutiny is the Senate Education and Employment Legislation Committee. We have an extraordinarily busy couple of weeks in front of us. If you check the calendar, we have Senate estimates, we have two intensive periods of sitting. Arranging for effective scrutiny will take time, and we submit that a report by 15 March gives time to have that scrutiny and also bring back that report for effective debate in the Senate.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (11:58): The government opposes this amendment. This is a transparent attempt to delay the consideration by this chamber of these bills. And although Senator Moore has said they are important bills, as indeed they are, they are the identical bills that have already been the subject of detailed consideration by the very same committee the first time they came before the Senate. Let me take you through the chronology. These bills first came before the Senate on 11 February 2014, and they were the subject of four days of debate. They were referred to the same committee to which Senator Moore wants to refer them again for public hearing and report—they were referred on 14 November 2013 and the committee reported on 2 December of that year. At the same time, and unusually, they were also referred to the references committee, which held hearings on three days in the early months of 2014 and reported on 27 March. Meanwhile, they were also
referred to the Scrutiny of Bills Committee, which considered them, and the Parliamentary Joint Committee on Human Rights, which considered them.

Senator Moore, the government entirely accepts that the Senate should have a reasonable opportunity to consider and make a decision upon these bills. The bills, of course, were thoroughly debated in the chamber the last time round. But, Senator, these are the very same bills which were referred to the very same committee to which you now seek to refer them again. This is beyond the customary processes of debate, consideration and inquiry by parliamentary committee with which this chamber is familiar. It is, rather, an excessive indulgence in those processes, which demonstrates that the law-making function has been abandoned in favour of a mere dilatory evasion of that function.

Senator Moore, the significance of 15 February is this. It is the Tuesday of the last week of the parliamentary sittings, which means that it is very unlikely that those bills could be fully debated in the chamber in these sittings. So this is not merely to delay the consideration of the bills until 15 March; it is an attempt, in fact, to delay the consideration of the bills until beyond the budget, because the Senate will then adjourn for seven weeks, and then we will come back for budget week, in which the entire business of this building will be the budget, and then we will have a fortnight of budget estimates. So these bills are unlikely to be able to be reached until June at the earliest.

The government, out of abundant concern to accommodate the opposition, has suggested an earlier reporting date—that is, 19 February. That would give the legislation committee a full non-sitting week, the week after next, a week in which the Senate does not sit, to undertake the exact same exercise in relation to the very same bills that has already been undertaken by it, as well as by the references committee. And yet Senator Moore proposes an amendment that would push the date for scrutiny out beyond the time by which this chamber could then have a full debate on these bills before the end of the autumn sittings.

Mr Deputy President, I think we know that an opposition are at liberty to use every parliamentary device open to them to thwart the passage of legislation that they oppose. We accept that, but at least be honest about the fact that that, Senator Moore, is what you are doing. You are engaged in excessive use of what would otherwise be appropriate and usual parliamentary procedures, using every device at your disposal to thwart the passage of this legislation. We know you are opposed to this legislation, Senator, but the legislation has already been debated in this chamber once. It has already been the subject of extensive public hearings by the very committee to which you seek to send it back. The same bills have already been considered by the same senators sitting on the same committee. The issues have not changed. Please stop standing in the way of deliberation on these bills. (Time expired)

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (12:03): I support the comments made by the Leader of the Government in the Senate, Senator Brandis. The government is opposing this amendment to the Selection of Bills Committee motion. As articulated by Senator Brandis, this is nothing more and nothing less than a move by the opposition to deliberately avoid a debate on this important issue. It is a delaying tactic for the sake of delaying and nothing more. Both the Labor Party and the Australian Greens have made their position in relation to the Building and Construction Industry (Improving Productivity) Bill 2013 [No. 2] and the Building and Construction Industry (Consequential and Transitional
Provisions) Bill 2013 [No. 2] very, very clear, both in the past and more recently. They have stated and they continue to state that they are opposed to this legislation. They will not be voting for it and, based on recent comments, that position will not be changing.

This deliberate move to send the bill back to a committee that, as Senator Brandis has articulated, has already considered this exact bill should be seen for what it clearly is: a failure to deal with the legislation. Given the lengthy history of this legislation, the Australian people are entitled to certainty—certainty as to whether the bill to reintroduce the Australian Building and Construction Commission will be supported by this Senate or rejected. Whether or not those in this chamber support the bill, senators have an obligation to do what the Australian people elected them to do: to faithfully deal with the legislation before them without engaging in gratuitous tactics of delay. If the Senate engages in gratuitous tactics of delay and fails to decide its view on legislation, this is an abuse of the process of the Senate. This legislation, the subject of the debate of this motion, has now been passed by the House of Representatives twice in the term of this parliament. Undertaking a number of reviews on the same legislation to delay and frustrate its passage is a misuse of the powers and the processes of the Senate.

Senator Brandis has already been through the history of these bills. To recap: this exact legislation was introduced into the House of Representatives on 14 November 2013, debated on 2 December and on 12 December 2013 and agreed to on 12 December 2013. It was introduced into the Senate on 11 February 2014. It was debated on 4 March, 5 March, 12 August and 17 August and negatived on 17 August. During this time, this legislation was subject to the following parliamentary scrutiny. It was referred to the Senate Education and Employment Legislation Committee on 14 November 2013. A public hearing was held on 26 November, and the committee reported on 2 December 2013. This is their report. It was also referred to the Senate Education and Employment References Committee. That committee—I have the report here—reported on 27 March 2014.

The Australian people have every right to expect the Senate to make decisions and not to engage in delaying tactics and distractions merely because they do not want to see a vote on this legislation take place. If the bill was in any way different to how it was previously considered by this Senate, both in committee and in extensive debate, or the context within which the bills were being presented had materially changed in any way, there could be some justification for the referral that has been proposed by the opposition. However, this bill is in exactly the same form as when it was last introduced in the Senate. What more other than delay can be gained by the Senate by failing to deal with this bill by referring it to yet another committee process?

Again, Labor and the Australian Greens have made their position on this bill abundantly clear. They will not support the bill. The longer this bill is delayed, the more the Australian people will be convinced that this Senate is not genuine about tackling the serious issues that have been raised in this bill. The government is seeking a process that will enable the Senate to actually consider the bill and pass judgement on it rather than engaging in delay. (Time expired)

Senator LAZARUS (Queensland) (12:08): I will be supporting this motion. However, I am calling on Labor and the union sector to ensure any union members who are currently under investigation for any form of misconduct are stood down immediately until they are
cleared of any wrongdoing. As the chamber is aware, I am calling for the ABCC to be broadened from union behaviour to include corporate behaviour and corruption. Large building companies are not angels in the building and construction sector. They are complicit in the many issues raised in the trade union royal commission. They also need to start paying their fair share of taxes and stop sacking Australian workers and putting in cheap foreign labour.

I have been calling on the government to show me a redacted copy of the secret royal commission report and, to date, I have been told by the government that I will only be given access to an unredacted version. I am starting to become very, very suspicious. Is the government trying to protect big business caught up in corruption? Well, until I see this secret volume in its raw form, we will not know. Until the people of Australia are provided with a summary or a redacted version of the secret volume, the people of Australia will not know.

Regardless, Labor and the union sector cannot bleat on about the ABCC unless they start to show some leadership on the issue and demonstrate to the people of Australia that they are prepared to clean up their own backyards and stand down all those involved in alleged corruption.

Everyone seems to be forgetting something: we are here to protect Australian workers, no-one else. So I say to government and to big business, unions and the Labor Party: clean up your act. Show me the secret volume to prove you are not trying to hide corporate corruption in the building and construction sector. Show Australians a summary or a redacted version of the secret report to prove to the people of Australia you are prepared to be transparent and honest. Stand-down any union official or member involved in alleged corruption until they are cleared. Only when these things happen can we have an honest and open debate about whether we need the ABCC. At the very least, I want all my issues to be considered by any committee established to analyse the ABCC bill to ensure Australian workers are put first before anything else.

The DEPUTY PRESIDENT: The question is that the amendment moved by Senator Moore be agreed to.

The Senate divided. [12:15]

(The Deputy President—Senator Marshall)

AYES

Brown, CL
Cameron, DN
Dastyari, S
Gallacher, AM
Hanson-Young, SC
Lambie, J
Lines, S
Ludwig, JW
McAllister, J
McKim, NJ
Moore, CM

Bullock, JW
Conroy, SM
Di Natale, R
Gallagher, KR
Ketter, CR
Lazarus, GP
Ludlam, S
Madigan, JJ
McEwen, A (teller)
McLucas, J
O'Neill, DM
Question agreed to.

The DEPUTY PRESIDENT (12:18): The question now is that the motion, as amended, be agreed to.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (12:18): The government is disappointed that the chamber has chosen to set the reporting date that it has for the reference to the Senate Education and Employment Committee, and we are disappointed for the reasons well outlined by the Attorney and Minister Cash. This legislation has had extended, considered—sometimes thoughtful—examination by this chamber and by not one committee of the Senate but two committees of the Senate: the references committee and the legislation committee. In no way, shape or form can it be said that there has not previously been proper consideration and full debate in relation to this legislation. It cannot be said that it has not been considered and properly debated.
Despite the fact that that legislation has previously been defeated and is being reintroduced, nevertheless it is appropriate that there is proper consideration of this legislation, and the government is not suggesting for a moment that there should not be that proper consideration at each stage of the legislation through this chamber. What the government is saying is that this chamber should be given the opportunity to do that in a reasonable period of time. What the opposition and other colleagues, together, are seeking to do is unreasonably delay the consideration of this legislation and unreasonably delay the opportunity for the chamber to pass judgement by way of a vote in this place.

There is no provision in this legislation that is different from that which has previously been through the House and which has previously been presented to this chamber, considered by this chamber and failed to enjoy the support of this chamber. There are no provisions which are different. This is the same legislation. It has had a thorough consideration by the committees of this Senate. I should also indicate that the Scrutiny of Bills Committee, another important organ of this place, has previously, in the ordinary course of events, also looked at this legislation. It is clear—as you, Mr Deputy President, would know from your own following of these matters—that this particular proposition, which we seek to give effect to in this legislation, is one that the coalition has been very clear about for a long period of time, both prior to the last election and during this term of government. There is good and sound reason for this legislation to be passed.

We have asked the chamber that there not be unreasonable or unnecessary delays in the consideration of this legislation. Senator Brandis was right to oppose the date that was put forward by the opposition as an amendment to the Selection of Bills Committee report, which would see the report date kicked out into the future. We do not think that is reasonable. Because of that, and because of our desire for this chamber to give due consideration to this legislation in a reasonable time frame, the government is not in a position to support the adoption of the report of the Selection of Bills Committee.

The DEPUTY PRESIDENT: The question is that the motion, as amended, be agreed to.

The Senate divided. [12:27]

(The Deputy President—Senator Marshall)

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

AYES

Bilyk, CL
Bullock, JW
Conroy, SM
Di Natale, R
Gallagher, KR
Ketter, CR
Lazarus, GP
Lines, S
Ludwig, JW
McAllister, J
McKim, NJ
Moore, CM
O’Neill, DM

BROWN

Cameron, DN
Dastyari, S
Gallacher, AM
Hanson-Young, SC
Lambie, J
Leyonhjelm, DE
Ludlam, S
Madigan, JJ
McEwen, A (teller)
McLucas, J
Muir, R
Peris, N
AYES
Polley, H
Rice, J
Simms, RA
Sterle, G
Wang, Z
Whish-Wilson, PS
Rhiannon, L
Siewert, R
Singh, LM
Urquhart, AE
Waters, LJ
Xenophon, N

NOES
Back, CJ
Bernardi, C
Birmingham, SJ
Brandis, GH
Bushby, DC (teller)
Canavan, MJ
Cash, MC
Colbeck, R
Cormann, M
Day, RJ
Edwards, S
Fawcett, DJ
Fierravanti-Wells, C
Fifield, MP
Heffernan, W
Johnston, D
Lindgren, JM
Maclonald, ID
McGrath, J
McKenzie, B
Nash, F
O’Sullivan, B
Reynolds, L
Ruston, A
Ryan, SM
Sebel, Z
Seselja, Z
Smith, D
Williams, JR

PAIRS
Carr, KJ
Collins, JMA
Wong, P
Abetz, E
Ronaldson, M
Payne, MA

Question agreed to.

BUSINESS
Rearrangement
Senator RYAN (Victoria—Assistant Cabinet Secretary) (12:31): I move:
That
(a) the following government business orders of the day be considered from 12.45 pm today:
   No. 2 Australian Institute of Aboriginal and Torres Strait Islander Studies Amendment Bill 2015
   No. 3 Amending Acts 1990 to 1999 Repeal Bill 2015 Statute Law Revision Bill (No. 3) 2015; and
(b) government business be called on after consideration of the bills listed in paragraph (a) and
   considered till not later than 2 pm today.
Question agreed to.

Rearrangement
Senator RYAN (Victoria—Assistant Cabinet Secretary) (12:31): I move:
That the order of general business for consideration today be as follows:
(a) general business notice of motion no. 1019 standing in the name of Senator Moore relating to the goods and services tax; and
(b) orders of the day relating to documents.
Question agreed to.

NOTICES
Postponement

The Clerk: Postponement notifications have been lodged in respect of the following:
(a) Business of the Senate notice of motion no. 1 standing in the name of Senator Xenophon for today, proposing a reference to the Environment and Communications References Committee, postponed till 22 February 2016.

MOTIONS
Asylum Seekers

Senator HANSON-YOUNG (South Australia) (12:32): I move:
That the Senate calls on the Turnbull Government to grant amnesty to the 267 men, women and children in Australia as part of the M68 High Court challenge, and allow them to stay.

Senator RYAN (Victoria—Assistant Cabinet Secretary) (12:32): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator RYAN: The government will be opposing this motion but will not be calling a division. The government remains committed to its border protection policy including regional processing. The government does not want to see boats arriving again and children put at risk of drowning on those voyages. Our policy for moving transferees and refugees to Australia and returning them to a regional processing country at the conclusion of medical treatment has not changed. The government will maintain its compassionate approach to those in Australia accessing medical attention. We will continue our practice of assessing any returns on a case-by-case basis.

The DEPUTY PRESIDENT: The question is that the motion be agreed to.
The Senate divided. [12:37]
(The Deputy President—Senator Marshall)

Ayes ......................10
Noes ......................40
Majority .................30

AYES
Hanson-Young, SC
Madigan, JJ
Rhiannon, L
Siewert, R (teller)
Waters, LJ

NOES
Ludlam, S
McKim, NJ
Rice, J
Simms, RA
Whish-Wilson, PS
Question negatived.

COMMITTEES
School Funding Investment Committee
Appointment

Senator DASTYARI (New South Wales) (12:40): I ask that general business notice of motion No. 1021 standing in my name for today, relating to the establishment of a Select Committee on School Funding Investment, be taken as a formal motion.

The DEPUTY PRESIDENT: Is there any objection to this motion being taken as formal? There is none.

Senator RYAN (Victoria—Assistant Cabinet Secretary) (12:40): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator RYAN: First, the basis of establishing this inquiry to investigate school funding with particular reference to 'the impact of the cuts announced in the 2014-15 budget' is false. Since 2014, Commonwealth spending is providing higher levels of school funding than ever before: a record $69.4 billion in total Commonwealth funding over the forward estimates period, representing an increase funding of 27.3 per cent. The ABC Fact Check in 2014 concluded:
The Government did not cut $30 billion from schools in the May budget.

Second, there has been a previous Senate inquiry: the Senate Select Committee on School Funding, which tabled its report Equity and excellence in Australian schools only in July 2014 and which covered similar areas. As that inquiry was very thorough—involving 3,000

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NOES
Back, CJ
Bushby, DC (teller)
Canavan, MJ
Collins, JMA
Dastyari, S
Edwards, S
Fierravanti-Wells, C
Ketter, CR
Lazarus, GP
Lindgren, JM
Ludwig, JW
Marshall, GM
McGrath, J
McLucas, J
Muir, R
O'Sullivan, B
Polley, H
Ryan, SM
Sinodinos, A
Wang, Z

Bullock, JW
Cameron, DN
Colbeck, R
Conroy, SM
Day, RJ
Fawcett, DJ
Gallacher, AM
Lambie, J
Leyonhjelm, DE
Lines, S
Macdonald, ID
McEwen, A
McKenzie, B
Moore, CM
O'Neil, DM
Peris, N
Reynolds, L
Seselja, Z
Smith, D
Williams, JR
submissions, and hearings in all states—running a similar inquiry so soon would be a considerable and questionable cost the taxpayer.

The DEPUTY PRESIDENT: Senator Dastyari, I should have asked you to formally move the motion before I went to the Assistant Cabinet Secretary, so could you do that now.

Senator DASTYARI (New South Wales) (12:41): I move:

(1) That a select committee, to be known as the Select Committee on School Funding Investment, be established to inquire into and report by 30 August 2016 on the effect of reduced Commonwealth funding for state and territory provided schools, with particular reference to:

(a) the impact of the cuts announced in the 2014-15 Budget and confirmed in the 2015-16 Mid-year Economic and Fiscal Outlook;

(b) the impact on schools and students in regional, rural and remote areas;

(c) the impact on students acquiring the job skills of the future, including science, technology, engineering, arts and maths; and

(d) any related matter.

(2) That the committee consist of 6 senators, 2 nominated by the Leader of the Government in the Senate, 2 nominated by the Leader of the Opposition in the Senate, 1 nominated by the Leader of the Australian Greens, and 1 nominated by other parties and independent senators.

(3) That:

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

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

(4) That 3 members of the committee constitute a quorum of the committee.

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

(6) That the committee elect as chair one of the members nominated by the Leader of the Opposition, and a deputy chair.

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

(8) That, in the event of an equality of voting, the chair, or the deputy chair when acting as chair, have a casting vote.

(9) That the committee have power to appoint subcommittees consisting of 3 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to consider.

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

(11) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.
That the committee be empowered to print from day to day such papers and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

**The DEPUTY PRESIDENT:** The question is that general business notice of motion No. 1021 be agreed to.

The Senate divided. [12:46]

(The Deputy President—Senator Marshall)

<table>
<thead>
<tr>
<th>Ayes</th>
<th>Noes</th>
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<td>36</td>
<td>28</td>
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</tbody>
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**Majority**: 8

**AYES**

- Brown, CL
- Cameron, DN
- Conroy, SM
- Gallacher, AM
- Hanson-Young, SC
- Lambie, J
- Leyonhjelm, DE
- Ludlam, S
- Madigan, JJ
- McGowan, A
- McCluskey, J
- Muir, R
- Peris, N
- Rhiannon, L
- Singh, LM
- Wang, Z
- Whish-Wilson, PS

**NOES**

- Back, CJ
- Birmingham, SJ
- Canavan, MJ
- Colbeck, R
- Edwards, S
- Ferran, C
- Heffernan, W
- Lindgren, JM
- McGrath, J
- Nash, F
- Payne, MA
- Ruston, A
- Seselja, Z
- Smith, D

- Bernardi, C
- Bushby, DC (teller)
- Cash, MC
- Day, RJ
- Fawcett, DJ
- Fifield, MP
- Johnston, D
- Macdonald, ID
- McKenzie, B
- O'Sullivan, B
- Reynolds, L
- Ryan, SM
- Sinodinos, A
- Williams, JR

**PAIRS**

- Bilyk, CL
- Carr, KJ
- Di Natale, R

- Cormann, M
- Abetz, E
- Brandis, GH
Thursday, 4 February 2016

SENATE

433

PAIRS

Sterle, G  Scullion, NG
Wong, P  Ronaldson, M

Question agreed to.

The DEPUTY PRESIDENT: It being past 12.45 we will now proceed to government business orders of the day.

BILLS

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

Second Reading

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

Senator CAMERON (New South Wales) (12:48): I rise to speak on the Australian Institute of Aboriginal and Torres Strait Islander Studies Amendment Bill 2015.

Labor supports this bill, which makes changes to the institute's governance and refines its goals so that it can operate more effectively. Indeed, we have supported the work of this enormously important Australian cultural institution since it was created under the name 'Australian Institute of Aboriginal Studies' by the Menzies government in 1964.

The institute received its present name and governance structure when the act that this bill amends was passed under the Hawke government in 1989. Since then, the AIATSIS Council—I think I have it! This is a hard one, this acronym!

Senator McGrath: You've got it!

Senator CAMERON: The AIATSIS Council and members have been predominantly Indigenous since then. I will say more later about why the changes the bill introduces are a necessary reform, but since I want to remind senators of the indispensable work that AIATSIS does I will just take us through some of those points.

In the 52 years since the work began, the institute has amassed a collection of Indigenous cultural materials that is unique in the world. It contains more than a million items, which together document every aspect of the lives of Aboriginal and Torres Strait Islander people: their history; their material culture, knowledge and beliefs; and the languages, songs and dances. The collection includes more than 100 artworks and artefacts, 13,000 manuscripts, 4,000 videos, 830 films and 40,000 hours of audio recordings. There are more than 600,000 photographs—90 per cent of them unique—which together provide a comprehensive photographic record of Aboriginal and Torres Strait Islander peoples from 1880 to the present.

No price can be set on the value of the AIATSIS collection. It is not only a crucial primary resource for anyone conducting research and anthropology, archaeology, human biology or linguistics it is also, and even more importantly, a means by which Indigenous Australians themselves can become acquainted with the sources of their culture, so much of which has been lost as a result of the 200-year European occupation of this land.
That part of AIATSIS's role is perhaps most notable in the content of the language collection, which contains recordings of 250 languages and almost 750 dialects. The language collection is listed on UNESCO's Memory of the World Register, together with artefacts such as the Magna Carta and the Gutenberg Bible. Preserving and expanding the collection is by far the most important thing that AIATSIS does, and the need to concentrate more on those aspects of its work has led to the present bill.

Until now, AIATSIS has also had a major role in funding research and publication as well as acquiring more items for the collection. In 2014-15 research by the institute's staff appeared in 51 publications and the staff presented at 107 conferences and seminars. Research work using the AIATSIS collection will not stop, of course, but there are now many people conducting research and other, increasingly important sources of funding, such as the Australian Research Council, for that research. It has been apparent for some time that AIATSIS should change its focus to emphasise care of the collection. In 2008, the Cutler review of the national innovation system recommended:
The role of institutions such as the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) should be broadened and strengthened in recognition of the special importance of preserving Indigenous collections and the unique value of Indigenous traditional knowledge and practices within Australia's innovation system.

In 2012 the Behrendt Review of higher education access and outcomes for Aboriginal and Torres Strait Islander people final report recommended:
That the Australian Government continue to support the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) to digitise and thus preserve its collection for future generations and particularly for use in higher education, and encourage the development of a national approach to data digitisation … to ensure that Indigenous knowledge be digitised appropriately and preserved.

In the same year, the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs also recommended in its report Our land our languages: language learning in Indigenous communities that AIATSIS be given increased resources to carry out digitisation and storage of Indigenous language materials.

Finally, an independent review of AIATSIS itself was commissioned by the Department of Education in 2013 in response to the Behrendt review. That review recommended that, while AIATSIS's role as the 'key national and collecting research agency' be maintained, the institute's own research should be specifically informed by the collection. Further, the review recommended that 'the government should work with the ARC, the National Health and Medical Research Council (NHMRC) and AIATSIS to make major grant streams more accessible to community-based research'.

The recommendations of all these reviews have resulted in the bill now before the Senate. It makes clear that curating the collection is the core mandate of AIATSIS. The bill has been drafted in consultation with AIATSIS and has the support of the chair of the institute's council, Professor Mick Dodson, and council members. The bill trims the functions of AIATSIS set out in the act from eight to five. It removes specific requirements for AIATSIS itself to undertake research and publication but gives it a leadership role in promoting research and in curating the collection, which is growing at a rate of approximately 1,400 items a year.
In line with the change of emphasis, the research advisory committee is removed from the legislation and there are changes to the institute's governance structure. The changes will ensure that there is a continuing Indigenous majority on the AIATSIS council. At least two of the four elected members must be Indigenous, and in appointing members the minister must ensure that there are always at least five Indigenous councillors, at least one of whom must be a Torres Strait Islander. There are also some smaller changes reflecting the aim of giving AIATSIS a more streamlined management. The principal will in future be a chief executive officer.

Thus, reforms do not respond to any failure by AIATSIS; on the contrary, they are a recognition of the enormous achievement of this very important cultural institution. They are an acknowledgement that it is now time for AIATSIS to become more specialised as the research work it fostered is increasingly taken up elsewhere. The nation is finally moving towards including recognition of Indigenous peoples in the Constitution. When that goal is achieved, it will reflect the contribution of many people and institutions. The work of AIATSIS as a custodian of Indigenous cultural memory and identity will be far from the least amongst those contributions. Labor is therefore pleased to support this bill, which will allow AIATSIS to consolidate its previous work and prepare for what lies ahead.

**Senator McGrath** (Queensland—Assistant Minister to the Prime Minister) (12:58):
The Australian Institute of Aboriginal and Torres Strait Islander Studies Amendment Bill 2015 is a significant step forward for the AIATSIS reform agenda. The bill will amend the Australian Institute of Aboriginal and Torres Strait Islander Studies Act 1989 to update the appointment process for the AIATSIS council to better reflect the skills needed for effective governance and diversity while retaining an Indigenous majority on the council. The bill will refocus the functions of AIATSIS from its current eight functions down to five. The revised functions will allow AIATSIS to focus on its strengths in research, education, collection and preservation. This will ensure a better targeting of resources and direct maximum effort to preserving the pre-eminent collection of Aboriginal and Torres Strait Islander culture and heritage.

We cannot underestimate the historical and cultural significance of the AIATSIS collection. It comprises over a million items of Indigenous Australian culture and heritage, the value of which cannot be quantified. Managing such a collection is an immense responsibility and brings many challenges to AIATSIS. This bill is part of the government's ongoing commitment to continuing to work with Professor Mick Dodson AM and the AIATSIS council to ensure the future of this important national institution. I thank the honourable members for their comments and commend the bill to the Senate.

Question agreed to.

Bill read a second time.

**Third Reading**

The **Acting Deputy President** (Senator O'Neill) (12:59): As no amendments to the bill have been circulated, I shall call the minister to move the third reading unless any senator requires that the bill be considered in Committee of the Whole.

**Senator McGrath** (Queensland—Assistant Minister to the Prime Minister) (13:00): I move:
That this bill be now read a third time.

Senator LAMBIE (Tasmania) (13:00): I rise to contribute on the Australian Institute of Aboriginal and Torres Strait Islander Studies Amendment Bill 2015. I note that this is non-controversial legislation which both sides of this parliament agree to. The government have stated in their brief:

The Bill is part of a reform agenda for the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) to place AIATSIS on a sustainable footing for the future.

The reform agenda comprises three parts.

The first tranche secured short-term funding of $3.3 million in the 2014-15 Budget and $5 million in the 2015-16 Budget to assist AIATSIS in addressing immediate risks to the preservation of their national collection of Indigenous cultural materials.

The government brief continues:

On 28 July 2015, as part of the second tranche, Cabinet agreed to amendments to the Australian Institute of Aboriginal and Torres Strait Islander Studies Act 1989 (the Act) in order to: retain AIATSIS as a Commonwealth corporate entity; reform the appointment process for the AIATSIS Council; and refocus the functions of AIATSIS to ensure a better targeting of resources and direction of maximum efforts to the AIATSIS national collection.

The third tranche of the agenda will explore options to place AIATSIS on a sustainable footing for the future and will be considered as part of the 2016-17 Budget process.

It is to the principle of appointments of people to an Indigenous body—the AIATSIS Council, mentioned in the second tranche of the reform process—that I wish to direct my comments today. The bill's explanatory memorandum also addresses this principle of representation of Indigenous people on Indigenous organisations funded by governments. The bill's explanatory notes state:

The purpose of the Bill is to amend the Australian Institute of Aboriginal and Torres Strait Islander Act 1989 (AIATSIS Act) to enable changes to the AIATSIS Council appointment process to ensure that an Indigenous majority is maintained, while allowing for a broad skills-based Council in keeping with contemporary governance.

The Premier of Tasmania recently made an Australia Day address which reset his party's relationship with Indigenous Tasmanians. It has fundamental implications for the principle of maintaining Indigenous majorities on elected Indigenous organisations and bodies funded by the Commonwealth and state governments. I have written a reply to the Tasmanian Premier's speech which I will read to the Senate today:

Dear Premier,

I write with regard to your Australia Day Speech 2016 where you talked about your Government's commitment to: "reset our relationship with the Tasmanian Aboriginal community."

Before I bring to your attention media comments linked to you, I want to congratulate you on this Australia Day Speech on Tasmanian Indigenous eligibility and recognition.

Your argument to 'reset' the Tasmanian State Government's relationship with our Indigenous citizens was magnificent in describing the injustices faced by tens of thousands of Indigenous Tasmanians, however your plan to remedy these wrongs by applying a political policy "reset"- is nothing more than a continuation of a clever political cover-up of serious crimes and official misconduct.

The new facts and disclosures revealed in your Australia Day speech, are proof that a situation was engineered over time by politicians and others - where tens of thousands of Indigenous Tasmanians
were deliberately disadvantaged - by having access to hundreds of millions of dollars in health and social services denied to them by the Government of Tasmania.

Your research into this rort will have also revealed that it was not only the physical necessities of life that successive State Governments denied to 2 out of every 3 Indigenous Tasmanian — but Labor/Green and Liberal Governments also wrongly fully and criminally denied to roughly 20,000 Indigenous Tasmanians - cultural identity and democratic rights - including the right to vote and stand for election to Indigenous councils.

Premier, you will have been made aware - through the state based Tasmanian Electoral Commission - how Indigenous Tasmanians, who were tested and found by Federal Tribunals in 2002 "to be of Aboriginal Race" — were denied by your laws, the ability to enroll on the Aboriginal Land Council of Tasmania Electors' Roll and vote or stand for elected office.

As Premier, you will have been told that those people felt as if State Governments of Tasmania had stolen and denied those people their racial identity — and no-one cared.

One Indigenous man who approached me for help and who provided documented evidence that on the 18th of October 2002, a Federal Administrative Appeals Tribunal of Australia had found him "to be a person of Aboriginal Race of Australia" — was denied his right to vote in Indigenous council elections — by State electoral laws which are clearly in conflict with Commonwealth laws and the Federal Anti-Discrimination Act.

How do you deliver justice to this person who had his right to vote and racial identity stolen by a State Government? Are you going to amend those State laws?

So Premier, perhaps now you can understand why I was stunned when I read the following media comments in response to my call for a forensic audit of all Federal and State funds allocated to Indigenous Affairs:

"The state government was critical of Ms Lambie's statements. "If Senator Lambie has any evidence of misappropriated funds then she should contact police," a state government spokesperson said."

Firstly, it is an absurdity for you to acknowledge (as you now publically have) that nearly 20,000 Indigenous Tasmanians have been officially denied their cultural identity, resources, approximately $500M in Federal funds - and access to social and health services for decades - and for you to dismiss my call for an independent judicial investigation - into what can only be called a calculated and deliberate State sanctioned race crime. What you've essentially acknowledged in your Australia Day address is that for more than a decade—both Labor/Green and Liberal Tasmanian governments have been party to the theft or misappropriation of Federal funds tallying almost $500M, official discrimination and denial of basic human rights—for 2 in every 3 Indigenous Tasmanians.

Secondly, given your Government spokesperson's media comment, it will obviously come as a surprise to you, that I did contact the Police about 16 months ago regarding this crime relating to Tasmanian Indigenous eligibility and recognition.

You can read about my actions in a speech I delivered to Federal parliament in September 2014 … Indeed you seem to have copied parts of my speech to Parliament and added them to your Australia Day speech.

You'll note in my Speech to Parliament I said:

- "According to Parliamentary Library study, there are more than 19,000 Tasmanians who claim Aboriginal ancestry who live in Tasmania.

- However, the Tasmanian Aboriginal Centre (TAC) and associated Mansell family members and friends—who are effectively in charge of the official state recognition of Indigenous people—only acknowledge approximately 3000 Tasmanians who claim official Indigenous recognition. This fact alone should ring alarm bells."
Which is very close to the words and point you made in your Australia Day Speech where you said:

- "In homes across Tasmania there are families who identify as Tasmanian Aboriginals, yet these statistics tell us that potentially only one in three members are actually recognised as such by this state

- It is an issue that even statisticians can't agree. The last census in 2011 found there were 19,625 Aboriginal and Torres Strait Islander People in Tasmania. The most recent Australian Bureau of Statistics from 2014 reported 25,845 Indigenous people in Tasmania. Yet, under the current Tasmanian Government policy, it's estimated that there are just 6,000 Indigenous Tasmanians. Something is very wrong here."

You'll have to agree that while you used slightly different words and updated statistics (which your government had refused to release to Parliamentary researchers when requested 16 months ago) — after I made my Senate Speech—you plagiarized my policy and essentially repeated my warnings about Tasmanian Indigenous eligibility laws.

And now for obvious political reasons you've conveniently failed to acknowledge that fact.

Once again I turn to your magnificent Australia Day speech.

It graphically detailed evidence of a half billion-dollar crime, which most likely contributed to a widening of the mortality gap, the premature deaths of—and harm to many Indigenous Tasmanians.

You've cut to the heart of the criminality and resulting dysfunction in Tasmanian Indigenous Affairs management where you state in your speech—and it's worth repeating this extraordinary admission:

- Our existing policy is a long way from aligning with the Commonwealth's process meaning Tasmanians can be recognised as an Aboriginal in a national context, but not in their own home state of Tasmania.

- In homes across Tasmania there are families who identify as Tasmanian Aboriginals, yet these statistics tell us that potentially only one in three members are actually recognised as such by this state

- It is an issue that even statisticians can't agree. The last census in 2011 found there were 19,625 Aboriginal and Torres Strait Islander People in Tasmania. The most recent Australian Bureau of Statistics from 2014 reported 25,845 Indigenous people in Tasmania. Yet, under the current Tasmanian Government policy, it's estimated that there are just 6,000 indigenous Tasmanians. Something is very wrong here.

So the question is "if something is very wrong": What are you going to do about the misuse or misappropriation of what you concede is almost half a billion in Federal funds which were supposed to be spent on and shared with over 20,000 Indigenous Tasmanian people—not a select 6000?

Your suggested remedy of a "reset" and "realigning" of policy is a grossly inadequate response to gross injustices—which have been forced on two thirds of Tasmania's Indigenous people for at least a decade.

If the Indigenous whistleblower's accounts provided to me are to be trusted—your government and previous Labor/Green government allowed the management of hundreds of Billions of public funds—by bullies, stand over merchants, liars, thieves and people who brazenly associate with organized criminals—not to mention some of the world's worst terrorists!

An independent judicial inquiry with the powers to protect whistleblowers, summon witnesses and root out entrenched corruption, is the only way that victims will be heard, justice will be served—and the guilty are discovered and punished.

Should an independent inquiry ever be established into this scandalous state sanctioned crime and cover-up—the first witness will be you, Premier.
All you'd have to do is confirm that your Australia Day speech is truthful—to be guilty of turning a blind eye for many years to serious crimes which at the very least—adversely affected the health of tens of thousands of Tasmanian Indigenous people.

So I understand why you will never support my call for an independent judicial—and will use every means, including personal attacks—to distract from this crime and cover-up.

In closing, should a miracle ever happen and a Royal Commission were ever established into this sad, disgusting official abuse of Indigenous Tasmanians, I'll gladly be the second witness. I'd love an opportunity to put my hand on the Bible and tell the truth to an independent unbiased authority—that can't be influenced by political parties.

I'll present to them the speech and accompanying documents I delivered to the Senate more than 16 months ago—where I not only referred allegations by Indigenous whistleblowers of serious criminal behavior involving organized criminals in Tasmania—to the Senate, Prime Minister and Federal Minister for Indigenous Affairs—but also to the Australian Federal Police.

What have the AFP done with the evidence and allegations I took to them?

I naturally assumed that the ensuing law enforcement crack down on Tasmanian organized crime groups—outlaw bikers who were also alleged to have influence over the management of public Indigenous funds—was in part—a result of my strong advocacy for the Indigenous whistleblowers who contacted my office 16 months ago. I've requested an immediate brief from the AFP on the actions they and other Law enforcement agencies took when I provided them information on alleged serious criminal activities in September 2014.

I will share that information with you as soon as I receive it. I would be very surprised if the information I provided to the AFP has not been acted on—or shared with your government.

Premier you stated in your speech:

'Our existing policy is a long way from aligning with the Commonwealth's process meaning Tasmanians can be recognised as an Aboriginal in a national context, but not in their own home state of Tasmania.'

This statement is only half a truth. You know as well as I do that it's not just 'policy' that doesn't align with Commonwealth's process and denies Aboriginal recognition for tens of thousands of indigenous Tasmanians.

You know that it is our state laws which do not align with Commonwealth laws that has caused this crisis in Indigenous management over decades. Indeed, our state laws directly contradict Commonwealth laws and breach others like the Federal Discrimination Act.

Using words like 'reset' and 're-align' when describing the mess and crisis we are in—is a deliberate attempt by you to minimize the size of the crime and harm—

which your government, Premier, the Liberals and the Greens have known about for years—

By using political weasel words like 'reset' and 're-align' you continue the cover up of these crimes which have clearly been carried out in the management of Tasmania's Indigenous funds and resources.

1. What happened to hundred's of millions in Federal Government resources and funds over the years—which were allocated for the 20,000 plus Indigenous Tasmanians—was it only spent on 6000?

2. Were those funds unfairly, unjustly, or illegally allocated only to 6000 Indigenous Tasmanians instead of 20,000?

3. Which politicians and public servants were responsible for allowing hundreds of millions to be misappropriated and illegally used?
4. Who designed, supported and voted for the state laws, which in direct contravention of Commonwealth Laws—excluded two thirds of Tasmanian Indigenous people from hundreds of billions of Federal and State social and health resources?

They are just some of the questions it appears you don’t want asked and answered by a Royal Commission.

I don't have anything to hide from an independent inquiry into the management of Tasmanian Indigenous affairs—for the sake of the tens of thousands of victims seeking justice and accountability for half a billion dollars of taxpayers funds—I only wish that you and the Liberal party were of the same view.

Question agreed to.

Bill read a third time.

Amending Acts 1990 to 1999 Repeal Bill 2015

Statute Law Revision Bill (No. 3) 2015

Second Reading

Debate resumed on the motion:

That these bills be now read a second time.

Senator CAMERON (New South Wales) (13:18): The current Prime Minister, Mr Malcolm Turnbull, talks a big game when it comes to 'innovation' and 'agility', but in reality all we get is more of the same from the Turnbull government. Nothing has changed with the change in leadership of the Liberal Party. Prime Minister Turnbull is fond of talking up the need for economic reform and the need to boost growth and drive innovation, but the government are bereft of ideas. Instead, they resort to the same tired games that former Prime Minister Tony Abbott played when he was in charge. We still have no changes in relation to a tax on working people, the GST. Working-class Australians will be thousands of dollars out of pocket if an increase to the GST is applied in this country. Many workers in this country—and many, many workers in rural and regional Australia—rely on penalty rates to put food on the table. If this government get their way, an increase to the GST will be applied, penalty rates will go and we will have a new flood of the working poor in this country.

They say they want to increase the GST because they will cut corporate tax rates and productivity will increase. Let us have a look at what happened in the US when corporate tax rates were cut, starting with Ronald Reagan and then with George W Bush. Did the working class in America end up being better off? No, they did not. What happened in the United States of America was that corporate executives got richer. Corporate executives were living in the type of luxury that ordinary Australians and ordinary Americans could not even contemplate—executive salaries in the multimillions and some even in the billions of dollars when shares were transferred to those executives. So what happened in the United States? Inequality increased and ordinary families were battling to put food on the table, and that is the exactly the position that we see from this government.

These bills, the Amending Acts 1990 to 1999 Repeal Bill 2015 and the Statute Law Revision Bill (No. 3) 2015, are about trying to disguise what is really happening under this government. These bills are about the government trying to say, 'We are removing red tape,' That is a nonsense, because these bills will make not one bit of difference to any legislation in this country. They will make not one bit of difference to the lives of ordinary Australians. It is
so the Turnbull government can stand up and say, ‘We’re removing red tape, we’re becoming more efficient, we’re becoming more effective as a government’. The only thing that is becoming more efficient is the leaks that are coming out of this government. The only thing that is becoming more effective is the disunity in the government on a range of issues that are before this country. So instead of dealing with nonsense like this bill—we will support the bill because it makes not one iota of difference. But remember: someone has sat down and dealt with this bill, has put time into this bill. But for what? For naught; for absolutely nothing.

What the government continues to do is cut funding to health care, funding to the states for education and attack the trade union movement. Nothing has changed. Absolutely nothing has changed. In fact yesterday, when I saw Prime Minister Turnbull dealing with the issue of asylum seekers and the High Court decision, I actually thought that the Prime Minister had morphed into former Prime Minister Tony Abbott. Not one iota of difference; not one schism between them. And all of this is to hide the reality that they want to impose a GST, they want to get rid of penalty rates, they want to increase corporate salaries in this country and increase inequality. They want to cut health, they want to cut education, they want to attack the trade union movement and they want to increase inequality. That is what this government is all about, and all of the rubbish that you will hear from them in response to my speech will not take away from that core position that this government is adopting—that is, to attack the working class in this country, to attack the trade union movement. They know that if they attack the trade union movement, then workers’ capacity to increase wages in this country not only for union members but also for workers across this economy will diminish. The IMF—the International Monetary Fund—did a report recently that indicates when you diminish the capacity of the trade union movement to deal with wages and conditions in a fair and reasonable manner for workers in the country, then inequality increases. So that is what this government is about: this government is about inequality.

The two bills before this place today are ample evidence that they do not really care about the big issues; they are about simply trying to create a veneer of efficiency, a veneer of red-tape reduction, because these bills do absolutely nothing. The Amending Acts 1990 to 1999 Repeal Bill will repeals bills and acts, resulting in the repeal of more than 870 acts. As these amendments and repeals have already occurred, the operation of these acts is spent. The acts do not operate, so what we are being asked to do is repeal these acts even though these acts do not operate. In repealing these acts, this bill will have no actual effect on the operation of any law in the country. It is part of the spin of this government, part of the spin—that is all it is; it does nothing. But they can now run out and go: ‘We’ve repealed all these acts. Look how efficient we are.’ It is just another government con job; this is a government that cannot be trusted.

Given the nature of these amendments, as acknowledged by the explanatory memorandum, the amendments and repeals affected by the relevant acts have already occurred and, therefore, all of the relevant provisions are no longer operational. We do not argue, never have argued and never will argue against getting rid of regulations that are redundant, no longer enforced and not relevant. It is an attitude we have always had. Take a look at our record when in government. Over the nearly six years Labor were in office, we repealed more than 16,000—16,794 to be precise—spent and redundant acts, regulations and legislative instruments from the statute books. However, this bill does not, and never could, actually
reduce the regulatory burden on any Australian business or on any Australian family or individual.

Amongst the acts repealed by the bill are: the Farm Household Support Amendment Act 1997, the Sydney 2000 Games (Indicia and Images) Protection Amendment Act 1997, the Meat Chicken Levy Amendment (AAHC) Act 1996 and the Radiocommunications (Transmitter Licence Tax) Amendment Act 1995. These are not pieces of legislation with any ongoing impact on real Australian families and real business. But what will affect real families and real businesses is the imposition of a goods and services tax simply because it is the economic view of this government that they should cut corporate tax, increase executive salaries at the expense of ordinary Australians. They are the issues that we need to deal with. This bill is just a sad, tired continuation of the same stunts and farcical tactics we saw from former Prime Minister Tony Abbott.

The Statute Law Revision Bill (No. 3) 2015 is of a similar character. It corrects technical errors that have occurred in laws as a result of drafting and clerical errors, as well as repealing spent and obsolete provisions in existing legislation. The bill also amends 152 acts to replace references to 'guilty of an offence' with references to 'commits an offence' or similar phrases, as well as eight acts to replace references of 'reference base' to 'index reference period. This is explained in the explanatory memorandum as 'modernising language'. Given the nature of these amendments, as acknowledged by the explanatory memorandum, the corrections make no changes to the substance of the law. Again, rather than achieving anything of substance, this bill does not—and never could—actually reduce the regulatory burden on any Australian business or on any Australian family or individual. The claim that the burden will be reduced is a nonsense, but they want to add another burden, and that is called the GST.

As an example of this bill's absurdity, it amends the Primary Industries Levies and Charges Collection (Consequential Provisions) Act 1991 to replace a reference to the 'Primary Industries and Energy Research and Development Act 1990' with a reference to the Primary Industries and Energy Research and Development Act 1989—an erroneous recording of the act's year. It amends section 9.10(4) of the A New Tax System (Luxury Car Tax) Act 1999 to replace 'are guilty of' with 'commit'. It corrects an incorrect cross-reference in the schedule to the Agricultural and Veterinary Chemicals Code Act 1994. Landmark reforms these are not.

This bill is further evidence that all we get from the current Prime Minister is more of the same. Nothing has changed with the change of the leadership of the Liberal Party—just a smoother sounding salesman. And that will not last for long, because we saw that smooth salesmanship disappear yesterday in parliament when the current Prime Minister morphed into the former Prime Minister, Tony Abbott, because he is being driven and controlled by the worst elements of the Liberal Party. The Prime Minister likes to talk up innovation and agility, but in reality it is just the same old tricks without doing anything of substance.

If this really were about deregulation, the government would explain the bill through the prism of how many new jobs were being created or how much the bill would boost GDP and foster growth and innovation. But the government cannot do that. And they will not talk about the effect of the GST increase on employment in this country, how it will dampen investment, how it will create more unemployment and how it will simply reward the Prime Minister's political donors by giving them increased executive salaries. And who will pay for them? The ordinary Australian public will pay for them. Every time they go to a supermarket checkout
they will be paying extra to line the pockets of the executive class of this country. That is the legacy that Prime Minister Turnbull is trying to leave for this country.

These two bills are a sad reflection on a government that has no interest in improving the lives of ordinary working Australians. They effect no change to the law, and they have no financial impact.

We have always believed in making it easier for business to operate. We have always believed in the importance of increasing productivity. It was Labor that took Australia through the global financial crisis and acted decisively to ensure the economy continued to grow and keep people in their jobs—action that Prime Minister Turnbull opposed as Leader of the Opposition.

The repeal of spent legislation will bring no relief to any Australian family or business. The correction of typos might be a legal nicety, but it will have no real effect in the real world. Unemployment remains high at 5.8 per cent, yet Prime Minister Turnbull's government is content to limit its efforts at reform to cheap stunts and smoke-and-mirror tactics that ignore the real issues facing the Australian economy.

The government should be embarrassed by these two bills and embarrassed to trumpet them as economic reforms. The government should be embarrassed that, instead of pursuing real reform, it has once again performed this same stunt, offering no evidence of any actual benefit to the community, while it continues to plot with the executive class in this country to increase their executive salaries through a cut in corporate tax rates paid for by a GST that will be a killer for ordinary Australians who are battling to put food on the table, who are battling to send their kids to school, who are battling to get school shoes and school uniforms. These are the battlers in this community that this government does not care about, yet it will come here and trumpet this nonsense as an economic reform.

I take the view that a real economic reform is one that builds a better society, one that ensures that we do not come into a place like this arguing nonsense like this bill being 'real economic reform' but deal with the key issues of ensuring that workers can go on the job and have rights and a say on the job, that they do not lose their penalty rates and that ordinary families do not get hit by a GST from between $3,000 and $8,000 a family across this country. But this government is so focused on ensuring that the big end of town that pays for its election campaigns—pays the Liberal Party election funds to the Liberal Party—gets looked after, and that is what it is more interested in.

Real reform this is not. This is another coalition con job that builds on the con job that happened to this country prior to the 2014 election, where they made all sorts of promises on education, health, the ABC and the SBS. They made all sorts of promises, and as soon as they came into government they did an about-face on the promises. Whether it is the current Prime Minister, Malcolm Turnbull, or the former Prime Minister, Tony Abbott, this is a government that cannot be trusted, because the forces that drive this government are not the forces that are for the good of ordinary working class Australians. They are the people that are wealthy. They are the people with power and privilege, and they are the people in executive boardrooms that are donating to the Liberal Party to make sure—they hope—the Liberal Party are returned as the next government.
The problem we have is that ordinary Australians will pay the price for this. We will end up like an economy like the US, where the health system is not properly funded, the education system is not properly funded and people are not given appropriate opportunity to move in life. I will leave my comments at that and indicate that Labor will support this bill, but it is a meaningless bill and cannot be trumpeted as any economic reform.

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (13:37): I would like to thank the senator for his contribution to the debate. It was very interesting. The government is pleased to facilitate and support the passage of the Amending Acts 1990 to 1999 Repeal Bill 2015. This bill contributes to the government's regulation reduction agenda and improves the quality of Commonwealth legislation. The review, amending and repeal legislation clarifies the status of the law in the Commonwealth statute book. It also improves the accuracy and usability of Commonwealth acts by repealing redundant material. These improvements complement the government's commitment to creating clearer and more accessible Commonwealth laws.

The government is also proud to facilitate and support the passage of the Statute Law Revision Bill (No. 3) 2015, which performs a vital service in improving the quality of Commonwealth legislation. This bill allows errors in the Commonwealth statute book to be efficiently addressed and enables the repeal of spent and redundant provisions. It improves the accuracy and usability of Commonwealth acts. These improvements contribute to the government's deregulation agenda and enhance the quality of Commonwealth legislation.

Both bills were prepared on the initiative of the Office of Parliamentary Counsel. I commend the office for the quality of the bills and its commitment to maintaining the accuracy and clarity of the Commonwealth statute book. I thank the Senate and commend the bill to the Senate.

Question agreed to.

Third Reading

The Acting Deputy President (Senator Back) (13:39): As no amendments to the bills have been circulated, I shall call the minister to move the third reading unless any senator requires that the bills be considered in Committee of the Whole.

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (13:39): I move:

That these bills be now read a third time.

Question agreed to.

Bills read a third time.

Social Security Legislation Amendment (Further Strengthening Job Seeker Compliance) Bill 2015

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.
Senator LINES (Western Australia) (13:39): I am in continuation on the Social Security Legislation Amendment (Further Strengthening Job Seeker Compliance) Bill 2015 and in my earlier speech I was talking about the sorts of programs that were in place to support people who found themselves unemployed or needing to do further education, particularly young people.

Labor established the notion of mutual obligation, but mutual obligation works both ways. Mutual obligation rests both with the job seeker and with the government. As I pointed out earlier, we saw a really good program defunded, the Youth Connections program, and it has ceased to exist. And I started to talk about apprentices.

Apprenticeships give young people and mature-age apprentices an opportunity to develop skills that they can take forward. If we want to be an innovative nation then we want to be promoting apprentices and apprenticeships wherever we can. We have seen the government make it harder for apprentices. Labor recognise that taking up an apprenticeship takes money and that not every apprentice can rely on family to stump up the necessary tools of their trade.

Labor also recognise that providing apprentices with access to mentors and other support would lift the completion rates of apprentices. Completion rates are a problem amongst apprentices and when we were in government we believed that one way to ensure that apprentices completed was to make a mentor available to them—someone they could speak to or to get advice from when the going got tough. Because of its blame-the-young-person attitude, the government slashed and burned this program and the results speak for themselves. They cut a billion dollars out of the apprenticeship program. So access to mentoring and the Apprentice to Business Owner program were cut in that first horrendous budget under the Abbott government and now the Turnbull government.

We know that Mr Turnbull has said over and over again that lock, stock and barrel, he supports all of the budgets that this government have put in place. Indeed, he absolutely supports that billion dollars in cuts. So they replaced the apprentice support with apprentice debt by abolishing the Tools For Your Trade Payment program. We saw that they rebadged and cut funding to the Australian apprenticeship centres. They abolished the joint Group Training program and cut support for adult apprentices. Given that we are seeing how the Turnbull government goaded the car industry to the point that they are moving offshore and closing down in Australia, you would think that reskilling mature-age people, particularly through apprenticeships, would be No. 1 on their agenda. Unfortunately, it is not.

What we have seen after two years and the billion dollar cuts to apprenticeship programs is that the number of completions has dropped from 63,000 in June 2013 to just 29,700 in June 2015. What a disgrace. We have seen through the Senate estimates that apprentices often get a raw deal, that they are underpaid and treated badly in the workplace. So any schemes which support and promote apprentices as a way forward, particularly for young people but not exclusively young people, should be supported by the Turnbull government. But again, what we see is this punitive approach, not the support that is needed. We see that carrot and stick, not mutual obligation. The government see mutual obligation as simply resting with the job seeker and nowhere else. So all the effort and all of the compliance is simply there for the job seeker and any programs that might assist in enabling young people and older people to get jobs are ripped away.
The other area that provided great opportunities for young people have been the trade centres, which Labor put in place and, again, which have been chopped. A great opportunity for young people to gain skills, to try out a potential trade and to get a certificate to start them on their journey to work is gone—abolished by this government.

I had the opportunity to attend the opening of the Pinjarra Waroona Trade Training Centre at Pinjarra high school. It is a really fabulous centre, eagerly supported by local business and Alcoa. A big company like Alcoa really thought that that trade training centre at Pinjarra high school was something they would get great benefit from. Thankfully, that is still in existence because it was built when Labor was in government. But to just cut the funding to those trade training centres is another example of where the government does not understand mutual obligation. It simply says it is punitive measures that we need, apparently there is an abundance of jobs out there that people can just pick up and, obviously, people who do not do that are somehow lazy. I saw students at Pinjarra and Waroona high schools attending that centre. They were actively and enthusiastically participating in their learning and saw the centre as giving them real opportunities for a quality job—opportunities that will enable them to stay in that semirural location of Pinjarra and Waroona.

Similarly, Coodanup College in Mandurah—and we should all be very alarmed at this—currently has not one student reaching ATAR levels. I know that you, Madam Acting Deputy President, as someone who is really interested, with a career in the education system, would be appalled at that. Coodanup College, in the heart of Mandurah, has not one student reaching ATAR. We should all be doing whatever we can to help that school. Fortunately, under Labor's scheme, that school qualified for a trade training centre. I visited that trade training centre. The school is very enthusiastic about it, but that school needs more support to enable those young people not only to take up potential trades through that trade training centre but to reach that ATAR level. Interestingly, all the schools that surround that school do have children attaining ATAR levels, and it is the standout school that does not. I think there is a great shame about that. It demonstrates the sorts of cuts we have seen Colin Barnett, the Premier of Western Australia, make to schools and, equally, the $3.2 million that this government has ripped out of every school. Schools like Coodanup College need to be funded according to need so that we can give those children a chance, because postcode is what is defining what is happening at Coodanup College, and it is very clear for everyone to see. It will get its trade training centre and provide those students with a career, but they certainly need help to make sure that they reach ATAR levels. But, again, we saw that the short-sighted nature of the Turnbull government has abandoned these centres too.

Other Labor senators have mentioned the job plan. We heard in evidence that job plans are simply taken off the shelf. They are not individually tailored to people's needs. Many people gave evidence during the inquiry that the job plan was simply one size fits all. No wonder people have trouble signing it—it is not meeting their needs. There is this 'inappropriate behaviour' thing. The department was not able to quantify what that meant. So, yes, Labor stands for mutual obligation, but that cuts both ways, and it is time the government got back on board with what job seekers really need, which is the proper definition of 'mutual obligation', support from the government and sticks when needed, but support needs to be there. This is not all one way: all job seekers who do not get jobs are lazy.
Senator BACK (Western Australia) (13:48): When I made my first speech in this place nearly seven years ago, I made the observation:

… my own goal: for an Australia which is egalitarian in approach, which rewards independence in outlook and encourages interdependence as a necessary quality of a mature economy but which works actively to eliminate dependency as a long-term outcome. No policy should have the objective of denying a human being their right to support themselves and/or their family, and society should not tolerate conditions which condemn young people especially to the prospect of long-term unemployment and dependence on government handouts in a country such as ours. 

I believed those comments then, and they go very well to the discussion we are having here in this place at this time on the Social Security Legislation Amendment (Further Strengthening Job Seeker Compliance) Bill 2015, because it goes exactly to the point that no community, no economy, no country should encourage the circumstances of young people especially being condemned to the prospect of long-term unemployment and dependence on government handouts in a country such as this one. I think we are in agreement with the comments that have been made by others that there has to be every level of assistance so that young people in the community who are unemployed and who want to work and are able to work actually develop the principles early in their lives so that they will get into a work ethic and they will be able to honour that obligation to themselves and to their families to be able to support them. This is what this bill is all about.

It complements legislation last year for stronger penalties for job seekers who failed to undertake the tasks that we, as a mature society, would require of them: looking for work, participating in activities and then accepting a suitable job offer. All of us in this place have been in that circumstance at some other time of our lives, and many of us have encouraged children—possibly, into the future, grandchildren—and those young people around us to do each of those: to look for work, to participate in activities that are going to secure them employment and then, of course, to accept a job offer. It is interesting that the changes that were introduced by that bill last year, the successful no-show no-pay reforms, which were agreed to by the parliament in 2015, have seen job seeker attendance rates at rescheduled appointments increase from 65 per cent to more than 90 per cent in that short period of time. That must be a very strong stimulus.

There are five real elements that go to the core of this bill. It ensures that job seekers will, firstly, enter into a job plan; secondly, meet their job search requirements; thirdly, participate in activities, including training and Work for the Dole; fourthly, attend appointments with their employment providers; and, fifthly, seriously look at and accept offers of employment. Let me go back to each of these.

We all know that for those who have lost a job the likelihood of getting back into employment depends largely on them looking for work and having providers available who can assist them as quickly as possible to get back into employment. A job plan is essential. In the case of young people who are unemployed and looking for work a job plan is at the core. They must participate in that process, as must their parents if that is required, along with the provider, funded of course by the taxpayer through government.

They must meet their job search requirements. In many cases they will be developing skills along the way as they go through that exercise. I mentioned thirdly that they must participate in activities, including training, Work for the Dole and other initiatives that are in place to
assist them in their development and their training. They must turn up for appointments with their employment providers and they must accept an offer of suitable employment.

Taxpayers in this country and the wider community would expect job seekers to meet their mutual obligation requirements. There is definitely community concern expressed to all of us that the current rules make it too easy for a job seeker to choose welfare instead of accepting a job. Going back to the point that I made in my first speech: no policy should have as its objective denying a human being their right to support themselves and their family—that is absolutely critical. The principle contained within this bill reflects the fact that the Australian income support system is there as a safety net for people who cannot find employment. It is not there to support those who simply refuse to look for, or to accept, a job. It is not there for those members of the community who simply say: 'I'm alright. I don't want to work. Let the rest of the community support me.' If there is not a reason for them not to be looking for work, or working, they should be.

We know that with the changes made by the previous government job seekers who refused to participate in work without a good excuse did not have any financial penalty imposed as a result of that. We know that that process has failed. We know it is not working. We know it has not encouraged—and this is the very fundamental thought and principle—especially young people to look for work. We know, for example, that in 2009-10, when the waiver provisions were first introduced, only 45 per cent of penalties for refusing a suitable job were waived. By comparison, in 2013-14 that 45 per cent had increased to 78 per cent, simply because 'no work, no pay' is a very strong incentive. The current rules no longer provide a sufficient deterrent to refuse work, because job seekers know, in that circumstance, their payment would be achieved and there would be no consequence for them.

I want to reflect for a few minutes on the value of work. We all participate in it. I am speaking particularly in the context of a young person coming out of school, training or education who has not worked. We know that the first value and benefit of work is discipline—self-discipline; the need to actually get out of bed in the morning, to plan and to turn up to the workplace where the young person has found employment. We know they need to do so day after day. The discipline of attending the workplace is a critically important one and one that is lost, unfortunately, on many young people in the community.

The second one is social engagement. We know that we spend most of our waking lives in or associated with work in the workplace. Look at us in this place and the proportion of our working lives that we spend in the workplace or associated areas. We have that social engagement which is so critically important to the development of a young person and indeed to the wellness and the wellbeing of all of us in the community. We know that it is a great spot for young people to perhaps meet their future spouse. In fact, many people find their partner in life in their workplace. So social engagement is the second great benefit and value of work.

The third, as Senator Smith is only too well aware, is the benefit of developing communication skills. Where better than a workplace to listen to the views of others, to develop the skill of putting your own view and, in relation to workplace activities, to develop the skills associated with negotiation within the field of communication.

The fourth, and most obvious, is skills development. We know that in the war and post-war period when people came into employment they stayed in that job for all of their working life.
We know of the contrast to today where the average young person from the start of their working life to the end of their career will undertake some seven or even eight career changes. It is interesting for all of us in this place to reflect on the number of career changes. You, Mr President, have a very interesting and colourful background in terms of the careers that brought you to the presidency. I know that this is my eighth complete career change. So skills development in the workplace is critically important and is underpinned by the necessity of this social security legislation amendment that we are discussing here today. Not only is it relevant in the workplace but the skills a young person acquires in their workplace are taken into their home, into their social lives and into their related recreational environments. The fifth of my points—and I do not think you are going to allow me to proceed—

The PRESIDENT: Senator Back, you are absolutely correct. It being 2 pm, we now move to questions without notice. You will be in continuation.

QUESTIONS WITHOUT NOTICE

Commonwealth Scientific and Industrial Research Organisation

Senator SINGH (Tasmania) (14:00): My question is to the Minister representing the Minister for Industry, Innovation and Science, Senator Sinodinos. I refer to the Turnbull government’s decision to cut around 200 positions at the CSIRO. Won't these cuts to the CSIRO strip away the organisation's remaining climate science capacity and reduce the monitoring of climate change in the southern hemisphere? Can the minister confirm that both the Prime Minister and Mr Pyne signed off on these cuts?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:00): I thank honourable senator for her question. The short answer to your question is 'no' and I will explain why. First and foremost, what has happened with the CSIRO in this announcement is an operational decision of the organisation. After an extensive review by the management of CSIRO, they stated the need to reorganise the organisation to better fulfil its mission as outlined in its strategic plan. Advice from the CSIRO is that the realignment will take roughly two years and that there will be no net job losses across the agency. As such, any suggestion that this is the result of changes to the CSIRO budget is incorrect. And it is not the role of the Prime Minister or of the minister for science to sign off on staffing changes of an independent agency.

I can also add that there is a realignment of activity within the climate change division and that the stories reported in the media today, including in the Sydney Morning Herald, to which you are referring are factually wrong. First and foremost, is CSIRO will continue their relationship with the Department of the Environment on the National Environmental Science Program. It will still be spending $83 million a year on climate change research and the oceans and atmosphere division of the CSIRO will continue to employ more than 300 people. However, there will be a stronger focus on abatement and mitigation strategies. In the words of the CSIRO CEO, Larry Marshall:

We have spent probably a decade trying to answer the question is the climate changing … After Paris that question has been answered. The next question now is what do we do about it.

Senator SINGH (Tasmania) (14:02): Mr President, I ask a supplementary question. At the Paris climate conference, Mr Turnbull said:

We do not doubt the implications of the science, or the scale of the challenge.
So if Mr Turnbull believes in the science of climate change, why has he cut the jobs of so many Australian climate scientists?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:03): I can only repeat: we will continue to spend about $83 million a year on climate change mitigation, adaptation and research. The excellent climate science of CSIRO has provided guidance to government and industry across a range of climate change sciences. Its collaborative work on global and national measurement and modelling of the climate has been outstanding. We are continuing to be committed to research on climate and climate modelling and we have provided $23.9 million over six years to establish the Earth Systems and Climate Change Hub under the National Environmental Sciences Program.

Senator SINGH (Tasmania) (14:03): Mr President, I ask a further supplementary question. How does the Prime Minister reconcile the abolition of 200 more science jobs with his claim of support for science and innovation? Aren't these drastic cuts just another example of Prime Minister Malcolm Turnbull saying one thing and doing the exact opposite?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:04): All I can say is that the Prime Minister, the foreign minister and the Minister for the Environment in Paris did Australia proud. They went there and stood up for the Australian way of dealing with climate change. That is what they did—the Australian way.

Senator Wong: Mr President, I rise on a point of order: direct relevance. The question had nothing to do with what the Prime Minister, the foreign minister and whoever else did in Paris. It was a question that said:

How does the Prime Minister reconcile the abolition of 200 more science jobs with his claim support for science and innovation? Aren't these drastic cuts just another example of Prime Minister Turnbull saying one thing and doing the exact opposite?

The PRESIDENT: Cabinet Secretary, I will remind you of the question and inform you that you have 43 seconds in which to answer.

Senator SINODINOS: I can only repeat: the advice from the CSIRO is that there will be no net job losses within the organisation. What they are doing is realigning their resources with their priorities internally. In the case of the climate change situation, they are looking at mitigation and adaptation measures.

Trans-Pacific Partnership Agreement

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (14:05): My question is also to the Cabinet Secretary, Senator Sinodinos, representing the Minister for Trade and Investment. Can the Cabinet Secretary outline for the Senate recent developments with the Trans-Pacific Partnership Agreement.

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:06): Indeed this is a red-letter day. I can see Senator Whish-Wilson is getting excited already because I can confirm what he suspected. After commencing in 2010, the TPP negotiations were concluded in October last year. The Minister for Trade and Investment in Auckland this morning, at 09:00 am Australian time, with 11 of these counterparts from across the Pacific actually signed the agreement. So I can confirm to the chamber that the rubber will now hit the road in terms of the scrutiny that members in this chamber have been looking for, because, after the signing ceremony, there will be a process through the national interest analysis, through the
Joint Standing Committee on Treaties and through other processes to look at the great net
benefits that this particular TPP will provide to Australia. We have now reached formal
agreement with Brunei, Canada, Chile, Japan, Malaysia, Mexico, Peru, New Zealand,
Singapore, the US and Vietnam on the biggest trade deal in a generation. Think of what this
means for less developed countries in the region. There are benefits to advanced countries, but
if you really care for developing countries in our region you will support the Trans-Pacific
Partnership.

It is a great milestone for Australia and will form a key part of our economic prosperity for
decades to come. It is yet another notch in the belt for the coalition, particularly for the trade
minister, Andrew Robb, who has delivered. Since coming to office in 2013, this government,
and Andrew Robb in particular, has concluded four major free trade agreements. So between
our trade agreements with China, Japan and South Korea, and now the TPP, we have free
trade agreements in place that cover almost half of all global economic activity. The legal
review and the official translation of the TPP have been finalised. The treaty text, relevant
Australian side letters— (Time expired)

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (14:08):
Mr President, I ask a supplementary question. Will the Cabinet Secretary explain what the
process is for the Trans-Pacific Partnership entering into force?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:08): Each of the 11
countries has its own process of dealing with domestic treaty making and scrutiny. For
Australia this means, as I mentioned before, that before any binding treaty action is taken the
TPP text and the national interest analysis will be tabled in the parliament for 20 joint sitting
days—an analysis done by the Department of Foreign Affairs and Trade. Further, the Joint
Standing Committee on Treaties will conduct an inquiry into the TPP and report back to the
parliament. Parliament will consider any legislation or amendments to existing legislation that
may be necessary to implement the agreement. Crucially, going forward, the TPP is not
limited to the original 12 signatory nations. I can report that the trade minister has said to me
that other countries in the region outside the TPP are already saying, 'We want to be part of
the action,' because they believe that countries inside the tent will get the break on them by
being part of this arrangement. So even though the original agreement— (Time expired)

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (14:09):
Mr President, I ask a further supplementary question. Can the Cabinet Secretary explain how
this historic Trans-Pacific Partnership Agreement will benefit Australians?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:09): I thank the
honourable senator for his supplementary question. Under this agreement, 98 per cent of
tariffs amongst the 12 member nations will go. Tariffs on $9 billion of Australia's dutiable
exports to TPP member nations are eliminated. This will further increase our competitive
advantage in world markets. In agriculture, in particular, the TPP will eliminate tariffs on
more than $4.3 billion worth of Australia's dutiable exports of agricultural goods—yet another
boost for rural and regional Australia, because we love rural and regional Australia. Sugar,
dairy, beef, iron, steel, pharmaceuticals, machinery, paper, automotive parts, rice, grains,
wine, engineering, oil exploration—

Opposition senators interjecting—
Senator SINODINOS: They can't bear to hear this. Technological research, accounting, legal services, health, education, transport and logistics are all getting a leg up from the TPP. (Time expired)

Goods and Services Tax

Senator KETTER (Queensland) (14:10): My question is to the Minister representing the Treasurer, Senator Cormann. I refer to Treasury modelling of GST changes, including an increase of the GST rate to 15 per cent. Can the minister confirm that Treasury modelling shows an increase of the GST rate to 15 per cent would deliver additional revenue of $32.5 billion in 2017-18?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:11): As I advised the Senate yesterday, the government has not made a decision to increase the rate of the GST. We are on the public record, and have been on the public record for some time, saying that we have been modelling some options at the request of state and territory governments including, and in particular, the good friend of Senator Conroy: the Labor Premier of South Australia, Jay Weatherill. There is no news in any of this, because this government is focused on how we can make our tax system more growth friendly, to help facilitate stronger growth and more jobs. We started that process on coming into government by getting rid of Labor's job-destroying carbon tax, by getting rid of Labor's job-destroying mining tax, and by encouraging small business to employ more Australians by providing a company tax cut for small business.

The PRESIDENT: Pause the clock.

Senator Moore: Mr President, I rise on a point of order. It is on direct relevance to the particular question. The specific question was not about whether there was modelling; it was whether the modelling showed an additional revenue of $32.5 billion in 2017-18. It was quite direct.

The PRESIDENT: Thank you Senator Moore. I will point out the question to the minister and will advise the minister he has one minute and 11 seconds in which to answer.

Senator CORMANN: As I have clearly indicated to the chamber, the government has made no decision to increase the rate of the GST. As such, the question is quite irrelevant.

Senator KETTER (Queensland) (14:12): Mr President, I ask a supplementary question. I am going to persist with this matter. I refer to Treasury modelling of an increase of the GST rate to 15 per cent and an expansion of the base to include food, water and sewerage. Can the minister confirm that Treasury modelling shows that this tax hike would deliver additional revenue of $45 billion in 2017-18?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:13): As I have indicated to the chamber on a number of occasions now, the government has not made a decision to increase the rate or broaden the base of the GST, so I refer to my answer to the previous question.

Senator Wong interjecting—

The PRESIDENT: He has concluded his answer, Senator Wong.
**Senator KETTER** (Queensland) (14:13): Mr President, I ask a further supplementary question. Can the minister confirm that Treasury has been asked to model further GST changes, including an expansion of the GST base to include health and education?

**Senator CORMANN** (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:13): As I indicated in my first answer, in good faith—

**The PRESIDENT:** Pause the clock.

**Senator Conroy:** Mr President, I rise on a point of order. The minister is taking less than 15 seconds to answer his question, so there is not much time to take the point of order. The questions are very specific. The questions go to Treasury modelling; they are not about a government decision. We are asking him to confirm Treasury modelling. To dismiss the question and to dismiss your advice is, again, a reflection on the minister. I ask you to bring him back to the question that has actually been asked.

**The PRESIDENT:** Thank you, Senator Conroy. I will remind the minister of the question. He has 55 seconds in which to answer.

**Senator CORMANN:** I would say to Senator Conroy and everyone who is listening to this answer that I clearly confirmed in my primary answer, which is what I referred to in the first five seconds of my answer to the supplementary question, that Treasury did indeed conduct modelling at the request of state and territory governments, including the very good friend of Senator Conroy the Labor Premier of the great state of South Australia. This is not a secret. This has been long established. I think the Treasurer referred to this as part of the fact-finding. The important point here is that the government has not made a decision to increase the GST and, as such, this is just academic.

**Commonwealth Scientific and Industrial Research Organisation**

**Senator WATERS** (Queensland—Co-Deputy Leader of the Australian Greens) (14:15): My question is to the Minister representing the Prime Minister, Senator Brandis. The Prime Minister said to the world in Paris that Australia would double investment in clean energy innovation over the next five years. However, this morning we learned that the CSIRO will be sacking up to 350 staff, including 110 climate scientists. The government may well hire 350 act developers or clean coal workers in the next two years, but the fact remains they will still be disbanding 350 actual scientists, including climate scientists. How is it innovative to cut 350 science jobs from CSIRO after you already cut 1,400 of them following the previous budget? How was it innovative to abolish the carbon price, to slash the renewable energy target and to plan to abolish the Renewable Energy Agency and the Clean Energy Finance Corporation?

**Senator BRANDIS** (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:16): Thank you, Senator Waters, for raising the issue, although many of the matters about which you inquire have already been addressed by my colleague Senator Sinodinos. At the risk of repeating some of the things that Senator Sinodinos had to say in response to an earlier question, I will point out to you that these are operational decisions for the CSIRO. There was extensive review of the management of the CSIRO which concluded that there was a need to reorganise the organisation better to fulfil its mission outlined in its strategic plan.
Senator Waters, you say that there will be job losses. But I am afraid, Senator Waters, you are incorrect, because I can tell you that, as Senator Sinodinos advised the chamber in response to Senator Singh, the realignment, which will take roughly two years, will result in no net job losses. There will be no net job losses across the agency and any such suggestion otherwise is incorrect. So, Senator Waters, please do not mislead the chamber. You have had the assurance from Senator Sinodinos, and now you have had the assurance from me, that there will be no net job losses as a result of this process.

CSIRO has announced that there will be a realignment of activities within their climate change division. Stories reported in the media today, particularly in the Fairfax media, are factually wrong. The CSIRO will continue its relationship with the Department of the Environment on the National Environmental Science Program. It will be spending $83 million per annum on climate change research, and the oceans and atmosphere division of the CSIRO will continue to employ more than 300 people.

Senator WATERS (Queensland—Co-Deputy Leader of the Australian Greens) (14:18): Mr President, I ask a supplementary question. Despite the reorganising and realigning, the government are still sacking climate scientists. The CSIRO's climate research in fact helps Australia protect and adapt to extreme weather events, like the droughts and bushfires that communities are already facing. With the devastating extreme weather events that have happened just over the summer, what is this government going to say to those communities about why you are sacking the very people who could help us prepare for and adapt to those extreme weather events?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:19): Senator Waters, on our side of politics we are very proud of the CSIRO. I think all Australians ought to be very proud of the CSIRO. The CSIRO in its original inception was a creation of a coalition government, in fact—the Bruce-Page government in the 1920s. From time to time all organisations, including an organisation that has been in existence for nearly a century now in its various forms, need to undergo a process of modernisation and a consideration of their priorities.

Senator Waters, as I said to you in response to your primary question, importantly there will be no net job losses at the CSIRO. You seem to be, Senator Waters, if I may say so, stuck in this mindset that nothing should ever be allowed to change. I should have thought, Senator Waters, that if ever there was an organisation that ought to be agile across its priorities it would be a scientific research organisation. (Time expired)

Senator WATERS (Queensland—Co-Deputy Leader of the Australian Greens) (14:20): Mr President, I ask a further supplementary question. That was most amusing! A senior CSIRO scientist said that, after these cuts, 'climate will be all gone, basically.' What the Australian community wants to know, Minister, is: when will the climate denialist dinosaurs in your government be all gone?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:20): Senator Waters, I was in the middle of telling you about what climate science functions the CSIRO will continue to perform. As I said to you before, it will spend about $83 million a year on climate change mitigation and adaptation research. The Australian government is committed to continued research on climate and climate modelling. It has provided $23.9 million over six years to
establish the Earth Systems and Climate Change Hub. The hub aims to improve our observations and understanding of past and current climate, better understand how the climate system may change in the future and build the utility of earth systems and climate change information, including enhancement of Australia's national capability in earth systems and climate modelling. Senator Waters, I know you take a great interest in these issues and, therefore, it would be more obvious to you than most how important those functions are. Those functions will— (Time expired)

Defence Procurement

Senator CAMERON (New South Wales) (14:21): My question is to the Minister for Defence, Senator Payne. On 6 June 2014 former defence minister David Johnston announced Navy's two new supply ships would be commissioned from overseas because there was an 'urgent need to forestall a capability gap'. Minister, why is it that more than a year and a half later you still have not signed a contract for this urgently required capability for Navy?

Senator PAYNE (New South Wales—Minister for Defence) (14:22): I thank Senator Cameron for his question. As my colleagues have helpfully pointed out, it is a fairly significant omission of the previous government to have not commissioned one single solitary naval vessel in the entire period of their time in government.

Senator Birmingham interjecting—

Senator PAYNE: That would be six years, in fact—thank you very much, Senator Birmingham. So, talk about leading with your chin, Senator Cameron. At the very, very least, the complexity of the work that is required to advance—

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

Senator Cameron: I raise a point of order on relevance, Mr President. We are now a quarter of the way through the minister's time to respond. The question was, clearly: why is it that, more than a year and a half later, you still have not signed a contract? The minister does not even look like going near that. Her attention should be drawn to the question.

The PRESIDENT: Thank you, Senator Cameron. I will remind the minister of the question. I advise the minister she has one minute and 28 seconds in which to respond.

Senator PAYNE: I fundamentally reject the premise of Senator Cameron's question, and the answer to the question is no.

Senator CAMERON (New South Wales) (14:24): Mr President, I ask a supplementary question. Isn't the loss of 150 jobs at Forgacs in Newcastle this week, on top of...
more than 1,000 shipbuilding jobs already lost under this government, due to your decision to send this contract offshore?

Senator PAYNE (New South Wales—Minister for Defence) (14:25): The only way to have protected shipbuilding jobs in this country would have been for your government to actually have done something in this regard and commission at least a single naval vessel in the entire time of holding office. But you did not. We are instigating a continuous shipbuilding plan, not you, and that will at least address the hole that you left.

Senator Cameron: Mr President, I raise a point of order. I have asked about the implications of the contract that this government has let offshore, meaning that jobs are destroyed in Australia. The minister must come to that.

The PRESIDENT: I believe the minister has concluded her answer. Minister, have you concluded your answer?

Senator PAYNE: Yes, Mr President.

Child Care

Senator REYNOLDS (Western Australia) (14:26): My question is to the Minister for Education and Training, Senator Birmingham. Will the minister advise the Senate on the government's plans to deliver affordable, flexible and accessible child care for Australia's hardworking families?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:26): I thank Senator Reynolds for her question and her passionate interest in this area of policy. The government has a plan to help support hardworking Australian families to be able to better access and afford child care to support their workforce participation, studying or volunteering in the future. We are committed to investing some $40 billion over the next four years—an increase of around $3 billion in the support provided to families for our childcare system.

We are restructuring the childcare system to ensure that we provide the greatest hours of support and access to subsidised child care to the families who work the longest hours, and the greatest subsidy and level of financial assistance to the families who earn the least amount of money. This is an inherently fair reform, which will support around 1.2 million Australian families and, importantly, protect those most vulnerable in our society through our $858 million childcare safety net.

I particularly welcome today's report by PricewaterhouseCoopers, commissioned by Goodstart Early Learning, which projects that around 29,000 full-time equivalent jobs will flow, and workers will flow as a result, into the labour force of this remodelled childcare arrangement. This backs up the government's own research, which indicates that around 230,000 families will increase their workforce participation as a result of a more affordable, flexible and targeted childcare system. I welcome the quote by Goodstart Early Learning CEO, Julia Davison, who commissioned the report: 'The Jobs for Families childcare package will deliver a significant economic gain for our nation by making returning to work more attractive for parents.'

This is an important economic reform, Mr President, but it is also an important reform that will help many thousands of Australian families.
Senator REYNOLDS (Western Australia) (14:28): Mr President, I ask a supplementary question. Can the minister please reconfirm his good advice about how many families will benefit from the Turnbull government's reform to the childcare system, in total?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:28): Around one million Australian families will be better off as a result of the work that the Turnbull government is doing to fix and reform our childcare system. We are putting in place a light-touch activity test, which will ensure that the support is targeted to those who are working, training, studying, looking for work or volunteering, that those who most need assistance for child care are the ones who can guarantee that they can access that assistance. This comes on top of the fact that we are supporting early learning outcomes, particularly through our 15 hours a week of guaranteed preschool or kindergarten access, backed by a further $843 million in federal government funding.

Pleasingly, the Goodstart research indicates that lower childcare costs will ensure that working parents will increase their hours and that parents who would not otherwise work will enter the workforce, ensuring that we lift productivity while helping Australia's hardest-working families.

Senator REYNOLDS (Western Australia) (14:29): Mr President, I ask a further supplementary question. Is the minister aware of any alternatives to the government's approach?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:30): The short answer to that question is no. I occasionally hear criticism from those opposite in terms of the government's policy but they offer no alternative in the childcare space. They have no alternative to our policy, which is to fundamentally reform the childcare system to simplify it, to make it easier for parents and to ensure that parents get the support and the encouragement they need to increase their participation in the workforce.

According to the Productivity Commission, Labor's 2008 changes to the childcare rebate, without any check on what it would do for pricing, led to a dramatic escalation in fees in the childcare sector. It of course created yet more budget pressure, which we are dealing with today, which our childcare reforms seek to address by putting in place efficient pricing mechanisms that will in future seek to put downward pressure on price rises to stop the type of escalation we have seen from the policies of those opposite, which have cost families and the taxpayer a vast amount.

Home Insulation Program Industry Payment Scheme

Senator XENOPHON (South Australia) (14:31): My question is to Senator Sinodinos, the Minister representing the Minister for Industry, Innovation and Science, and it is related to the implementation of the Home Insulation Program Industry Payment Scheme. In August 2014 the Royal Commission into the Home Insulation Program recommended that 'arrangements be put in place for compensating those pre-existing businesses who suffered loss arising from their reliance upon the assurances given by the Australian government.' On 30 September 2014, then Prime Minister Abbott told the parliament that these businesses 'trusted government and were let down' and promised a compensation scheme would be developed. Sixteen months on, hundreds of families and small businesses who were financially and emotionally devastated by the failure of the program have not received fair
compensation for their losses. The so-called industry payment scheme is not what was promised and has been woefully inadequate. When will the government fulfil its pledge to those families?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:32): I thank the honourable senator for his question. He gave me the courtesy of forewarning me of this question. Let me begin by expressing my sympathy to the families of those who passed away in the context of this scheme and also my sympathy for the many industries and businesses that were affected by the cessation of that particular scheme and industry.

It is true that this government took action through a royal commission to address a number of issues relating to the operation of that particular program. Part of that was the industry payment scheme that you allude to in your question. It was our response to the royal commission. The former royal commissioner, Mr Ian Hanger, who did an exemplary job with the royal commission, has accepted the scheme that we have put in place as being consistent with his recommendation.

Under the program, businesses that were corporate entities that were deregistered must be reinstated in order to make an application. The guidelines allow these businesses to be advised of their eligibility to apply prior to reinstatement and to seek an extension of time to apply. Businesses will be advised in writing if their application is accepted or, if their application was not accepted, the reasons why it was not accepted. Accepted applications are forwarded to Deloitte Australia for analysis to determine whether or not the applicant suffered an adverse financial impact. This is not an assessment being done within government; it is an assessment being done at arms-length by Deloitte Australia. Applicants have an opportunity to use the services of the former royal commissioner, Mr Ian Hanger AM, QC, who will provide advice on whether or not an adverse financial impact was determined, the extent of the impact, the impact category and explain the method used to determine the impact. I believe the process, as I have outlined here, is a fair process, but I am happy to take on board any particular facts or circumstances. (Time expired)

Senator XENOPHON (South Australia) (14:34): Mr President, I ask a supplementary question. Does the government acknowledge that the case of Colin and Erica Thomsen from Queensland, whose home insulation business of two decades was destroyed by the HI PIP program, costing them their home, their business and their assets, shows how inadequate the industry payment scheme is, because they cannot put in a claim by virtue of being liquidated and deregistered, and they simply do not have the money to put in a reregistration, given the thousands of dollars it costs.

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:34): I am not aware of the specific circumstances of the Thomsens. I am advised that the businesses that have subsequently been liquidated and deregistered have no legal standing and, as a consequence, they need to be reinstated to apply—a process controlled by the Corporations Act 2001, not the Home Insulation Program Industry Payment Scheme.

I am advised that four formerly deregistered companies have been reinstated and have applied for a payment under the scheme—a course of action which was open to the Thomsens. I think you indicated in your question that the problem was a lack of means on behalf of the Thomsens to undertake this process. If there is any further information you wish to provide to me on that, I would be happy to take it up with the minister.
Senator XENOPHON (South Australia) (14:35): Mr President, I ask a further supplementary question. Mr and Mrs Thomsen were advised earlier today, here at Parliament House, by the department that about 40 payments totalling $4 million have been paid under the scheme and that the scheme is winding up. Can the minister confirm that this amount of $4 million has been paid, and that some $20 million was spent on the royal commission? Does the government not see the irony in the royal commission costing many times more than the payments made to the victims today?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:35): I can confirm that to date 40 payments have been made under the scheme, totalling over $4 million. The scheme is halfway through assessment of eligible applicants and the government is working to have it concluded by the end of the first quarter 2016. The amount of payment offered to applicants by the minister is informed by an independent assessment of adverse financial impact and Mr Hanger's independent expert recommendation.

I remind the honourable senator that the royal commission had quite broad terms of reference. We should not equate the amount of compensation with the cost of the royal commission, which addressed a number of issues including payments to the families of deceased installers, improving safety for workers in roof spaces, ensuring Commonwealth programs minimise work, health and safety risks, and a review into improving government processes and addressing public service code of conduct matters. It has been quite a wide-ranging response.

**Tasmanian Wilderness World Heritage Area**

Senator McKIM (Tasmania) (14:37): My question is to Senator Birmingham, the Minister representing the Minister for the Environment. Minister, I draw your attention to the numerous fires currently burning within the Tasmanian Wilderness World Heritage Area, all or most of which started over three weeks ago now. Given that we have already lost over 12,000 hectares which have been burned inside the World Heritage area, including fragile alpine ecosystems and Gondwanan species which are not fire adapted and which in the whole world exist only in very small parts of Tasmania, and given Commonwealth government research shows that the World Heritage area contains outstanding natural and cultural heritage values and delivers more than $1.2 billion every year in economic benefit to Tasmania, not to mention well over 5,000 Tasmanian jobs, why did it take two weeks after the fires started for the Commonwealth government to activate Emergency Management Australia provisions?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:38): I can advise the Senate that as at 3 February some 69 fires remain active and 43 are currently uncontained or uncontrolled. Across Tasmania it is estimated that some 102,700 hectares have been burnt, which includes approximately 18,464 hectares of the Tasmanian World Heritage area. However—and I heard Senator Colbeck's comments before about not overstating this—it is important to state that that is approximately 1.16 per cent of the Tasmanian World Heritage area. If Senator McKim cares about tourism to his home state, it is very important, of course, to emphasise to people that the Tasmanian World Heritage areas are overwhelmingly intact and open for business. The Minister for the Environment has spoken with the Tasmanian minister, Mr Groom, about the bushfires and the action being taken by the Tasmanian government. As is appropriate and customary, Minister Keenan in the
Commonwealth and Emergency Management Australia have been closely engaged from the outset.

Contrary to what the senator had to say, the Commonwealth responded immediately to the emergency and has been supporting Tasmania the entire time. The Australian government is providing $14.8 million nationally annually to increase aerial firefighting capability and the Prime Minister has already offered another half million dollars to extend this capability. All the states and territories, as well as New Zealand, have provided assistance in relation to these fires. Some 148 interstate and New Zealand firefighters have been operating throughout the state. In addition, 150 remote area firefighting specialists have been deployed by the Tasmania Fire Service, the Parks and Wildlife Service and Forestry Tasmania. (Time expired)

Senator McKIM (Tasmania) (14:40): Mr President, I ask a supplementary question. I just point out that the information around the two-week delay was provided to me directly by Minister Hunt by letter last week. Minister, has the Tasmanian government formally requested that the Commonwealth provide extra financial, mechanical or human resources to fight these fires? If so, precisely when, how and by whom was this assistance requested? Will you commit to immediately sending more resources to try and limit the damage to this priceless national and global treasure?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:40): As I outlined in answer to the primary question, there has been constant liaison between the Commonwealth government and the Tasmanian government in relation to these matters—

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

Senator McKim: Mr President, I raise a point of order to do with relevance. The question was specifically in relation to formal requests from the Tasmanian government, not discussions.

The PRESIDENT: I think the minister will take that on board in his answer.

Senator BIRMINGHAM: I would have thought that in discussions between Commonwealth ministers and state ministers formal requests could indeed be made. If Senator McKim would rather I took it on notice, that is what I will do.

Senator McKIM (Tasmania) (14:41): What a cop-out. Mr President, I ask a further supplementary question. Does the government accept scientific evidence—

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

Senator Heffernan: It is a point of order, if I can get away with it. It is the obligation of the state to apply for a declaration of emergency. It is not the Commonwealth's job.

The PRESIDENT: Senator Heffernan, that is not a point of order; that is a debating point. I mentioned earlier in the week, at the commencement of the session, that points of order should be taken seriously and appropriately. Senator Heffernan, that was not a serious and appropriate point of order.

Senator McKIM: Does the government accept scientific evidence that global warming means that bushfires will become increasingly common in south-east Australia and many other parts of the country, even in areas where fires are not part of the natural ecology? Will the government commission an independent inquiry to assess the response to these fires and
the impacts of global warming and resultant increased fire risk in the Tasmanian Wilderness World Heritage Area? (Time expired)

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:43): Let me try to deal with some of Senator McKim's questions. In relation to looking at adaptation to climate change matters, as my colleague Senator Sinodinos said in his answer in relation to the reconfiguration of CSIRO resources, there is indeed a reconfiguration within the CSIRO that is shifting from looking at whether or not climate change is happening to certain issues around the response to it, perhaps such as this one. I would again emphasise to the chamber that the Commonwealth has significantly escalated its response under the arrangements set up between the Commonwealth and all the states and territories and New Zealand for handling these types of emergencies—

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

Senator McKim: Mr President, I have a point of order. The second part of my question went specifically to whether the government will commission an independent inquiry. It is a yes or no answer. Given that he has 20 seconds left, I would ask you to draw the minister's attention to that part of the question.

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

Senator Cormann: Mr President, on the point of order: it would of course help if Senator McKim were to address these sorts of questions to the minister who actually has portfolio responsibility for those matters, who is Senator Brandis.

Honourable senators interjecting—

The PRESIDENT: Order on both sides. Senator McKim, in relation to your point of order: the minister was being relevant to the first part of your question, so the minister has the call.

Senator BIRMINGHAM: I happen to consider the CSIRO to be independent and I happen to consider that their ongoing research work is indeed very independent and very important. It is quite appropriate as an outfit to have a look at matters in relation to climate change adaptation. But I do want to assure all Tasmanians that the Commonwealth is giving the maximum possible assistance to Tasmania. (Time expired)

Special Minister of State

Senator JACINTA COLLINS (Victoria) (14:45): My question is to the Minister representing the Prime Minister, Senator Brandis. I refer to the 1 December 2015 written undertaking from the Special Minister of State, Mr Brough, to the Prime Minister pledging to keep him informed of any progress in the Ashby affair. Has the Prime Minister received advice of any progress in the police inquiries into Mr Brough's conduct?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:45): I do not know. But I would not expect so, because, as I understand it, those inquiries are not complete.

Senator JACINTA COLLINS (Victoria) (14:46): Mr President, I ask that Senator Brandis take on notice my question and ask the Prime Minister whether Mr Brough has provided any further information, and I also ask, as a supplementary question: have Minister
Pyne and Assistant Minister Roy similarly agreed to keep the Prime Minister informed of progress of police inquiries related to their conduct in the Ashby affair?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:46): I am not aware. As I said in answer to your primary question, inquiries by the police which involve Mr Brough are not complete, so I would not expect that there would have been the kind of development of which you speak.

Senator JACINTA COLLINS (Victoria) (14:46): Mr President, I ask a further supplementary question. Can the minister tell the Senate why Mr Brough has been stood aside over the Ashby affair but Mr Pyne and Mr Roy have not? Weren't they all in this together? Have they made similar commitments to Mr Brough, now released under freedom of information on 1 December, to provide updates to the Prime Minister? I seek leave to table that document.

Leave not granted.

Senator Jacinta Collins: What are you hiding, George?

The PRESIDENT: Order! Leave was not granted.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:47): Senator Collins, to the best of my knowledge, no allegations have been made against Mr Pyne or Mr Roy.

Building and Construction Industry

Senator McKENZIE (Victoria) (14:47): My question is to the Minister for Employment, Senator Cash. Will the minister advise the Senate of any examples which highlight the importance of restoring the rule of law to the construction sector?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:47): Yes, I can. The evidence for the need for the restoration of the Australian Building and Construction Commission is overwhelming. What we have, though, is a situation where the opposition and the Greens continue, despite this evidence, to support a culture of lawlessness in the construction industry. Can I give the Senate some examples of the type of behaviour which we on this side are trying to outlaw.

A female employee of an equipment hire firm in Queensland in 2012, when declining to sign a union EBA, was told by a BLF organiser:

You think it's—
expletive—
funny. If you don't—
expletive—
sign this I guarantee you won't be working on the Indooroopilly shopping centre site.

Then there is the case of Luke Collier, the CFMEU official who, at a Sydney building site in 2014, greeted a female Fair Work building and construction inspector using expletives and sexually derogatory terms. Collier also blasted a megaphone hailer within centimetres of the heads of two Fair Work inspectors and stated:
What are you looking at, you—
dog? Do you think your phone number is all I've got.

Finally, and probably, quite frankly, one of the most disgusting examples, the commission also heard that, during the Grocon blockade by the CFMEU, a minibus driver who was suffering from cancer and who was attempting to leave the area had his van surrounded by CFMEU members, who punched the windsreen and yelled abuse. The CFMEU's Assistant Secretary, John Setka, yelled out, 'I hope you die of your cancer.' This is the response of the shadow minister, Brendan O'Connor: 'It's just a rough and tumble industry.' (Time expired)

Senator McKENZIE (Victoria) (14:49): Mr President, I ask a supplementary question. Can the minister advise any further examples of troubling conduct in the building and construction sector?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:49): Yes, I can.

Opposition senators interjecting—

The PRESIDENT: On my left!

Senator CASH: The royal commission also heard the case study of an ACT building site visited by the CFMEU under the guise of a safety inspection, but which resulted in a building contractor calling triple 0 because the union officials wanted him to 'step up and have a fight'.

The CFMEU officials also blocked a truck contracted to do a concrete pour, resulting in the pour being cancelled, costing the contractor $10,000.

The CFMEU also has form in disrupting works, as evidenced from a recorded telephone conversation of CFMEU official Anthony Vitler, who, while visiting a Sydney worksite, rang a fellow official to state:

… they're attempting to set up a pump, so we—we're … gonna have a bit of a—

expletive—

crack.

These are the reasons why the Heydon royal commission stated that the sustained and entrenched disregard for both industrial and criminal laws shown by the country's largest construction union further support the need for the ABCC. (Time expired)

Senator McKENZIE (Victoria) (14:51): Mr President, I ask a further supplementary question. Will the minister advise the Senate why compulsory powers are necessary for an effective industrial regulator?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:51): Quite simply, because the kind of behaviour I have just highlighted shows that there is a culture of what is now silence in the industry for fear of retribution. Labor's own hand-picked reviewer of the ABCC, Murray Wilcox QC, himself came to the conclusion that compulsory information-gathering powers were essential. Mr Wilcox also said that he himself could not recommend getting rid of the compulsory powers because to get rid of them 'would not be a responsible course'. He went on to say:
The reality is that, without such a power, some types of contravention would be almost impossible to prove.

The culture of fear and intimidation in the building and construction sector is there for all to see and is clear evidence as to why these powers are required.

**Defence Procurement**

*Senator Wong* (South Australia—Leader of the Opposition in the Senate) (14:52): My question is to the Minister for Defence, Senator Payne. I refer to the former Prime Minister's commitment in Adelaide last year that the offshore patrol vessel build:

... is likely to start in Adelaide ... It will stay in Adelaide until the frigate build starts in 2020 ...

Is this the Turnbull government's position?

*Senator Payne* (New South Wales—Minister for Defence) (14:52): I thank Senator Wong for her question. As the senator is aware, when the continuous shipbuilding plan was announced by the then Prime Minister in Adelaide last year, it was a very important step for Australia's naval shipbuilding industry. In fact, it, as well as the commencement of the competitive evaluation process for the future submarines, is the first real undertaking by government, post the period where those opposite commissioned not one single naval vessel, to actually engage in this key replacement of capability for the Australian Navy. Part of the continuous ship build will include the construction of offshore patrol vessels, future frigates and, of course, in due course, the future submarines. It has been made very clear that the competitive evaluation process for both the future frigates and the offshore patrol vessels is currently underway, and I do not intend to second-guess that.

*Senator Wong* (South Australia—Leader of the Opposition in the Senate) (14:53): Mr President, I ask a supplementary question. Were South Australian cabinet ministers Mr Pyne and Senator Birmingham party to the decision by the Turnbull government to walk away from Mr Abbott's commitment to South Australia on the offshore patrol vessel build?

*Senator Payne* (New South Wales—Minister for Defence) (14:54): Senator Wong's question is completely erroneous and completely misplaced.

*Senator Wong* (South Australia—Leader of the Opposition in the Senate) (14:54): Mr President, as a further supplementary question, I ask the minister: if the question is erroneous, could she then commit, as she failed to do in her first question, to the same position that Prime Minister Abbott announced? Can she also confirm that the Turnbull government is still refusing to honour the Liberals' pre-election promise that 12 new submarines will be built in Adelaide?

*Senator Payne* (New South Wales—Minister for Defence) (14:54): I constructively suggest to the good senator that, in due course, when the government releases the upcoming defence white paper, the integrated investment program and the new defence industry policy statement, which I have indicated will be released in the first quarter of this year, a number of the questions which the senator has raised will, indeed, be addressed.

In relation to the competitive evaluation processes, I think it is very important to put this on the record: they require a very significant degree of probity around them to ensure that they are carried out in an exemplary manner. It is a very important aspect of this. I suspect those opposite are the first people who would try to impugn our integrity if we undermined the probity of those competitive evaluation processes. The commitment was very clear. The
senator is very welcome to go to the record in relation to the future frigates, which will start in Adelaide in 2018 and in 2020 for both ships. *(Time expired)*

**Tourism**

**Senator EDWARDS** (South Australia) (14:56): My question is to the Minister for Tourism and International Education, Senator Colbeck. Can the minister update the Senate on recent efforts by the government to promote Australian tourism to the world?

**Senator COLBECK** (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (14:56): I thank Senator Edwards for his question. This morning, I provided a briefing for members and senators on both sides of politics on the next chapter of Australia's 'There's nothing like Australia' campaign, which focuses on Australia's aquatic and coastal attributes. The briefing provided members and senators with a hands-on experience, giving them the opportunity not only to view the latest video campaign but also to experience innovative content through virtual reality and a 360-degree immersion technology.

The campaign, featuring Australian star Chris Hemsworth, and worth $40 million, was launched in New York last week with Minister Bishop, and it showcases Australia's incredibly diverse aquatic and coastal experiences. It is estimated that Mr Hemsworth's presence in the campaign has, to date, after just one week, generated $50 million in global advertising value. We have worked with each of the states in generating the content for the campaign and provided them with their own material for their own offerings, if they so choose. Australia is the highest rated destination in the world when it comes to world-class beauty and natural environments. In fact, we outrank places like Hawaii and New Zealand.

**Senator EDWARDS** (South Australia) (14:58): Mr President, I ask a supplementary question. Could the minister please outline how initiatives by the government are supporting businesses in the tourism industry to create, grow and—

**Opposition senators interjecting—**

**Senator EDWARDS:** I cannot hear myself.

**The PRESIDENT:** Order on my left! Senator Edwards, would you like to start again.

**Senator EDWARDS:** Can the minister outline how initiatives by the government are supporting businesses in the tourism industry to create, grow and prosper?

**Senator COLBECK** (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (14:59): I am so delighted that the opposition is so excited about Australia's marketing campaign! It was actually a delight to see Senator Urquhart there this morning. I hope she enjoyed the 3-D opportunities to see the aquatic and coastal campaign. Terri Butler, who is the chair of the Labor Party tourism committee, was there and she was enjoying it.

Tourism is a very important industry for the country. It employs close to a million people—90 per cent of them Australians. It is a very important sector. The aquatic and coastal campaign is designed to build on and promote Australia's natural attributes. That is the point. It is based on very sincere and strong marketing campaigns and it is about demonstrating to the world the attributes of the country.
Industry will actually be able to participate in this campaign. We invite industry to submit to the campaign their views on what makes Australia such a wonderful place to visit.

Senator EDWARDS (South Australia) (15:00): Mr President, I ask a further supplementary question. Can the minister explain how the government is attracting more international visitors to Australia, and particularly to regional Australia?

Senator Lines: Go back to putting a shrimp on the barbie!

Senator COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (15:00): Senator Lines demonstrates how far in the past she lives by going back to the 'shrimp on the barbie'. She is so lost in the past that she is completely outdated. It would have been nice if she were here this morning to see the campaign—to see the latest technology being shown by Tourism Australia in demonstrating Australia's tourism offerings.

These are iconic offerings from around Australia, like the Three Capes Track in Tasmania; Rottnest Island in Western Australia; the Gold Coast—one of our iconic tourism attractions; Katherine Gorge in the Northern Territory; Kangaroo Island in South Australia; and, of course, the Murray River running through Victoria and New South Wales. We are very focused on providing a strong campaign internationally for the tourism sector, and the vast collection of Australia's aquatic and coastal campaigns—(Time expired)

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

ANSWERS TO QUESTIONS ON NOTICE

Question Nos 2626, 2794 and 2795

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (15:02): Pursuant to standing order 74(5), I ask the Attorney-General and the minister representing the Minister for Justice, Senator Brandis, for an explanation as to why answers have not yet been provided to questions on notice Nos 2626, 2794 and 2795. These questions have been overdue now for quite a period of time. I understand my office was in contact with your advisers, Senator Brandis, forewarning you that I would be raising this issue now.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (15:02): I will investigate the matter for you.

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (15:02): That is a little breakdown in communication which actually feels identical to what happened yesterday. I move:

That the Senate take note of the minister's response.

I have a number of very troubling and very important questions that are now long overdue. A couple of them were raised in November—on 20 November—and some of them were raised in the middle of December. It is now early February and we are into the first sitting week of the 2016 parliamentary year.

Very, very serious allegations are raised in these questions, and I do not bring them up lightly. They are so serious—and I will step through some of them in brief in a moment—that you would think that the foreign minister, or the Minister for Justice or the Attorney-General,
for that matter, would have sought to have shut them down immediately if the allegations that are raised in these questions are not true. But instead of taking the opportunity to rebut these allegations and provide some evidence to back those rebuttals I am forced to raise this issue now, because in some instances answers are several weeks overdue. Why is it taking so long?

I want to go through a couple of instances of why I think this is incredibly important and why it appears there is a pattern here—that the domestic politics of asylum seekers is warping our foreign policy and causing us, as the Australian government and the Australian people, to support violent human rights abuses in some of our neighbouring countries if it is seen to support the domestic ambition of vilifying people seeking asylum and safe harbour here in Australia.

Sri Lanka is one particularly chilling example. I put questions in now 2½ months ago, in mid-November, relating to documents that were released under freedom of information to the ABC’s 7:30 program last August. They revealed that the Australian government has been providing support to the Sri Lankan government’s Criminal Investigation Department, known as the CID. That equipment includes military equipment, white vans and other equipment. The white vans are particularly resonant. In fact, they are synonymous in Sri Lanka with enforced disappearances, torture, murder and kidnapping.

Mr Bruce Haigh, the former Deputy High Commissioner to Sri Lanka, has said the following:
It’s become part and parcel of the operations of CID in Colombo in Sri Lanka and it’s got a reputation worldwide for doing this sort of thing, the so-called white van syndrome, where they use white vans to pick people up off the street and then relatives and family would never see those people again.

Sonya Sceats, representing Freedom from Torture, put it the following way:
There are a number of torture methods associated with the CID, including beatings to many parts of the body; sexual torture, including rape both of men and women; burning, including with cigarettes and increasingly with hot metal implements; as well as asphyxiation and suspension methods of torture.

She also said:
… Freedom From Torture can say categorically that torture has continued in Sri Lanka. It is perpetrated by the CID and by other arms of the state in Sri Lanka. It is deeply entrenched in the operating procedures of the CID.

The United Nations, the British government and human rights organisations here in Australia and around the world affirm the continuing nature of these human rights abuses in Sri Lanka. In documented and exhaustive processes these have been set at the foot of this entity, the CID, which the Australian government is now accused of directly and materially supporting.

That the Australian government would so directly support this unit when it is so clearly associated with these abuses and criminal acts is of enormous concern. I do not think that anybody in this chamber—and I would not impute these motives to a single individual in this chamber—would support in any way at all the kinds of horrors and abuses that are carried out by this unit. And yet, the Australian government stands accused of supplying direct material support to this unit. So why has the government not sought to simply shut these allegations down and provide direct evidence that those allegations were wrong?
We can only guess, because the minister at the table, who I acknowledge is here in a representative capacity, does not know, and the Australian government, which could have shut this down the day after I lodged these questions, has provided nothing.

Questions 2794 and 2795 go to the Australian government's relationship with Detachment 88, a counter-terrorism unit within the Indonesian National Police. We see the same pattern here again. Reports out of Indonesia—and this particularly applies to West Papua—raise concerns about the role of Det. 88. This is a country on our doorstep. This building where we are holding this debate this afternoon is closer to West Papua than it is to my home city of Perth. Human rights groups have been reporting for years—in fact, for as long as I have been following this issue in this place—that Det. 88 personnel continue harassment, torture, abuse and extrajudicial killings of West Papuans, including children. Not only has the Australian government failed to outright, in black and white, condemn the activities of this unit; but what if we were in fact deliberately and systematically materially supporting them in that work?

On 29 September 2015, two high school students were shot by operatives of Detachment 88 in Timika. On 8 October 2015, West Papuan students, monks and a local journalist were beaten and arrested while conducting a peaceful demonstration. Human Rights Watch puts it this way:

New incidents of security force violence also continue to be reported. Two allegedly drunken soldiers opened fire on a crowd in Koperapoka, Mimika regency, on August 27, killing two people and wounding two others.

These are just a couple of very recent examples, but these go back as far as the documentary record goes.

In December 2014, security forces allegedly shot and killed five peaceful protesters in the town of Enarotali; a year later, the government had still not released the results of official investigations into the shootings …

The Australian government is on the record as supporting Detachment 88 and other Indonesia military and paramilitary units, and I presume the response will come back that we find their role in counter-terrorism work across the Indonesian archipelago valuable. But what happens when these very same units are documented as perpetrating human rights abuses, extrajudicial killings, kidnappings and torture against pro-democracy campaigners in West Papua, right on Australia's doorstep? Can we simply wash our hands and look away when the evidence is so strong? I believe we cannot.

The pattern is immensely disturbing. In the instance of Cambodia, my colleague, Senator Hanson-Young, who has been fervently following these issues and supporting the cause of people seeking safe harbour as is their right under international law here in Australia, travelled to Cambodia over the $55 million asylum seeker deal Cambodia is ruled by an authoritarian government that was formerly returning refugees to their countries of origin, which is illegal under international law, despite their acknowledged refugee status. In recent years the government has sent vulnerable people back to countries, including China and Vietnam, where they faced abuse. One infamous example was in December 2009, when Cambodia handed over 20 ethnic Uyghurs, whom the UNHCR regarded as persons of concern, to Chinese authorities, who then returned them to China. Rights groups including Human Rights Watch and Amnesty International have documented how Hun Sen's regime crushes dissent in the country through extrajudicial killings, torture, arbitrary arrests,
summary trials, censorship and widespread bans on assembly and association. Does Australia step up in the various international forums in which we have a seat at the table or take our place, as we have done under previous governments, as an active middle power and condemn these human rights abuses? No. We write them out a cheque for $55 million in order to take asylum seeker that the Australian government has decided it cannot accommodate.

Perhaps most notoriously, on Nauru Australia pre-emptively gave $6.6 million worth of aid to Nauru to develop its police force. New Zealand has withdrawn aid funding to Nauru's justice sector because of grave concerns about the abuses of the rule of law. As Senator Hanson-Young has documented extensively in this place, people continue to be raped and abused—

Senator Ian Macdonald: Kevin Rudd has a lot to answer for.

Senator LUDLAM: That is actually correct. For once, I will take your interjection, because it is quite correct.

As revealed in the Senate inquiry, a tiny fraction—two—of over 50 matters reported to police since 2012 have resulted in a conviction. Human rights abuse is rampant in that tiny country, not condemned by the Australian government but actively supported, aided and abetted.

The final example I bring forward is in Papua New Guinea. Investigative journalist Rory Callinan revealed in 2013 that Australia's immigration department funded, as he puts it, their 'most thuggish paramilitary police unit—allegedly responsible for rapes, murders and other serious human rights abuses' to secure the detention centre on Manus Island. The allegations here are utterly chilling. He revealed that officers of the mobile squad beat a local man to death on the island in July 2013, then received a special living away allowance of about $100 a day out of funding provided by the department.

Again we see this pattern of behaviour where the foreign policy of the Australian government appears to be guided by there not being a regime so authoritarian that we will not hand over resources or equipment, whether it be military or other forms, to enable them to carry out these human rights abuses if it is all in service of the domestic political agenda around asylum seekers. I wonder what has happened to this country's soul.

These are, I acknowledge, serious allegations. Not all of them are canvassed in the questions on notice that I presume are on Senator Brandis' table now. Nonetheless, if this is not a pattern of behaviour, of conscious and premeditated foreign policy decisions by the Australian government, let's see some evidence that that is the case. These questions should not have remained on the Notice Paper as long as they have. We would like to see some evidence that it is not in fact the foreign policy of this very government to support and perpetuate human rights abuses, no matter how dark the record of the military units or secret police units that we support. It is unforgiveable if that is the case, and it is incumbent on the government to provide evidence to the contrary—if such evidence even exists.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (15:13): Of course it is not the policy of the Australian government, nor has it been the policy of any Australian government, to countenance human rights abuses. I do have a little more information than I had a moment ago in relation to the three questions on which you inquire. The answer to question 2626 is
available. The answers to questions 2794 and 2795, which were directed to the area of the portfolio within the responsibility of Mr Keenan, are not available, because a full answer to your question requires input from a number of agencies, including the Australian Federal Police, the Department of Foreign Affairs and Trade and AUSTRAC. That information will be available to you when all of the relevant stakeholder agencies have been fully consulted. Given the gravity of the things you say, I would have thought that you would have been more interested in a thorough response in which all relevant government instrumentalities and agencies who may be able to contribute to the answer have been thoroughly consulted.

Question agreed to.

**Question No. 2610**

Senator CAMERON (New South Wales) (15:15): Mr Deputy President, under standing order 74(5), I seek an explanation from the Minister representing the Minister for Human Services, Senator Payne, as to why question No. 2610, which I placed on notice on 12 November 2015, was only answered today, after I advised the minister's office that I would seek an explanation for an overdue answer.

The DEPUTY PRESIDENT: Senator Cameron, it is not in order for you to use that standing order if the question has in fact been answered, albeit today.

**Question No. 2646**

Senator O'NEILL (New South Wales) (15:16): Mr Deputy President, under standing order 74(5)(a), I seek an explanation from the Minister for Education and Training, Senator Birmingham, as to why question No. 2646, which I placed on notice on 30 November 2015, remained unanswered prior to question time today.

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (15:17): I can inform the Senate that the question has been answered and the answer was tabled today. I do, however, on behalf of the Minister for Vocational Education and Skills, apologise to the Senate and to Senator O'Neill that it was not delivered within the usual time frame.

Senator O'NEILL (New South Wales) (15:17): Mr Deputy President—

The DEPUTY PRESIDENT: Senator O'Neill, given that the question has now been answered, I am not sure you can take note of that response. It is simply a matter of the minister informing the Senate that the question has indeed been answered. But you are on your feet and I will listen to whatever you have got to say.

Senator O'NEILL: I checked very carefully with the tabling officer before question time to make sure the answer was not there, and I have come prepared to speak to this. The question was tabled on 30 November. The answer was due on 30 December. It arrived after the minister was advised by my office, as a courtesy prior to question time, that I would moving in this direction. I think it is an exploitation of the goodwill of the Senate—

The DEPUTY PRESIDENT: Thank you. We are probably now moving to debating that. I take the minister's word that the question has been answered, so that is the end of that matter as far as I am concerned. If that is not correct, that will be a matter for some discussion, I am sure, on another day. But the minister has assured the chamber that the question has been answered, and therefore, as far as I am concerned, that is the end of that matter.
QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS
Commonwealth Scientific and Industrial Research Organisation
Goods and Services Tax

Senator SINGH (Tasmania) (15:18): I move:

That the Senate take note of the answers given by the Cabinet Secretary (Senator Sinodinos) and the Minister for Finance (Senator Cormann) to questions without notice asked by Senators Singh and Ketter today relating to the Commonwealth Scientific and Industrial Research Organisation and to the goods and services tax.

At the recent Paris Climate Change Conference, many global leaders came together to raise the importance of acting on climate change, of acting on greenhouse gas emissions. Commitments were made, targets were put in place and the like. Our own Prime Minister at that Paris Climate Change Conference made very clear statements about the importance of research and innovation as keys to dealing with global warming. In fact, I quoted him in the question I put to Senator Sinodinos. 'We do not doubt the implications of the science, or the scale of the challenge,' the Prime Minister said. You would think that at this time, with climate being such an important national research issue, you would not be seeing one of our key government institutions, the CSIRO, slashing 300 or more positions over the next two years.

That is why I put those questions today to Senator Sinodinos: to specifically ask him why, when the Prime Minister is making these statements that clearly show that he understands the implications of the science and the scale of the challenge when we are talking about climate change—as he said at the Paris conference—he is facilitating, in a sense, the cut to so many Australian climate scientists. I heard the answer by Senator Sinodinos and a similar answer by Senator Brandis. Senator Sinodinos gets 10 points for sticking to his brief, because I think his answer in each part certainly did that. It was a brief which kept reiterating that there would be not job losses but realigning. Well, he knows very well, as does Senator Brandis, that the CSIRO chief executive, Larry Marshall, himself said:

As our business unit leaders work through the process of realigning their teams for the new strategy it is inevitable that there will be job losses.

So there will be job losses, as the chief executive has told us, and those job losses are catastrophic, because those people have the expertise that we need in this country to ensure that we are doing our research in climate science and predicting future climate risk. Climate research is needed now more than ever. These cuts to environmental science are at a time when scientists need to be doing this work so much more than at any other time. It is just ridiculous that this is taking place. Obviously it is not just me saying this. There are so many experts in the field that have come out very strongly today. One of them, for example, is Professor Holmes from the Australian Academy of Science, who said very clearly:

Our climate and environmental scientists are some of the best in the world. We wouldn't stop supporting our elite Olympic athletes just as they're winning gold medals. Nor should we pull the rug out from under our elite scientists.

So here you have an incredible amount of expertise in climate research coming up and doing some incredible work that is needed, getting very good support from government in doing that and getting great outcomes in doing that. And, at that pinnacle moment that they are doing
that important research work, they then are cut. The rug is pulled from under them, and
government is facilitating that. This research and innovation that apparently highlights what it
supposedly thinks is important is no longer going to be needed. That is simply not good
enough. We are losing our role and our responsibility to the global community if we do this.

We need these climate scientists to continue to do their climate research. We need them
more now than ever. In doing this we are gutting a great Australian institution—the CSIRO—
that has done such incredible work in the past and needs to be there for our future and our
children's future to continue to do such important and credible work, especially in the oceans
and atmosphere division—one division on its own where 110 jobs will be cut. It is simply not
good enough to lose these jobs and lose these scientists' minds. (Time expired)

Senator IAN MACDONALD (Queensland) (15:24): If Senator Singh and other members
of the Labor Party and the Greens political party were interested in this subject seriously, I
could urge them to have a look at the letter written by Dr Larry Marshall to his colleagues in
CSIRO. First of all, I re-emphasise that CSIRO is an independent agency and the decision
made was an operational decision by CSIRO. Senator Singh, you would do well to read that
letter. It is four pages. Perhaps it might test your concentration, but it really explains the
position and explains exactly what Dr Marshall was talking about. I will just give you one
quote from this letter—Senator Singh, if you were interested in this you would have stayed
and listened to it—and it says this:

CSIRO pioneered climate research, the same way we saved the cotton and wool industries for our
nation. But we cannot rest on our laurels as that is the path to mediocrity. Our climate models are
amongst the best in the world, and our measurement honed these models to prove global climate
change. That question has been answered, and the new question is what do we do about it, and how can
we find solutions for the climate we will be living with?

I have to say that is the approach that the late Professor Bob Carter, who was pilloried high
and low by the Labor Party and the Greens political party. That is the view Professor Carter
has been espousing for a long time. He and I have always said, 'Of course the climate is
changing.' As I often say—giving an extreme example—once upon a time Australia was
covered in snow. It is not now, so clearly the climate has changed since aeons ago. What the
CSIRO are now doing is saying, 'Right, we accept the climate has changed.' CSIRO scientists
did a lot of work on this. And, as he says, their models are amongst the best in the world.' But
he said, 'We've got to move on now. We've got to accept the climate is changing.' And I have
always accepted that. What we have to do is to say, 'What do we do about it now that we
know it's changing?' As Senator Brandis said in his answer, we now have to look at mitigation
and adaptation research.

The letter from Dr Marshall to his colleagues in the CSIRO goes through that very
carefully and it is instructive. I would urge everyone to have a look at this letter. I think it is a
public letter now. He goes on to say, 'Our investment in precision agriculture combines
unique sensors with predictive analytics to help our farming community respond to climate
change and to grow their prosperity.' He further goes on to talk about the Great Barrier Reef
being at risk. But we do not need to prove that the climate is changing anymore. What we
need to do, and what CSIRO are going to do, is to actually do something about it and to divert
their very outstanding research capabilities to finding out what we can do about a climate
which we have all known has for centuries been changing. That is what is happening at
CSIRO. There will not be any job losses. The Labor Party can keep saying that for as long as they like, but it is typical of the Labor Party and the Greens just making up any lie to support their argument.

Here are the facts from the guy. Read the letter from the guy who actually runs the CSIRO and who is doing the rearrangement. He says, 'There won't be any job losses at CSIRO.' What he is doing is diverting researchers from a science where there were too many people all around the world living in their universities getting research grants to prove something we all know, and he is going to divert that to other scientists and researchers and professionals who are actually going to do something about it to tell us how we can adapt and respond to and mitigate the impacts of climate change.

I agree with the late Professor Bob Carter. That is what we should have been doing years ago. That is what Professor Carter had been calling to do, and I am pleased to see even a few weeks after his death that now the CSIRO are actually taking that advice and looking towards that new research—

Senator STERLE (Western Australia) (15:29): I rise to take note of questions put to Minister Cormann. Sadly, the answers did not come.

The ACTING DEPUTY PRESIDENT (Senator Bernardi): May I just interrupt you there. I understand the motion before the chair is about questions asked by Senators Singh and Ketter. If you are going to change the subject, I will have to put that question. So just resume your seat for a moment, Senator Sterle. Does anyone else want to speak on the motion moved by Senator Singh?

Opposition senators interjecting—

The ACTING DEPUTY PRESIDENT: I beg your pardon. I have just been advised that one of the responses was a response from Senator Cormann. So my apologies; you have the call, Senator Sterle.

Senator STERLE: No worries; thanks, Mr Acting Deputy President.

Senator Ian Macdonald: Mr Acting Deputy President, I rise on a point of order. The motion clearly was that the Senate take note of the questions asked by Senator Singh and Senator Ketter.

The ACTING DEPUTY PRESIDENT: Indeed, Senator. But the advice I have received is that one of those questions was indeed to Senator Cormann. So Senator Sterle is responding to the motion in respect to that.

Senator STERLE: Thank you very much, Mr Acting Deputy President Bernardi. I was so relaxed sitting here because I knew you would get it. As I said, I want to take note of questions put to Senator Cormann. Sadly, there was no answer. It is so tough to go back out to the electorates and defend the institute of the parliament when I myself am completely embarrassed by question time. I think question time is an absolute disgrace—and I do not hold back on this. I would love to be able to go back and say that it is question and answer time. That is probably our fault, because that is where we have got it wrong.

I do not care which minister and which topic; I just think that if questions are asked and the ministers cannot be truthful, they should come out and say straightaway to us and the people who are watching, 'I'm just not going to tell you the truth.' To watch Minister Cormann's
pathetic effort to do everything he could to avoid questions from Senator Ketter about the GST was an absolute disgraceful waste of time. It is shameful that someone can be paid nearly $300,000 to get up and do that. I do not know if anyone is going to argue with me, because it is not the first time that I have talked about my absolute hatred of question time. It is a complete and utter waste of not only the finances of the taxpayers but also the time of the Senate.

Today Minister Cormann was asked a clear question. There was modelling done by Treasury, and there were figures brought out around if a 15 per cent GST were applied to a number of things—health, education, sewerage or services—and he was asked whether he could confirm that these were the figures that Treasury modelling showed. And all he wanted to do was absolutely avoid even telling the tiniest piece of truth—to say, yes, they were, or come out as a man who is paid nearly $300,000 and say, 'No, Senator, you are wrong,' and say it is this much or that much.

How can people have faith in this system that we have in front of them at the moment? It is damn disgraceful. Maybe I am getting a little bit cranky because of the years I have been here, but it just irks me. Why couldn't Minister Cormann answer the question? I will tell you why I think he could not answer the question. It is because it resonates through that side of the chamber's thoughts every time this side of the chamber, the opposition, ask questions about the GST—a 15 per cent increase from 10 per cent, or 15 per cent on stuff that is not taxed at the moment in fresh food and health and all that sort of stuff—that it is a massive scare campaign by Labor.

Today has proved to me that there might be a little truth to that massive scare campaign tag—and I will tell you who it is scaring. It is that lot over there. Last night I saw on the news that 20 odd backbenchers have absolutely fizzed out. These are the reports coming out of the party room. There are politicians on that side, some senators, who are absolute conviction senators. You do not have to guess what they are thinking. Your good self, Mr Acting Deputy President Bernardi, are one. You do not hide your thoughts. You are a conviction politician. So is Senator Heffernan. Senator Back does not back down. If he believes in something he will fight for it 100 per cent. You have 20 of the backbenchers now saying, 'Crying out loud; it is a scare campaign. It is frightening the living daylights out of us.'

If it is frightening the living daylights out of you, is there going to be a GST increase? Has Treasury modelling shown that the average household with an income of $86,000 has to pay an extra $6,200 a year in GST if it is increased to 15 per cent? Does the modelling on fresh food show that an average family with a household income of $86,000 will cop an extra $1,100 a year increase? Does it also show that the average healthcare costs will go up by $1,000 a year? Does it also show that education will increase by an extra $700 a year for an average family with a household income of $86,000? Does it also show that costs for water and sewerage will go up an extra $200? Does the modelling also show that households will pay an extra $3,200 a year if the GST is increased to 15 per cent without a change to the base? To the good folks out there who had the misfortune of having to sit through and listen to question time, I do not think they are unfair questions to ask. I do not think it is unfair of Her Majesty's opposition to put those questions to $300,000-a-year ministers. When we do not get an answer, what message does that send out to the people of Australia?
It is a scare campaign. They cannot tell the truth. They cannot correct the figures if they are wrong. I would be scared, too, if I were that lot over there.

Senator BACK (Western Australia) (15:35): I rise to respond to the comments on the CSIRO made by Senator Singh in her questions to Senator Sinodinos and indeed to our leader, Senator Brandis, in relation to a further question. I would suggest one thing to Senator Singh—and Mr Bandt, who was quoted in the Sydney Morning Herald—and that is to not take too much notice when you get these sorts of scare statements made by people from an outfit like the Sydney Morning Herald.

I know it is going to be disputed and it has been already, but the simple fact of the matter, as explained by Senator Sinodinos, is that there are not 220 jobs being axed in the way that the question was put by Senator Singh. These are the relevant points to be made. First of all, it is the role of the CSIRO to determine how it manages itself. It has made a decision to reorganise its programs to better fulfil the mission of the CSIRO, as outlined in the CSIRO's strategic plan. That is the role of the management of the organisation. Advice to government and to the community is that the CSIRO will realign over a two-year period and that there will be no net losses of jobs—no net losses of jobs—as a result of that. Statements about changes to the CSIRO budget are also wrong. It is not the role of the Prime Minister, the minister for science, the Minister for the Environment or the minister for anybody else to sign off on staffing changes of an independent agency of the government.

So I come to the question then of their climate change division, and, indeed, Senator Macdonald is quite right in the summary he has given us in the last few minutes. CSIRO have come to the conclusion that they now have to be devoting their time and their funding and their attention more on abatement and mitigation strategies. They employ some 300 people in the area of climate change research and in the oceans and atmosphere division of the CSIRO, and will continue to employ some 300 people. The focus, as stated by the CEO, Dr Larry Marshall, is:

We have spent probably a decade trying to answer the question is the climate changing. After Paris that question has been answered. The next question now is what do we do about it. Indeed, I urge colleagues to read the letter, which I believe is dated 4 February, by Dr Larry Marshall. In there he speaks about the high hopes—

Senator McKim: It's today.

Senator BACK: It is indeed today; you are quite right, Senator. It is Dr Marshall saying that he has high hopes that we can transmute commodity mineral sands into unique titanium ink for 3D printing and create a new multibillion dollar industry; turn coal into a cleaner form of diesel fuel to reinvigorate a $43 billion industry; improve yield and prevent waste; make mining more profitable and sustainable; use synthetic biology to engineer precisely the attributes we need; breed new strains of food and agricultural products that are healthier, more sustainable and highly differentiated so that Australia can become a unique source of quality value-added products rather than just a food bowl. This is the level and this is the direction this person is taking the institute.

I was in Taiwan only last Sunday week meeting with the equivalent of CSIRO—ITRI—and they were commenting on the excellence internationally of CSIRO. In January last year I was with Mexican Geological Survey. They showed me the most incredible geological
mapping of Mexico's metalliferous products, and turned to me to tell me that the software that enabled them to do that was developed by CSIRO and Geoscience Australia. How proud we should be of that institution.

It does no good in this place to have people pick up an article from the Sydney Morning Herald and come in here and actually make these allegations and accusations, and in some way besmirch what I believe to be the excellence of the management of this organisation. It is the case that we now need to know what to do about it. It is the case we now need to be devoting to abatement and mitigation strategies, and that is what CSIRO is doing.

Senator KETTER (Queensland) (15:40): Senator Cormann's responses today to the questions I asked in question time reveal that this is a government that is running scared on tax reform, and it is hopelessly divided on this issue of increasing the GST. We know from Senator Cormann's responses today that the government is seeking to hide behind the states and territories on this issue. It is saying that the modelling that it has now admitted that it is doing is being done at the behest of the states and territories. So this is a government that is not prepared to indicate that it has the courage of its convictions on this issue. It is basically saying it is the states and territories that made it do it.

We know that the states and territories are being manoeuvred by this government into a situation where they are having their economic base attacked. Of course we do not need to go back much further than the infamous 2014 Abbott budget, which has been so roundly criticised in recent times. It is not only this side of politics that condemned the cuts to health and education, which were inherent in that catastrophic budget; it was also its own side, at the state level, which understood what was happening. In fact, it is now just over 12 months since the demise of the Campbell Newman LNP government in Queensland, and even Premier Newman at the time understood what was happening, that there was a manoeuvre underway. Mr Newman said in May 2014:

This whole thing—

and he was referring to the budget cuts—

seems like a wedge to get the states to ask for the GST to be raised - that's not the issue …

The issue is that a fair share of the income tax that Queensland families pay should come back to pay for their hospitals and schools.

So we know the states and territories are being attacked by this government in terms of the health of education funding.

But this is a government that is hopelessly divided on this issue of a GST increase, as you well know, Mr Acting Deputy President Bernardi. The Turnbull government's proposal to increase the GST has got to be the crudest instrument ever devised to solve the problems of one of the most complex tax systems in the world. Instead of doing the hard work to close the loopholes and make multinational corporations and the wealthy pay their fair share of tax, this government's only idea is to slap a 50 per cent increase on the tax that ordinary Australians pay on every single purchase they make. Instead of looking at how to support jobs growth, address the decline of Australian manufacturing, the exit of the car industry and support the growth of the economy, the government plans to hit every single Australian, no matter how poor, to help pay for its mismanagement of the economy.
The independent Parliamentary Budget Office confirms that a 15 per cent GST on everything will make families pay at least $10 billion every year extra for fresh food, $7.4 billion every year extra for school fees and education, and at least $9.6 billion every year extra for health care and visiting the doctor. Not only will the GST push up the price of everything, it will also punish the Australian economy. At a time when global commodity prices are plummeting and economic growth forecasts are being downgraded, the Treasurer tells us that he expects that an increase in household consumption will underpin our economic growth and see us through the headwinds of 2016.

I would ask: can anyone explain to us how increasing prices for every man, woman and child in this country is going to increase our household consumption? It is going to be the reverse. Low-income families, pensioners, the unemployed and single mums are going to have to cut their spending to pay for this great big tax hit. This is fairly simple to understand. If you raise the cost of goods and services for people who are already juggling their budgets to make ends meet, their natural response has to be to adjust downwards their weekly household expenditure.

It is no wonder that this government is divided. It is no wonder that backbenchers on the other side are in fear and are in rebellion. I wonder how these cuts to household budgets are going to help our economy. They know that this is not going to play well with the Australian people. The Australian people are already expressing their view about this. They are definitely opposed to it, and I call on the government to focus on this issue. *(Time expired)*

Question agreed to.

Commonwealth Scientific and Industrial Research Organisation

Tasmanian Wilderness World Heritage Area

*Senator McKIM* (Tasmania) *(15:45)*: I move:

That the Senate take note of the answers given by the Attorney-General (Senator Brandis) and the Minister for Education and Training (Senator Birmingham) to questions without notice asked by Senators Waters and McKim today relating to the Commonwealth Scientific and Industrial Research Organisation and to fires in the Tasmanian Wilderness World Heritage Area.

The government were asked a number of very simple questions today about the terrible fires burning in one of our national and global treasures, the Tasmanian Wilderness World Heritage Area. They abjectly failed to respond to most of the questions I put. But what we did learn from the answers is that, while we have been sitting in this chamber this week, the amount of the Tasmanian World Heritage area that has burned has gone up from about 12,000 hectares to over 18,400 hectares. We have lost another 6,000-plus hectares of this remarkable place, which generates over $1.3 billion in economic value to Tasmania every year, which generates over 5,000 jobs in Tasmania and which is home to natural and cultural heritage values so significant globally that the United Nations has protected it on behalf of all humanity under the World Heritage convention. And from this government, which has responsibility under treaties it has signed to responsibly manage this area under the World Heritage convention, we had no effective response to the questions that were asked today.

It is worth placing yet again on the record that those parts of this magnificent place that have been burned, over 18,400 hectares, would include significant amounts of fragile alpine ecosystems which are completely ill adapted to fire; which, if burned, will never recover to
their former glories; and which in the whole world exist in only very small parts of Tasmania. Those magnificent places are burning as this government stalls on delivering the appropriate resources to fight these terrible fires.

The government was asked why it took up to two weeks, or nearly two weeks, before the Emergency Management Australia provisions were activated in response to these fires. It is worth placing on the record: how do we know that it took nearly two weeks? Well, the Minister for the Environment, Greg Hunt, effectively confessed to that in a letter he wrote to me which I received on Thursday last week in response to a letter I had earlier written to him, where he makes it clear that it was only early last week that he asked the Minister for Justice, Michael Keenan, to activate Emergency Management Australia provisions—nearly two weeks after these fires burned. If we are serious about addressing these fires, we need early action and we need to hit them with everything we have got as soon as we can. We have to get them while they are small, before they become the 20,000- and 30,000-hectare monsters that are currently burning in our World Heritage area.

I also asked whether and, if so, precisely when and how and by whom the Tasmanian government had formally requested that the Commonwealth provide extra financial, mechanical or human resources to fight these fires. There was no response to that question—no response to that question, only a vague assurance that discussions had occurred. Well, discussions do not necessarily constitute a formal request, and we need to know whether and, if so, when the Tasmanian government woke from its slumber, started taking these fires seriously and requested formal assistance from the Commonwealth.

The government was also asked: would it support or commission an independent inquiry to assess the response to these fires, including the impacts of global warming? We know from science that global warming means that in south-eastern Australia, along with many other parts of the country, we are facing more extreme bushfire conditions, and it is also showing that there will be an increase in dry lightning strikes in south-eastern Australia. It is worth observing that dry lightning strikes are in fact the cause of most or all of the fires that are currently devastating some of our natural and cultural treasures inside the World Heritage area. We need better answers. (Time expired)

Question agreed to.

STATEMENTS

Fair Work Building and Construction

Senator CAMERON (New South Wales) (15:51): by leave—I take this opportunity to clarify remarks I made in the chamber on Tuesday in relation to the administration of Fair Work Building and Construction. I made it clear on that occasion and make it clear now that the focus of my criticism of Fair Work Building and Construction is the performance of its director, Mr Nigel Hadgkiss. I do not make any claim about the conduct of former Fair Work Building and Construction officer Mr Glyn Cryer. If any contrary imputations arise from my words that I used on Tuesday, I withdraw those words.

I restate my concerns that Mr Hadgkiss has reported an incidence of alleged corruption in a report to the Australian Public Service Commission but refuses to answer questions about the matters when appearing before a committee of this Senate. I intend to continue my
questioning of Mr Hadgkiss's performance when Fair Work Building and Construction appears at estimates next week. I thank the Senate.

BUDGET

Consideration by Estimates Committees

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (15:52):
I present additional information received by committees relating to estimates:

Budget estimates 2015-16 (Supplementary)—

Community Affairs Legislation Committee—Additional information received between 11 December 2015 and—

13 January 2016—Health portfolio.
22 January 2016—Social Services portfolio.

Economics Legislation Committee—Additional information received between—

3 December 2015 and 3 February 2016—Treasury portfolio.

Finance and Public Administration Legislation Committee—Additional information received between 2 December 2015 and 2 February 2016—

Finance portfolio.
Parliamentary departments.
Prime Minister and Cabinet portfolio (including Indigenous matters across portfolios).

Foreign Affairs, Defence and Trade Legislation Committee—Additional information received between 12 November 2015 and 4 February 2016—

Defence portfolio.
Foreign Affairs and Trade portfolio.

COMMITTEES

Senate Publications Committee

Report

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (15:52):
On behalf of Senator Reynolds, I present the 21st report of the Senate Standing Committee on Publications.

Ordered that the report be adopted.

Economics References Committee

Report


Ordered that the report be printed.

Reporting Date

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:53): By leave—I move:
That the Senate adopt the recommendation contained in the interim report to extend the time for the presentation of the report of the committee to 8 April 2016.

Question agreed to.

Report

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:53): I move:

That the Senate take note of the report.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Foreign Affairs, Defence and Trade References Committee

Report

Senator GALLACHER (South Australia) (15:53): I present the report of the Foreign Affairs, Defence and Trade References Committee on contamination caused by firefighting foams at RAAF Base Williamtown and Australian Defence Force facilities, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator GALLACHER: I move:

That the Senate take note of the report.

This report addresses the first part of the committee's terms of reference and focuses on the contamination caused by chemicals used in firefighting foams at RAAF Base Williamtown on the surrounding communities. However, other defence facilities where firefighting foam was extensively used have, or are likely to have, similar issues. In particular, the situation at Army Aviation Centre Oakey in Queensland has been raised with the committee. The committee did not receive sufficient evidence to address these other defence facilities in this report and intends to explore this aspect in the second part of its inquiry. The committee also has indicated in its report that there are also significant matters where questions remain at RAAF Base Williamtown and it may need to further examine the response here.

The immediate impact on the communities around RAAF Base Williamtown of the contamination has been profound. The shadow of uncertainty regarding the spread of the pollutants has created fear and concern, but it has also had real and concrete impacts for these residents and businesses. This is a crisis for those people who have been told they have been drinking potentially contaminated water, that they cannot work or that their property may be worthless. However, this situation has not received a crisis response from government agencies.

The community and the committee expects that Commonwealth government agencies such as Defence to be responsible custodians of the environment and exemplars in protecting public health. Unfortunately, there appears to be a lack of Commonwealth government leadership and a reluctance to take full responsibility for the contamination at RAAF Base Williamtown.

The committee has made a number of recommendations to defence and to the Commonwealth government more broadly. The first recommendations focus on access to water issues, the provision of mental health and counselling services, initial compensation of the fishing community and the coordination of the response of government agencies. Other
recommendations focus on providing certainty for affected residents and commercial fishermen in the longer term. Finally, the committee makes recommendations on some related issues: blood testing and the application of environmental regulations to defence.

Defence is currently providing bottled water to some affected residents due to the contamination of the groundwater. In Newcastle, the committee received evidence that affected residents were having difficulties with this scheme. We have recommended that defence immediately review its provision of water and the replacement of water infrastructure to affected residents to ensure it is sufficient to meet their needs.

Many commercial fishermen have had their incomes ceased or substantially reduced because of the fishing closures at Fullerton Cove and Tilligerry Creek while the contamination is investigated. Accordingly, the committee has recommended that the Commonwealth government, with the advice of the New South Wales Department of Primary Industries, develop an initial compensation package for the commercial fishermen affected by the closures of Fullerton Cove and Tilligerry Creek.

The mental health impacts of the contamination on affected residents and the need for additional support services was clear in the evidence the committee received. The committee has recommended that defence examine providing additional mental health and counselling support services to those affected by contamination at RAAF Base Williamtown.

Importantly, tensions between New South Wales government agencies and defence were abundantly clear during the inquiry. Further, a lack of coordination between different parts of the response to the contamination also appeared to be causing problems. The committee has recommended that defence and the New South Wales government examine establishing a joint taskforce to coordinate the response of government agencies to the contamination from RAAF Base Williamtown.

A consistent theme in the evidence was that affected residents and commercial fishermen needed a level of certainty in relation to compensation from defence and the Commonwealth government regarding the damage caused by contamination. Accordingly, the committee has recommended that the Commonwealth government commit to voluntarily acquiring property and land which is no longer fit for purpose due to PFOS or PFOA contamination from RAAF Base Williamtown. Further, if PFOS or PFOA contamination from RAAF Base Williamtown causes permanent or long-term fishing closures, the Commonwealth government should commit to compensate and should purchase the relevant rights of fisherman affected and establish an industry transition program for affected commercial fishermen to assist them to relocate or transfer to other industries.

Despite calls from the community for access to blood tests for levels of PFOS or PFOA, Defence relied on New South Wales Health advice that blood testing was not appropriate, given that no medical advice could be given based on the results. However, the committee was not convinced by this evidence and notes there are a number of other reasons to undertake blood tests. The committee recommended that Defence arrange and fund a program of blood tests for residents in the investigation area on an annual basis.

A lack of clarity in relation to the environmental regulation of Defence was repeatedly raised during the inquiry. To begin to resolve this, the committee has recommended that Defence release a policy statement to clarify its environmental obligations and responsibilities.
for contamination which spreads to non-Commonwealth land. In particular, it should clarify the capacity of state and territory environment regulation to apply to its activities. In relation to the remediation of RAAF Base Williamtown, the committee received conflicting evidence. However, Defence has committed to follow-up remediation strategies as a priority.

Following the committee’s hearing in Newcastle on 22 December, the NSW government has announced a package of assistance measures to help the community at Williamtown deal with the consequences of the contamination. The announcement that affected residents will be connected to town water, that new testing equipment will be acquired and that additional mental health services will be provided indicates an understanding of the situation and of community concerns which, unfortunately, has been lacking at the federal level.

There are likely to be many other military and civilian airports and firefighting training sites, as well as other facilities, which will have legacy contamination through the use of firefighting foams. The committee is concerned that if the mistakes made regarding contamination at RAAF Base Williamtown are not addressed promptly they will almost certainly be repeated at other sites in the future. The committee will continue to examine these issues in the second part of its inquiry.

I commend the report and the excellent work of the participating senators and the secretariat in the preparation of it.

Senator BACK (Western Australia) (16:02): I rise to also speak to the report as presented by my colleague Senator Gallacher, the chair of the committee. I am somewhat at variance, and the coalition have indeed put in a dissenting report to some of the elements of the majority report, to which I will speak.

As mentioned, the inquiry investigated legacy contamination resulting from firefighting foams in firefighting and firefighting training at RAAF Base Williamtown. It is important to understand that these foams are used to create a thin film which starves fuel of oxygen, which is the reason why they are so effective. It remains very effective, but is no longer used for training purposes. I will use the terms 'PFOS' and 'PFOA' for these perfluorinated compounds, but I need to advise the chamber that these particular chemicals have been in use in the community for many years. They are, indeed, the basis of Scotchgard. They are the basis of non-stick frypans. They are the same product that is used in firefighting foams.

I concur with Senator Gallacher in his comments that the response by government to the wider community has been very poor. Most people do not discriminate between state or federal agencies. The disappointment for me in this exercise to date has been as a result of Defence sending their draft stage 2 environmental investigations report to the New South Wales Environment Protection Authority for the purpose of further consultation and discussion. The response by the New South Wales EPA was to immediately go into the public arena to put a ban on fishing as a precautionary measure, and it was that that has elevated so greatly the devastating community concern that we observed in Newcastle on 22 December and heard from those associated with a similar incident at Oakey in Queensland.

Before people rush into making recommendations as to what should happen by way of compensation or purchasing land or purchasing fishing boats or whatever, I ask the question, as a result of the RAAF Base Williamtown contamination in Newcastle: what are the internationally regarded epidemiological studies into PFOS and PFOA? As it was with
Defence's submission, from advice to me it appears that long-term, large-scale health studies of workers in the USA exposed to high levels of these chemicals—and these are the people associated with the actual manufacture—have shown no chronic health effects. There are no globally accepted, peer reviewed studies showing that exposure to these two chemicals adversely affects human health. What was particularly interesting to me was the question: have any local doctors or local medical practices or has the New South Wales department of health flagged the fact that there are adverse health outcomes for people in the area affected by the PFOA and PFOS contamination? Nobody has been able to tell me that people have been affected.

It is absolutely the case that Defence has an obligation, and the New South Wales EPA has a role to play. But, in my view, to rush into the public arena, to put a ban on commercial fishing and to get to the stage of saying that milk could not be consumed from cows that were drinking the groundwater and eggs could not be consumed from chooks that were drinking the groundwater has raised the status of alarm. And that was so terribly outlined to us from the people who now find themselves in the position that they do.

My colleague Senator Gallacher referred to blood testing. The federal government—Defence in particular—has taken the advice of New South Wales health experts in relation to blood testing. It is a recommendation of the coalition senators that Defence continues to take that advice. In the absence of knowing whether or not high levels of these chemicals in the blood do have adverse health impacts, it is dangerous, in fact, to be undertaking blood tests or annual testing. It is apparent in the Western world, as a result of the presence of these chemicals in the wider community, that they are in the blood of nearly all people in Western communities at the very low level of 0.2 and 0.4 nanograms per millilitre. The big question is: what does an elevated level in the blood tell you? We do not know.

Coalition senators certainly recommend that the Commonwealth government cooperate with the New South Wales government and commercial fishing stakeholders to better target financial assistance packages, which have been outlined. We also recommend that Defence—the Commonwealth government—supports interim assistance measures provided by the New South Wales government to support the affected community. You need to understand that the community has been affected. Grandparents told us that they were not prepared to have their grandchildren visit them over Christmas-New Year for fear of some adverse health effects on the children. I mentioned that milk cannot be consumed and eggs cannot be consumed and yet, for whatever reason, beef from animals that were drinking the groundwater can be consumed. There has not been much scientific basis for the decisions.

There is no doubt that the community needs to be supported. There is no doubt at all that PFOA and PFOS have been used on military bases, commercial airports and fire stations around the world—anywhere you want to look. Have a look in Botany Bay at the end of the Kingsford Smith runways. Have a look at the water around Perth airport. If you look around any of our Air Force bases, our commercial airports and our fire stations anywhere in Australia, you are going to find evidence of PFOS and PFOA that was used for training purposes.

I urge caution. This is a very serious issue. It is premature to be suggesting that Defence rush in until such time as we can establish more clearly what we are facing. Defence is undertaking a more comprehensive study, which I understand should be available in the
middle of this year. We do not yet know whether there are adverse health effects. As I mentioned in a contribution I made in Newcastle, when it came to asbestos and asbestosis in Western Australia, the place to look was Wittenoom because that was the start of the problem of asbestosis and mesothelioma. You would think you would go to the factory where the chemical is being produced and do studies—and they have done studies. Fortunately, over extended periods of time the studies of workers with exposure to those chemicals do not show chronic health effects.

I will conclude with this contribution: the community needs to be supported and there is a role for the federal government and the state governments in this. There needs to be far better communication between state and federal agencies because there is no question that the quality of communication with the affected community was less than we would expect. Defence have put into place processes for communication. They have appointed Air Vice Marshal Evans as the single point of contact, and he has now engaged with many.

The lessons to date are these: communities need to be supported; communities need to be informed; where communities are adversely affected they need assistance; and federal and state agencies, not just Defence, need to be informed and involved. Until we actually know the adverse health effects of these chemicals I urge that we do not rush in, because this is simply the first or second of many locations where we are going to face this particular situation.

Senator RHIANNON (New South Wales) (16:12): I rise to speak on the Senate Foreign Affairs, Defence and Trade References Committee report on contamination caused by firefighting foams at RAAF Base Williamtown and Australian Defence Force facilities. On behalf of the Greens, I moved for this inquiry and was pleased to get the support of the Senate. We moved to do that because of the rising concerns of residents at Williamtown, and many other people as well, that the Department of Defence was not being responsible in how it was responding. When you look at the timeline on the disclosure, and as knowledge has started to come in about these chemicals, it certainly reinforces and explains why that concern has been so considerable.

Residents' concerns about contamination on and around Williamtown base were one of the reasons why this inquiry was held—and also the department's lack of transparency about the issue. When we held the inquiry in Newcastle and heard from not just local residents but also the Department of Defence, and about the quite terse relationship with various New South Wales departments, it became apparent that the way this issue has been handled is not only very serious but also ongoing and problematic. The Department of Defence is not managing and not responding adequately in terms of the seriousness of this matter.

You have heard from other members about the chemicals that are involved here, which are known as PFOS and PFOA. Historically they have been associated with firefighting and used extensively in training, as we have heard. One of the most disturbing stories I heard was that years ago the children of some of the staff at the base enjoyed playing in the foam because it is slippery to slide on. We heard a number of personal stories, particularly from residents in the red zone, which is the area marked out for particularly high levels of contamination. I have only received limited information from the workers on the base, but I think that is an issue that also needs to be further explored.
I was concerned about some of the comments from Senator Back. He came across as trying to excuse the way the Department of Defence has handled this matter. Mistakes are made. Right now the department needs to be much more transparent in how it responds to the community because that is where there has been major failure to date. I was quite surprised to hear those attempts from the senator to make out that these chemicals are pretty run-of-the-mill.

I have a few more comments about the chemicals because I think it is important to spell out the health and environmental impacts. PFOS and PFOA are chemically biologically stable. The significance of that, when you look at food chains, is that they can biomagnify—that is, they can accumulate in organisms and move through food chains as one animal eats another. They can therefore well and truly accumulate in human beings. If they get to the top of the food chain then those chemicals become a part of the food chain and do not break down.

The history of these chemicals and our knowledge about their effects, I would argue, shows that the Department of Defence has not responded adequately to this contamination issue. Looking at the time line of the knowledge that has come out about these chemicals over the last decade also reflects poorly on how the department has handled it. Australian government departments, we understand, have known about the toxic effect of these chemicals since 2003 yet it was not until 2007 that Defence included monitoring of PFOS and PFOA in its own environmental testing. The Defence department had been aware of the dangers of the firefighting chemicals for many years but the residents of Williamtown were not informed until September 2015. I find that really unbelievable. Really these people should be given an apology.

I think there is a role here for Minister Payne. I appreciate that she negotiated with us about the terms of reference for this inquiry and for the follow-up inquiry which is looking at the issue across the country. But Minister Payne, as the responsible minister, surely should apologise to the people of Williamtown, who have gone through so much stress and so much hardship which continues to this day. We have finished this part of the inquiry and brought down the recommendations but the recommendations should not sit there month after month. The government needs to respond quickly. These recommendations are a good start to bringing some certainty, a way to assist the residents to manage their lives and to respond to what is very troubling.

It is troubling because health studies have shown impacts of the chemicals on blood cholesterol levels, thyroid function and liver size. Again, this is why we are so surprised and concerned at Senator Back's comments. In 2006, the Persistent Organic Pollutants Review Committee of the Stockholm Convention concluded:

PFOS is likely, as a result of its long-range environmental transport, to lead to significant adverse human health and environmental effects such that global action is warranted.

That very clear requirement came from the committee that sits under the Stockholm Convention back in 2006.

Then come forward to the crisis facing the Williamtown people today. That information broke in September and the Department of Defence informed the people but would not give them blood tests. The locals requested them time and time again. Our inquiry has made a recommendation for blood tests. Surely that should be put in place quickly. I would urge Senator Back to get behind this recommendation. If he so confident about these chemicals,
why not have the blood tests? The mental health issues for these people are real. When I speak about this issue now, I think of the day we sat in Newcastle town hall listening to the evidence. The stress and the upset of so many people were very real. They live with that today. A member of the Williamtown and surrounds residents' action group said people are scared, and you could see that. I saw that on the day we took evidence and I have seen it when I visited Williamtown on a number of occasions.

The concern also comes from the property values of the residents' places. Some people have been told that there is now no value and they cannot sell their place because who wants to buy a house and land in a contaminated area? Even if the land may not be contaminated or the water may not be contaminated, if they are in the red zone or near the red zone then there is a perception of a serious problem. I met a cattle farmer when I was up there last. He had a beautiful farm. I did not get to visit his farm but I saw the photographs and spent the afternoon with him at the bowling club. He just wants to sell out. He was hoping his sons would take over the farm, that they would be proud beef cattle farmers but now he cannot run his cattle farm in a profitable way and nobody wants to buy it. The Department of Defence should be working out with him and others now what their future is. These people feel they have no future and the stress is unacceptable.

The water issue is obviously a huge one. The Department of Defence has been supplying free drinking water to about 38 households. There are concerns that the contamination could put at risk the Newcastle city water supply. This is a huge Australian city and here we have a risk to the water supply for the city. This is extraordinary. This is big news in the Hunter and in Newcastle. I congratulate the Newcastle Herald because it has really pushed this story out there, has worked with the residents and has reported on these difficulties.

Then there is the reputation of the area in terms of the fishing and the prawns. This was one of the most moving parts of the inquiry on the day we were there. The Port Stephens broader reputation as an area for clean seafood production is at risk. So what did the prawners and fishers do? They took a very responsible decision and said they would suspend their operations because they did not want their brand tarnished. Meanwhile so many of the locals in that area have been told not to eat their eggs, not to eat their vegetables if bore water has been put on them, not to eat their chicken and beef. Mr Back might question the New South Wales Environmental Protection Authority for doing that but there is a precautionary principle, which is a very important part of how governments should work. I find it very disturbing that that is questioned by a senator here in the government. The New South Wales Farmers' Federation has also noted the impact of the long-term brand damage on the region.

The Greens have also added a number of recommendations to this inquiry about issues to do with compensation and voluntary acquisition of the land. Defence needs to take immediate steps on the contamination in Lake Cochrane. Right now the contamination continues to pour out of the RAAF base. One of the things that has shocked me is how little has been done to stop that and to deal with that. There is a lot more that needs to be investigated there. (Time expired)

Question agreed to.
COMMITTEES

Government Response to Report

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (16:22): I present three government responses to committee reports as listed at item 14 on today’s Order of Business. In accordance with the usual practice, I seek leave to have the documents incorporated in Hansard.

Leave granted.

The documents read as follows—

Australian Government response to the Senate Select Committee into the Abbott Government’s Budget Cuts report:

First interim report
February 2016

A response to each recommendation from the first interim report from Senate Select Committee into the Abbott Government's Budget Cuts Senate Select Committee is provided below.

Recommendation 1

(2.31)–The government maintains the age of eligibility for Newstart at 22 years of age.

The Government notes this recommendation.

Recommendation 2

(2.32)–The committee recommends that the government abandons the 2014-15 Budget measure providing for a six-month waiting period for Newstart payments for new claimants.

The Government notes this recommendation.

As announced in the 2015-16 Budget the Stronger Participation Incentives for Job Seekers Under 30 measure announced in the 2014-15 Budget will no longer proceed. In its place, the Government has announced a Growing Jobs and Small Business package, which includes a new four week waiting period for job seekers applying for Youth Allowance (other) or Special Benefit, who are aged under 25 and assessed as job ready. This will commence on 1 July 2016, subject to the passage of legislation. The package provides additional supports for young people under 25 to find employment and/or become work ready. Job seekers who have been assessed as having significant barriers to finding a job, including parents caring for children, and young people leaving state care, will not be required to serve the four week waiting period. Students will not be subject to the four week waiting period. Additional funding has also been allocated to providers of Emergency Relief services, who may assist young people with material aid, if required.

In addition, as part of the Growing Jobs and Small Business package, the Government will provide over $330 million to implement a Youth Employment Strategy to improve employment outcomes for Australia's young people and make it easier for them to enter the workforce. The package provides targeted support for groups of young people who are more susceptible to long term unemployment or are at risk of welfare dependence. This includes:

- $212 million for the Youth Transition to Work programme to assist young people who have disengaged from work and study and are at risk of long-term welfare dependence. As part of this program, community-based organisations will provide flexible and holistic support to help these young people find and maintain employment or take up an apprenticeship or traineeship.
- $106 million to provide intensive support for key groups of vulnerable job seekers. This measure will:
establish an innovative youth programme to engage vulnerable young people early in their transition to work
provide support for parents to plan and prepare for employment
deliver specialised individual placement employment support for young people with mental illness, including those in Disability Employment Services
help young refugees and other vulnerable young migrants make a successful transition to work through support in the areas of employment, education, sports engagement and vocational opportunities.

$14 million for the Early School Leaver policy to help to improve education outcomes for early school leavers by ensuring they are working or studying.

Recommendation 3
(3.44) – The committee recommends that the government reinstate funding for Youth Connections immediately.

The Government does not agree with this recommendation.
The Youth Connections programme (2010–14) targeted school-age young people; 74 per cent of programme participants were under the age of 17. State and territory governments are responsible for keeping school-age children engaged in education, with families playing a central role.

As part of the 2015 Budget the Government focused youth efforts on new initiatives to provide opportunities for young Australians to participate in education and employment. These include the $330 million Youth Employment Strategy to improve employment opportunities and outcomes for Australia’s young people and make it easier for them to enter the workforce. This package includes $18 million over four years for 6000 job seekers annually to undertake work experience for up to four weeks while they continue to receive income support.
The Government is also investing in the Industry Skills Fund - Youth Stream which includes two pilot programmes, Training for Employment Scholarships and Youth Employment Pathways. The programmes assist business by supporting job specific training for new, young employees; and community organisations to help young people return to school, start vocational training or move into work.

Recommendation 4
(3.48) — The committee recommends that the government reinstate Commonwealth funding for Reclink Australia immediately.

The Government notes this recommendation.
The Government recognises the work that Reclink does in assisting people experiencing disadvantage. However, as a terminating measure with funding not provided for in the Forward Estimates, the Government was unable to further extend funding for the Reclink National Programme. The Government will continue to support disadvantaged Australians though sport including through funding the Australian Sports Commission. The Commission works with National Sporting Organisations to support under-represented groups and encourages all National Sporting Organisations to provide products and programmes that are inclusive.

Recommendation 5
(4.35) – The committee recommends the government keep the promise made to the Australian public not to cut education funding.

The Government notes this recommendation.

School Funding

There are no cuts to school funding. The Government has honoured its election commitment and delivered funding for all states, territories and school sectors by investing $69.5 billion in total funding.
to schools over the forward estimates period. This includes the reinstatement of $1.2 billion removed by
the previous government and takes Commonwealth investment in schooling over the forward estimates
to a record high.

The Government will be considering longer term funding arrangements within the context of the White
Paper on the Reform of the Federation. This paper is an important part of our commitment to stable and
sustainable government and will help inform negotiations of funding arrangements from 2018 with all
state and territory governments and non-government education authorities.

**Higher Education**

The Government has not cut funding to higher education.

The Government is seeking to implement changes to higher education to create a system that is higher
in quality, more accessible, more competitive and more sustainable. To achieve these objectives, the
Government remains committed to delivering policies that ensure the higher education sector delivers
the educational opportunities and research outcomes Australia needs to succeed in the future.

The Government is consulting with students, their parents, institutions, employers, members of
parliament, senators and other stakeholders, to ensure ongoing, fair and sustainable support for an
adaptive, world-class higher education system, with equitable access for students.

To provide certainty to the Australian higher education community as this consultation process is
undertaken, the Government has determined that 2016 higher education arrangements will be the same
as 2015, indexed for inflation.

**Recommendation 6**

(4.42) – The committee recommends the government abandons plans to deregulate fees in the
higher education sector.

The Government notes this recommendation.

The Government will continue to pursue reform in the higher education system to find a fair and
sustainable way to fund an adaptive, world-class higher education system, with equitable access for
students.

All options remain on the table as the Government consults with the higher education sector,
students, employers, members of parliament and senators, and other stakeholders, on the future of
higher education reform.

**Recommendation 7**

(4.43) – The committee recommends the government maintain HELP debt repayment
arrangements and assistance for disadvantaged and low SES groups.

The Government notes this recommendation.

The Government will continue to give students access to the Higher Education Loan Programme
(HELP), meaning that they are not required to pay any tuition fees up front and are not required to start
making repayments until they are earning a decent income.

The Government has moved to ensure that Australians working overseas are required to pay back their
HELP loans in just the same way they would be required to if they were working in Australia.

The Government will continue to provide assistance for disadvantaged and low socioeconomic status
students. The Higher Education Participation and Partnerships Programme will continue to support
opportunity and success in higher education.

**Recommendation 8**

(4.42) – The government restore funding cuts in the 2014-15 Budget to the VET Sector.

The Government notes this recommendation.
Australian Government support for vocational education and training (VET) is at record levels. Through providing funding to the states, running Commonwealth own programmes and the provision of student loans, total funding for VET will soon surpass $6 billion per annum.

Recommendation 9
(4.50)—The committee recommends the government restore the funding cuts to school funding.

The Government notes this recommendation.

There are no cuts to school funding. The Government is investing $69.5 billion in total school funding over the forward estimates period taking Commonwealth investment in schooling to a record high.

From 2018, school education funding will increase based on student enrolment growth and the government-wide indexation rate of the Consumer Price Index (CPI). This will consolidate the substantial increases in Government funding made from 2014 to 2017 and allow sustainable growth into the future for Australian schools.

Funding from 2018 will be negotiated with all states and territories and non-government education providers to develop arrangements which are equitable, address student need, and help governments to deliver quality education outcomes in a sustainable and affordable manner. These negotiations will provide the opportunity to further consider the issue of indexation.

While funding is important, national and international research indicates that, by itself, it isn’t a sufficiently effective driver of improved outcomes — countries that spend a high proportion of their GDP on education do not automatically produce high performing education systems. The Government’s approach recognises that states, territories and the non-government school sector are best placed to determine how policies should be implemented in their schools. The Government’s Students First policy is focused on supporting a national approach in teacher quality, school autonomy, engaging parents in education and strengthening the curriculum.

Australian Government response to the Finance and Public Administration Legislation Committee report:
Annual reports (No. 1 of 2015)
November 2015
Response to recommendations
The Australian Government has considered the recommendation made in the Senate Committee's report and provides the following response.

Recommendation 1
1.40 The committee recommends that the Minister for Indigenous Affairs and the Registrar of Indigenous Corporations review the previous process of incorporating information about the Registrar in the annual report of the portfolio department which supported accountability to the Parliament, and advise the committee on future arrangements.

Australian Government response:
Information about the Office of the Registrar of Indigenous Corporations was included in the 2014–15 PM&C Annual Report.
The Chair of the Committee, Senator Cory Bernardi, has received advice to this effect.

Australian Government Response to the Senate Foreign Affairs, Defence and Trade References Committee report: Australia’s future activities and responsibilities in the Southern Ocean and Antarctic waters
Introduction
The Australian Government welcomes the Senate Foreign Affairs, Defence and Trade References Committee report on Australia's future activities and responsibilities in the Southern Ocean and Antarctic waters. The Australian Government thanks the Committee members for identifying the importance of Australia's engagement in an area of scientific and strategic importance immediately to the south of the Australian mainland.

The Australian Government is committed to ensuring Australia's future engagement in Antarctica and the Southern Ocean. To this end the Australian Government commissioned Dr Tony Press to prepare the 20 Year Australian Antarctic Strategic Plan report, which was delivered in July 2014. The Australian Government is currently carefully considering Dr Press' report, and will present the Government's 20 year Antarctic Strategy later this year. Many issues identified by the Committee in the Report have concurrent recommendations within Dr Press' report, and the Australian Government will provide a more fulsome response to these recommendations at a later time.

Response to the Recommendations
The Australian Government has considered the 18 recommendations made in the Report and provides the following responses.

Recommendation 1
The committee recommends that the government reaffirms the primacy of the Antarctic Treaty System to Australia's sovereignty and national interests, and continues to support and resource Australia’s robust engagement in Antarctic Treaty processes and fora in the pursuit and promotion of those interests.

Response:
The Australian Government agrees that the Antarctic Treaty system protects and preserves Australia's Antarctic interests. The Australian Government is committed to full and robust support for, and engagement in, the Antarctic Treaty system and its fora. The Government will respond more fully in its 20 Year Australian Antarctic Strategic Plan.

Recommendation 2
The committee recommends that Antarctic and Southern Ocean issues be a standing theme for Australian ministers and officials in relevant multilateral and bilateral diplomatic discussions, particularly those with our Asian neighbours, and that Australia continues to seek all possible opportunities for constructive, practical cooperation with other nations engaging in that region.

Response:
The Australian Government is committed to working closely with international partners on Antarctic and Southern Ocean issues. These issues are raised, when appropriate, by Australian ministers and officials in multilateral and bilateral contexts. Australia engages regularly with our Asian neighbours as well as key states active in East Antarctica and is committed to continuing to build these key Antarctic relationships and international cooperation in the Antarctic more broadly. Most recently, in November 2014 to coincide with the visit of the Chinese President to Hobart, Australia signed a Memorandum of Understanding with the People's Republic of China on Cooperation on Antarctic and Southern Ocean Affairs.

Recommendation 3
The committee recommends that Australia commits to re-commencing maritime patrolling in the Southern Ocean, including a minimum of two 40-day patrols by the Ocean Shield in the 2014-15 and 2015-16 financial years.

Response:
The Australian Customs and Border Protection Service is committed to planning for two 40-day patrols in the Southern Ocean to be conducted each financial year. The Australian Government provided
funding in the 2015-16 Budget for 300 vessel patrol days per annum across all maritime zones by the Australian Customs and Border Protection Service Vessel Ocean Shield in the 2015-16, 2016-17 and 2017-18 financial years and 180 patrol days in the 2018-19 financial year.

The conduct of these patrols is an operational decision for the Australian Customs and Border Protection Service (then from 1 July 2015 the Australian Border Force) in consultation with relevant agencies including the Australian Fisheries Management Authority and Department of Defence. The decision to undertake a patrol will be based upon operational priorities at the time.

The Ocean Shield conducted its first Southern Ocean patrol for 2015 during April and May. The patrol included Australia's sub-Antarctic territories, Macquarie Island, Heard Island and McDonald Islands to the French waters in the Southern Indian Ocean surrounding the Kerguelen Islands.

Recommendation 4
The committee recommends that Australia explores the possibility of concluding new agreements with neighbouring and like-minded countries to cooperate in patrol and deterrence in the Southern Ocean, based upon the example of the arrangements presently in place with France.

Response:
The Australian Government is committed to continuing to take action to address illegal, unreported and unregulated (IUU) fishing in the Southern Ocean, including in collaboration with our international partners. The Australian Government appreciates our close cooperative working relationship with France to combat IUU fishing in the Southern Ocean, a relationship which is underpinned by our bilateral treaty arrangements.

The Australian Government remains committed to continuing to work with like-minded states to explore effective strategies and measures to combat Southern Ocean IUU fishing, including through exploring, where appropriate, specific bilateral arrangements. When considering arrangements with like-minded states consideration will be given to ensuring that appropriate agreements are in place to allow participation, where judged necessary, by Australian officials and personnel in a host nation's operations.

In addition, the Australian Government remains committed to working with South-East Asian countries to combat IUU fishing, including in the Southern Ocean, through the Regional Plan of Action to Promote Responsible Fishing Practices including Combating Illegal, Unreported and Unregulated Fishing in South East Asia (RPOA-IUU). Measures taken by RPOA-IUU participating countries to deny port access to suspected IUU listed vessels and to undertake vessel inspections serve to complement surveillance and enforcement patrol efforts and form part of the necessary broader strategy to prevent, deter and eliminate IUU fishing in the Southern Ocean.

Recommendation 5
The committee recommends that the government actively investigates the potential for further use of non-vessel technologies, including consideration of the potential application of new Defence assets, to support law enforcement and border patrolling in the Southern Ocean.

Response:
The Australian Government will continue to explore civil and defence capabilities that could contribute to surveillance and enforcement operations in the Southern Ocean.

The Government's decisions about long-term Australian Defence Force capability will be outlined in the forthcoming Defence White Paper.

Recommendation 6
The committee recommends that the government commits to continued funding of the Southern Ocean Research Partnership for at least a further five years beyond the completion of the current funding in 2015.
Response:
The Australian Government has provided funding support for the Southern Ocean Research Partnership through the $38 million International Whale and Marine Mammal Conservation Initiative established in 2008 that ends on 30 June 2015. The Government has not made a decision on a forward program. Australia initiated the Southern Ocean Research Partnership that has evolved into an International Whaling Commission led, collaborative consortium of 11 countries undertaking non-lethal research on whales in the Southern Ocean. There are 11 Partnership members: Argentina, Australia, Brazil, Chile, France, Germany, Italy, New Zealand, Norway, South Africa and the United States. Scientists participating in the Partnership lead the world in the development and application of a range of innovative non-lethal cetacean research methods including satellite tagging devices, acoustic techniques, tissue sampling, photographic identification, sophisticated genetic techniques, and ecological theory and analyses.

Members contribute to the Partnership in number of ways. Financial support can be provided through voluntary contributions to the International Whaling Commission. Members also contribute other assistance such as scientific expertise and staff time, research vessels, equipment, and laboratory time.

Recommendation 7
The committee recommends that Australia prioritises the active pursuit of further diplomatic discussions with Japan about its future whale research plans, including extending a formal invitation to Japan to join the Southern Ocean Research Partnership.

Response:
Australia engages on international whale conservation matters, including the assessment of special permit (scientific) whaling plans, through the International Whaling Commission and its Committees. Australia considers that the International Whaling Commission, which has primary responsibility for the conservation and management of whales, is the appropriate forum in which to address international issues relating to whales and whaling.

Australia would welcome Japan becoming part of the International Whaling Commission led Southern Ocean Research Partnership that is undertaking non-lethal whale research in the Southern Ocean. There is a standing open invitation for new members to join the Partnership. The Government continues to explore opportunities for non-lethal scientific cooperation with Japan.

Australia will continue to work through the International Whaling Commission to promote global whale conservation and the benefits of non-lethal research on whales, including opportunities to work with Japan and others on research initiatives under the Southern Ocean Research Partnership.

Recommendation 8
The committee recommends that researching the impact of changes in the Southern Ocean on the Australian and global climate remain a strategic priority in Australia’s future planning and resourcing of scientific research.

Response:
The Australian Government is committed to research on the impacts of changes in the Southern Ocean on the Australian and global climate. The Australian Antarctic Science Strategic Plan has as a key theme ‘Climate processes and change’ which includes Australian science contributions to the Intergovernmental Panel on Climate Change (IPCC) and other global climate bodies. The Australian Antarctic Science Strategic Plan is due for its mid-cycle review in 2015 and the Australian Government will respond further on Antarctic science in its 20 Year Australian Antarctic Strategic Plan.

Recommendation 9
The committee recommends that Australia continues its advocacy for the establishment by CCAMLR of new Marine Protected Areas in the waters of East Antarctica.
Response:
The Australian Government agrees with this recommendation and remains committed to the establishment of the East Antarctic Representative System of Marine Protected Areas in CCAMLR, and will continue to advocate strongly for this outcome.

Recommendation 10
The committee recommends that an immediate commitment be made by the government to continue funding for Antarctic and Southern Ocean scientific research beyond the sunset dates of existing collaborative initiatives in 2017 and 2019.

The committee further recommends that appropriate funding for Antarctic and Southern Ocean science be assured through a commitment in the Budget process to a funding cycle reflecting, and integrated with, the ten-year cycle of the Australian Antarctic Science Strategic Plan, and in line with Recommendation 13.

Response:
The Australian Government will consider its approach to Antarctic and Southern Ocean scientific research in its 20 Year Australian Antarctic Strategic Plan.

Recommendation 11
The committee recommends that future allocation of research funding for Antarctica and the Southern Ocean include specific funds to support young and early-career scientists, in recognition of Australia’s comparative advantage in maintaining world-class scientific expertise in these fields into the future.

The committee further recommends that government agencies and scientific research organisations, particularly the science community based in Tasmania, work to develop a program of mentoring to facilitate information-sharing and professional support between experienced and retired scientists and those commencing in the field.

Response:
The Australian Government considers that the support of early-career scientists is of vital importance to the future of Antarctic and Southern Ocean Research, including mentoring from retiring scientists.

The Australian Research Council funded Antarctic Gateway Partnership ($24 million over three years from 2014-15) is providing opportunities for early career researchers, with funding able to be specifically used for their recruitment and support.

The Australian Antarctic Science Program supports a range of opportunities to support early career researchers. For example, the Australian Antarctic Grants scheme includes co-funded post-doctoral fellowships, together with the prestigious RJL Hawke post-doctoral fellowship and top-up PhD scholarships. Australian Antarctic Science projects currently include around 100 PhD students. These students are formally part of research teams undertaking research within the program.

The Department of the Environment, through the Australian Antarctic Division (AAD), also jointly supports several post-doctoral fellowships with Australian Universities.

The AAD and University of Tasmania (UTAS) jointly offer a PhD Program in Quantitative Antarctic Science (QAS). This is a partnership between the AAD and the Institute of Marine and Antarctic Studies at UTAS. A similar partnership exists between the CSIRO Oceans and Atmosphere Flagship and the Institute of Marine and Antarctic Studies (Quantitative Marine Science Program). Both programs offer scholarships to attract high quality students, who work on quantitative projects of direct relevance to the Australian Antarctic Science Strategic Plan.

Mentoring on a broader scale is available through the Association of Polar Early Career Scientists (APECS) (http://www.apecs.is). This is an international association with groups established around the world offering mentors. The Oceania APECS is the group that includes Australian early career scientists. The association includes graduate students, postdoctoral researchers, early faculty members,
educators and others with interests in Polar Regions and the wider cryosphere. Their aim is to stimulate interdisciplinary and international research collaborations, and develop effective future leaders in polar research, education and outreach. The AAD supported an APECS workshop at the most recent Australian Antarctic Strategic Science Conference in Hobart 2013.

The Australian Government will continue to look at further opportunities, as they arise and are appropriate, to support young and early-career scientists, and in developing mentoring relationships between experienced and retired scientists and those commencing in the field.

Recommendation 12
The committee recommends that resources be dedicated to the development and implementation of a Southern Ocean mapping program, as a whole-of-government initiative under the guidance and coordination of Geoscience Australia, and that such a strategy be included in future decisions about the allocation of funding and vessel time.

Response:
The Australian Government notes the underpinning role of on-shore and off-shore mapping in supporting safe operational activities, meeting international obligations in relation to geophysical monitoring and safety of marine and air navigation, providing new scientific knowledge about the natural environment, and Australia's administration of the Australian Antarctic Territory. Currently, Geoscience Australia, the Royal Australian Navy through the Australian Hydrographic Service and the Department of the Environment, through the Australian Antarctic Division, cooperate on such mapping programs as the opportunity arises. The Government will respond more fully in its 20 Year Australian Antarctic Strategic Plan.

Recommendation 13
The committee endorses Recommendation 28 of the 20 Year Australian Antarctic Strategic Plan, proposing a comprehensive review of the budget and resourcing needs of the Australian Antarctic Division, and recommends that this be adopted and undertaken by the government as soon as practicable.

Response:
The Australian Government is committed to appropriately resourcing Australia's activities in the Antarctic, and will respond in its 20 Year Australian Antarctic Strategic Plan.

Recommendation 14
The committee recommends that all options be examined including that budgetary allocation be provided to restore the ability of the RV Investigator to spend its optimum 300 days per year at sea, in support of Australian and international scientific research.

Response:
CSIRO and the Marine National Facility Steering Committee are investigating options and opportunities to enable full utilisation of the RV Investigator at 300 sea days a year for Australian and international research in the national interest, especially noting the very high demand for the vessel.

Recommendation 15
The committee recommends that an interagency working group be established to review Australia’s current and proposed marine assets and their utilisation, and to explore the potential costs and benefits of a national fleet approach to the acquisition and management of Australian vessels.

Taking into account Recommendation 17, the committee further recommends that the working group should commission and draw on an independent expert study of Australia’s requirements for effective patrol, surveillance and research including in the Southern Ocean and Antarctic waters, the ability of existing national maritime assets to meet those requirements, significant gaps in capacity, and possible
best-practice models for the management and coordination of national maritime assets to meet Australia's needs.

Response:
The Australian Government agrees that a national fleet approach for Commonwealth entities should be explored and will establish a working group to consider options including:

- a study of Australia's Southern Ocean and Antarctic water patrol, surveillance and research requirements;
- the ability of existing assets to meet those requirements;
- capacity gaps; and
- best-practice models of the management and coordination of Australia's maritime assets.

Recommendation 16
The committee recommends that CSIRO and the Australian Antarctic Division work on a streamlined and integrated approach to the management of scientific research proposals requiring vessel time in the Southern Ocean and Antarctic waters, to ensure the efficient and appropriate use of vessels.

Response:
The Australian Government agrees with this recommendation. The Australian Antarctic Division, CSIRO and the Marine National Facility Steering Committee are developing options to ensure efficient use of vessels undertaking scientific research in the Southern Ocean, and to having an integrated approach to research proposals. The Australian Government will respond more fully with regards to inter-agency coordination in its 20 Year Australian Antarctic Strategic Plan.

Recommendation 17
The committee recommends that the Commonwealth government and the Government of Tasmania work together on the development and implementation of a dedicated strategy for maximising Tasmania's potential as an Antarctic Gateway, including joint investment toward the upgrading of Hobart's port and other key infrastructure, and drawing upon the recommendations made in the 20 Year Australian Antarctic Strategic Plan.

Response:
The Australian Government is committed to maximising the benefits to Tasmania as an Antarctic gateway and in fully realising the economic potential to the Tasmanian economy through the Antarctic sector. The Australian Government is implementing the Economic Growth Plan for Tasmania to reinforce Hobart as an internationally recognised Antarctic and Southern Ocean research precinct, as the gateway to Antarctica, and as a hub for international research collaborations in the Southern Ocean. The Australian Government has funded $24 million over three years from 2014-15 for the Antarctic Gateway Partnership, $25 million over five years from 2014-15 for the Antarctic Climate and Ecosystems Cooperative Research Centre, and $38 million over three years from 2014-15 to upgrade Hobart International Airport. The Australian Government has also committed to procuring a new world-class icebreaker to be home ported in Hobart. The Australian Government will respond in its 20 Year Australian Antarctic Strategic Plan.

Recommendation 18
The committee recommends that the government considers options for further strengthening whole-of-government coordination in the pursuit and promotion of Australia's national interests in Antarctica and the Southern Ocean, including the appointment of an Australian Antarctic and Southern Ocean Ambassador to coordinate whole-of-government policy and to provide senior leadership for the promotion of Australia's interests and role domestically and internationally.

Response:
The Australian Government considers that the pursuit and promotion of Australia's national interests in Antarctica and the Southern Ocean is important, and will consider in greater detail the whole-of-government coordination of Antarctic and Southern Ocean policy in its 20 Year Australian Antarctic Strategic Plan.

Additional comments by the Australian Greens

Recommendation 1
A minimum of 20 per cent of the Australian Antarctic Division budget should be ring fenced for science, including the associated logistical support. This should be looked at more closely in line with Recommendation 13 in the report.

Response:
The Australian Government does not agree with this recommendation. While the Australian Government is committed to supporting Antarctic Science, it does not consider quarantining an arbitrary percentage of the Australian Antarctic Division's budget the appropriate mechanism to achieve good scientific outcomes.

Recommendation 2
As a temporary measure the funding provided for the Hobart Airport runway extension should be diverted into providing more days for the ship RV Investigator to conduct work.

Response:
The Australian Government does not agree with this recommendation. The Government's election commitment to provide $38 million to Hobart International Airport for a runway extension was made as part of the Economic Growth Plan for Tasmania. The suite of initiatives under the Growth Plan focus on infrastructure, communications, jobs and technology and aim to support and promote Tasmania's economic growth, create new jobs and raise living standards. While the runway extension will also facilitate and support Australia's Antarctic Program, the primary objective of this initiative is to support wider economic growth.

BUDGET

Proposed Expenditure

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (16:23): I table particulars of proposed additional expenditure for 2015-16:

Particulars of proposed additional expenditure in respect of the year ending on 30 June 2016 [Appropriation Bill (No. 3) 2015-2016].

Particulars of certain proposed additional expenditure in respect of the year ending on 30 June 2016 [Appropriation Bill (No. 4) 2015-2016].

I seek leave to move a motion to refer the documents to legislative and general purpose standing committees.

Leave granted.

Senator FIFIELD: In respect of the documents I move:

That the documents, together with the final budget outcome 2014-15 be referred to committees for examination and report.

Question agreed to.
Portfolio Additional Estimates Statements

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (16:23): I also table the portfolio additional estimates statements 2015-16 in accordance with the list circulated in the chamber:

2015-16 Portfolio Additional Estimates Statements (PAES)

Agriculture and Water Resources portfolio
Attorney-General's portfolio
Communications and the Arts portfolio
Defence portfolio
Department of Human Services
Department of Veterans' Affairs
Education and Training portfolio
Employment portfolio
Environment portfolio
Finance portfolio
Foreign Affairs and Trade portfolio
Health portfolio
Immigration and Border Protection portfolio
Industry, Innovation and Science portfolio
Infrastructure and Regional Development portfolio
Prime Minister and Cabinet portfolio
Social Services portfolio
Treasury portfolio

COMMITTEES

Foreign Affairs, Defence and Trade References Committee

Government Response to Report

Senator WHISH-WILSON (Tasmania) (16:25): I move:

That the Senate take note of the document.

I rise to respond to the government's response to the Senate Foreign Affairs, Defence and Trade Reference Committee report Australia's future activities and responsibilities in the Southern Ocean and Antarctic waters. This is an inquiry that I instituted early last year. We held a number of hearings, both here and in Hobart. I would like to say, as I did when I rose when we tabled the Senate recommendations, that this is a very thorough, wide-ranging and detailed Senate inquiry into Australia's responsibilities and future activities in the Southern Ocean and Antarctica. Of course, why this is important to me—and no doubt Senator McKim and my Labor Tasmanian colleagues in this chamber—is that the science community is the heart of Hobart. It plays an enormous role not just in the economy in Tasmania and the community but also in the contribution it makes globally to climate research, which is second to none.
What we learnt about Australia’s responsibilities in the Antarctic and our treaty responsibilities is that science is the currency of the Antarctic Treaty. It is devastating for me today, on the same day that I was going to rise to make mostly positive comments about the government’s response and commitment to the Antarctic and Southern Ocean research, especially the climate research, to have heard the shock news—as no doubt it is devastating for the science community in Hobart: all the good people who are internationally recognised for their work, all their families and all those businesses, and the community that supports the science community—that potentially we may lose up to 110 jobs in climate research in Hobart. My understanding is the climate study, and the scientific community in Hobart more broadly, is fewer than 1,000 folks. So, if we lose 100 people, that is a really big hit.

But it is also a really big hit to our international reputation and to our commitment to climate research. After Paris, the imperative was obvious to the world that we needed to take action and that we needed to take seriously action on tackling global warming. Yet those same scientists who told us that the East Antarctic Ice Sheet was melting and going into the Southern Ocean and those same scientists who study ocean acidification and rising salinity levels—the critical things that we use and that are used in international modelling around climate change—are potentially going to lose their jobs.

We are waiting on the detail on the decision that was made by CSIRO today. But I just wanted to highlight—and I only have a few minutes left, unfortunately—that it is really disappointing that that news came on the same day that the government is tabling its response to the report of an excellent Foreign Affairs, Defence and Trade References Committee inquiry that I thought had tripartisan support—all political parties want to see the Hobart scientific community thrive. They had high expectations that the Prime Minister, Malcolm Turnbull, was going to be a supporter of climate research. In fact, I do not have time, but I would like to have read his comments that he only recently made to the Hobart scientific community. But let me say publicly that they were, ‘I’m a Prime Minister who’s here to back you up, there’s nothing more important than science, and you are highly valued.’ And yet today we heard from Minister Sinodinos that the CSIRO has made this decision that we do not need some of these scientists anymore and that we are moving more into an area of mitigation. Well, you cannot mitigate what you do not understand.

Some of these scientists are global leaders and global experts who are working on long-term projects, and this is going to be devastating for morale in Hobart. It is potentially devastating for the community and for the economy at a time when Tasmania can ill-afford to lose hundreds of scientists from its community. I say that the government has been caught out here. It has been caught out and it has not put its money where its mouth is. I seek leave to continue my remarks later.

Leave granted.

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (16:30): I also wish to take note of this document and seek leave to continue my remarks later.

Leave granted; debate adjourned.

The ACTING DEPUTY PRESIDENT (Senator Bernardi): It being 4.30 pm we are now going to go back to the business of the Senate notices of motion that we have not dealt
with before. The agreement is that after 4.30 there will be no divisions. However, if there is any call for a division, that can be held over until another sitting day.

Environment and Communications References Committee
Reference

Senator SIMMS (South Australia) (16:31): I seek leave to make a minor, technical amendment to the motion in my name and that of Senator Xenophon to replace the reference to 'British Petroleum' with 'BP'.

Leave granted.

Senator SIMMS: I move the motion, as amended:

That the following matter be referred to the Environment and Communications References Committee for inquiry and report by 12 May 2016:

(a) the effect of a potential drilling accident on marine and coastal ecosystems, including:
   (i) impacts on existing marine reserves within the Bight,
   (ii) impacts on whale and other cetacean populations, and
   (iii) impacts on the marine environment,
(b) social and economic impacts, including effects on tourism, commercial fishing activities and other regional industries;
   (c) current research and scientific knowledge;
   (d) the capacity, or lack thereof, of government or private interests to mitigate the effect of an oil spill; and
   (e) any other related matters.

The ACTING DEPUTY PRESIDENT (Senator Bernardi): The question is that the motion moved by Senator Simms to refer a matter to the Environment and Communications References Committee be agreed to. A division having been called for, I remind honourable senators that the division will be held over until the next sitting day in accordance with the standing orders. The matter before the Senate must be adjourned until the next day of sitting, at a time to be fixed by the Senate. The debate is adjourned accordingly.

Senator RYAN (Victoria—Assistant Cabinet Secretary) (16:32): I move:

That the division be held at the commencement of business on the next day of sitting.

Question agreed to.

Economics References Committee
Reference to Committee

Senator XENOPHON (South Australia) (16:33): How are you, Mr Acting Deputy President?

The ACTING DEPUTY PRESIDENT (Senator Bernardi): Everyone is asking me how I am today! I am very well, thank you.

Senator XENOPHON: It is just a new trend started by the Manager of Government Business.
Senator Fifield: It's an expression of fraternal collegiality!

Senator XENOPHON: We care, Mr Acting Deputy President—that is why! I move:
That the following matter be referred to the Economics References Committee for inquiry and report by 12 May 2016:
The causes and consequences of the collapse of listed retailers in Australia, with particular reference to:
(a) the conduct of private equity firms prior to, during and after corporate takeovers;
(b) the role of the Australian Securities and Investments Commission and the Australian Competition and Consumer Commission in overseeing corporate takeovers;
(c) the effect of the appointment of external administrators on secured and unsecured creditors, including employees and consumers of retail businesses;
(d) the effect of external administration on gift card holders and those who have made deposits on goods not delivered;
(e) the desirability of the following proposals in the event that gift card holders are unable to redeem their gift cards following the appointment of external administrators:
   (i) placing an obligation on external administrators to honour gift cards,
   (ii) a requirement that funds used to purchase gift cards be kept in a separate trust account by businesses,
   (iii) directors to be personally liable for the value of gift cards purchased; and
   (f) any related matters.
This relates to the issue of retail collapses in Australia.
Question agreed to.

Education and Employment Legislation Committee
Community Affairs Legislation Committee
Report
Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (16:34):
Pursuant to order and at the request of the chairs of the respective committees, I present reports on the Fair Work Amendment (Remaining 2014 Measures) Bill 2015 and the Social Services Legislation Amendment (Budget Repair) Bill 2015, together with documents presented to the committees.
Ordered that the reports be printed.

MOTIONS
Goods and Services Tax
Senator POLLEY (Tasmania) (16:34): I move:
That the Senate opposes the plan by the Turnbull Government to increase the goods and services tax rate to 15 per cent and broaden its base to include fresh food, education and health.
I was going to quote the former Acting Deputy President, Senator Bernardi, who has just left the chair. So I will start with that quote before he leaves the chamber! Senator Bernardi has, in fact, come out against the proposed increase to the GST:
Electorally, it's unpopular.
Wherever I go, no-one is saying yes, we should be putting taxes up …

I agree with Senator Bernardi, and it is not always that unusual. There are a number of issues that I agree with the good senator on.

He is right on this occasion, because every Australian knows what an increase to the GST is going to mean to them and to their families. To have an increase to the GST that is going to apply to everything—that is everything that we consume: any services, fresh food, fresh vegetables, education and health—is going to hurt those who are most vulnerable in our community.

There are other colleagues of Senator Bernardi who have also come out, and I would like to quote Senator Canavan. He also has admitted that there is only so much that raising the GST could achieve and that it is only going to raise a finite amount of money. Again—I agree with him.

Even from my home state of Tasmania, the federal member for Lyons, Eric Hutchinson, has also been quoted through the media today. He said that an increase to the GST will do nothing for his constituents. Again, I agree with a member of this government.

But it appears to me that the Prime Minister, Malcolm Turnbull, has a plan to increase the GST to 15 per cent. He said only this week that it is on the table. Those who come into this chamber and the other place, saying that this is just scaremongering from the opposition and others, are quite wrong. The Prime Minister could very easily dismiss the notion of increasing the GST by saying there will be no increase to the GST, just as Labor has said we will never, ever agree or support the increase of the GST to 15 per cent. We cannot be clearer. The Australian people understand very clearly where the Labor Party sits on this issue. I think that after two years a government should have its own plan for reforming the economy and the taxation system, but we are still waiting for those opposite to come forth with any sort of strategy other than a lazy policy which would be the quick and easy way for them to slag the workers and most vulnerable in this country by increasing the GST to 15 per cent.

I would like to remind the Prime Minister that we will not be at the forefront of innovation if we cannot ensure that every child in this country has equal access to good education outcomes. Getting a good education in this country should never rely on how big a credit card your parents have. Every child in this country deserves the best education that we can provide to them. Every child should have the opportunity to reach their full potential. If the GST is increased to 15 per cent and goes across the board as far as education is concerned, there will be some children who miss out on the opportunities that they deserve. If people in this country do not have the best education that we can provide to them and that we have the responsibility to provide, will not get the high-paying jobs, they will not have equal opportunity and they will not have the opportunity to fulfil their potential.

An increase of the GST to 15 per cent will diminish equal opportunity and do nothing to create jobs for the economy. This is the kind of economic leadership being painted by the Liberal government, and I have to say it is a pretty awful-looking picture. Those on this side know that the consequence of raising and broadening the GST will be an increase to the price of everything. Every single one of my constituents will have to pay more. Every single one of my constituents who are struggling now to make ends meet will have to pay more. It will cost
my constituents more every day to put food on their table and to buy their kids schoolbooks. It will cost them more to go to visit their GP and other doctors. We know that electricity and gas prices will increase. We also know about the attack that this government has already made in trying to make it more difficult for those people who need to have regular pathology tests. We know the risk to the Australian community if people have to think twice about whether or not to go see their doctor, have their pathology tests or go to the pharmacy to get the medication that they want. This will have an enormous impact on our community.

With my responsibility as shadow parliamentary secretary for aged care, it astounds me that this government continues to show a disregard for older Australians. Since the time they took government two years ago, they have never put their priority onto aged care and ageing issues in this country. We have had enormous changes when it comes to aged care in terms of payment now for services to keep people in their homes. We all know older Australians want to stay in their own home as long as possible. We know it was the Labor government that did the hard work and the heavy lifting to bring about real policy change around secure the future of older Australians when it comes to residential care and care while keeping people in their homes. If they now have to turn around and adjust to having to pay more for their services in their home and then on top of that a 15 per cent GST on that care, that will in some cases make it extremely difficult for those people to have the care that they need. They will think twice about having those services provided to them. It will cost more to go into residential care with an increase of 15 per cent for GST.

That is without the impact that it will have on every Australian who receives a pension. They are already on a very limited income. They juggle their budget on a daily basis to make ends meet. This government, because they are lazy when it comes to having any vision or taxation reform plan, will just slug those who can least afford it. Why should those people who are already working and are sometimes already referred to as the working poor, who find it very hard to manage their budget and support their family the way they would like to even though they are working hard every single day, have to pay more? They have to find more money to be able to put fresh fruit in their children's lunchboxes. To me, that is a burden that our community will not accept.

I have spoken before in this place about the experience of previous Liberal governments who first wanted to introduce the GST and then the ramifications for their members around this country after they did. That is why we now have the backbench showing a little bit of fortitude by coming out and speaking against the government's plan. But it is not enough to speak up because you think you might be under threat; you need to have that argument within your caucus.

In my home state of Tasmania, we have disproportionately more low-income households, so the impact on Tasmanian families and individuals is going to be felt very hard, with the cost to those individuals and families being up to and perhaps in excess of $6½ thousand. As I said, Mr Turnbull's 15 per cent GST on everything will disadvantage those who can least afford it. If you earn a good income, like I do in this place, you can afford to pay a bit more. That is fair enough. But why are those on the government benches protecting multinational companies? Why are they protecting them and making them their best friends, as usual, while at the same time attacking ordinary, hardworking Australians? Why are they are attacking older Australians? Why are they continuing to attack Australian pensioners? Why aren't they
going after those who can afford to pay more and should be paying more taxation in this country? I have not heard an argument from those opposite that holds any weight.

We have issues in this country around health. There is never enough money that we all want to spend. It does not matter what persuasion you are on the government benches when it comes to health. Health costs continue to rise. But to put a 15 per cent GST on health services is blatantly wrong. And, as I said, the size of your credit card should not determine the educational outcomes that your children have. The size of your credit card should not determine whether or not you have pathology tests. The size of your credit card should not determine what health outcomes you have. We have an increase in obesity in this country, and we had the Minister for Health not so long ago saying, 'I don't want to get involved in the debate about the GST.' Well, she should be involved, and I am disappointed that she has not said anything about the impact that a 15 per cent GST on fresh food will have, when we should be encouraging people to take better care of their health, eat healthily and have regular check-ups with their GP. She is failing the Australian people on all fronts.

We have said time and time again that we will not support the GST increase. In opinion polls that people refer to from time to time in this place, the Australian community are voicing their concerns and saying that, no, they will not accept a GST increase. We hear those opposite in this chamber talking on a regular basis about being an innovative, adult, nimble government. Well, show that you are an adult government by coming up with some decent tax reform so that we can have a debate. Rule out, once and for all, that there is going to be an increase to the GST, on everything. Listen to your electorates. I urge the Prime Minister to listen to the Australian community, because we on this side will continue to campaign every day till we stop any notion of this government bringing legislation forward to increase the GST or putting more and more pressure on the states to agree to a GST increase because they are starving them of funds for health and education in this country. Show some vision. Show some leadership when it comes to taxation in this country. Show some compassion for those in the community who are doing it the toughest.

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (16:48):
I rise to make some comments on this motion by the Labor Party, but I have to say it is a bit hard to defend something when it is a bit like a threat that is not actually there. I think paranoia is what it is called when you are afraid of something that is not actually there. The basis of this motion is 'the plan by the Turnbull government to increase the goods and services tax rate'. Well, no such plan exists, so I am going to be talking about the general topics. In terms of relevance, I can talk about taxation, the economy, political parties and their records, but I cannot talk about that plan, because there is no plan. So I will have a bit of a look at what I can talk about.

What I can talk about is the tax white paper that was announced by Treasurer Hockey in March 2015. What he said then was that every aspect of our taxation system would be up for review. I speak here as somebody who has spent most of his career in the world of flight tests. In experimental test flying of aircraft, you have to look at every element of a system, because if you just play with one part you can have dreadfully bad unintended consequences elsewhere. So you need to look at every part and not arbitrarily rule things in or out at the start. So that is what the coalition are doing: we are not ruling out or ruling in anything. That
is where the Labor Party are coming up with this scare campaign that they are trying to take to the public.

When we look at things like the Henry tax review, which then Treasurer Swan and Prime Minister Gillard responded to back in September 2010, they did go down this path. In response to some nervousness and a bit of pressure from the media, they ruled out certain things and they ruled in other things. Immediately they limited the potential of that review to actually have a positive impact on the taxation system for Australia.

It was not the first time that the ALP have had some issues internally in terms of taxation. Right now, when we look at the GST, we have Premier Weatherill, in my state of South Australia, who is out there advocating for an increase in the GST, much to the chagrin of members on that side. Clearly the ALP cannot quite reach a position on it. But it is also interesting to look at what the Labor Party have done in the past. In 2001 Mr Crean and Mr Beazley, who were then the leadership team, were saying very clearly that, when Labor were elected, they would roll back the GST and they would save billions of dollars for families in GST. But, when Labor were elected, under Prime Ministers Rudd, Gillard and Rudd, there was no roll-back of the GST. Nothing changed. They accepted that that was part of the system. In fact, when the Henry tax review came through, they were insistent that there would be no change. They were not getting rid of it and they were not increasing it. There would be no change. They accepted that that was part of the system. So, clearly, despite what Labor had said they would do, what they did do in government was quite different.

When they were in government, after they were elected in 2007, what did they do about taxation? People may be able to cast their minds back to a mining tax. How about a tax that has structural spending associated with it that means in net terms the country actually lost money as a result of a tax that was brought in?

How about the carbon tax? There has been a lot of talk about the carbon tax and a lot of people have talked about whether it is positive or negative. But there is one impact on South Australia that I think we should consider. As we look at the wealth that is tied up in the north of South Australia in the mining sector, and we look at the plans that BHP had for Olympic Dam, and if you consider when they chose not to go ahead with that, and you have a look at the forecasts of the then Labor government's mining tax just at the time when BHP were hoping to start to recover the significant investment they were going to make in that mine, the carbon tax was planned to go up to $350 per ton. If you look at the most significant cost in copper extraction, it is electricity. So, in a global market where capital can go wherever the cost of production is going to be lowest and returns to their shareholders are going to be most significant, is it any surprise that BHP decided not to go ahead with operations in South Australia? If you look in the various documents, there was work in Laos, South America and other places where these kinds of taxes were not imposed. So what you see there is that when Labor were elected they actually imposed tax that hurt the economy, that decreased the amount of money that was coming into the pie to pay for all the services such as health, education and things that people value.

What is the coalition's record in this? Unlike Labor, who promised under Mr Crean and Mr Beazley to roll back the GST and then did not, the coalition went to the election in 2013 promising that we would get rid of the mining tax and we would get rid of the carbon tax, and
that is exactly what the coalition government has done. It has removed that impost not only on individual households but also, significantly, on the small business sector and the manufacturing sector, all of which helps contribute to the viability and growth of Australia.

Again, if you look at the whole system, taxation is one side of the equation—that is money coming into coffers—but spending is the other side. If you allow your spending to be ill disciplined—and there are always good things and important things that we can be spending more money on than the government will ever have—and if you do not control it then you end up with structural spend which locks the government in for some years.

In many debates here, particularly during question time, we hear members opposite call out to the government, interjecting, saying that the spending under this government is increasing and that it is higher than it was under Labor. There is a reason for that, and that is the fact that when in government the ALP locked in structural spending that the government was committed to, and time and again, when this government has sought to say we want to be responsible and we want to have spending that the country can afford, those attempts to rein in that structural spending have been blocked by the Labor Party and quite often by the party of the Greens and the crossbench at various times in this place. So the structural spend that is there and is growing is a legacy from the Rudd, Gillard and Rudd governments.

This government still seeks to be responsible in terms of constraining that expenditure, not because we are mean and not because we love to put people down or make life hard for people but because—just like any parent responsibly running their household, being prepared to make some sacrifices for their children, the next generation—we recognise that, if we just continue to run up debt with undisciplined and uncontrolled structural spending from the government, it is the coming generations that will have to repay that. Money does not grow on trees. If we are not prepared to exercise some discipline now it is the future generations that will be impacted by that. Despite our desire to control that spending, we are actually spending money on the things that people think are important.

Again, members opposite have made a big deal about health spending and particularly things like education spending with the Gonski program. They frequently say: did we mean it when would match dollar-for-dollar funding? If you look through what the coalition promised we said, 'Yes, where funding's been committed in the forward estimates we will match that dollar for dollar.' Why is that clarification important? It is because if somebody said to you, 'I promise in 100 years time I am going to pay you this amount of money,' to quote Darryl from The Castle, you would say, 'Tell them they're dreaming.' If you said 80 years, you would say, 'You're dreaming.' If you said 40 or even 10, it would be the same. In fact, over many years in the Australian parliamentary and government system, four years has been the cut-off where we have said you cannot really estimate your income beyond it and you probably cannot realistically estimate your expenditure, and so the forward estimates which go out to four years are the period where responsible governments can actually make commitments and things are considered to be funded. So, when the Labor Party makes outrageous promises in what we call the out years—so things beyond four years—they are not actually funded. It is a promise. They are dreaming.

So what this government has done is to say, 'Yes, we will not only match but actually replace, in that four-year period, the funding which was not provided to the children and families in some states and territories of Australia.' In my home state of South Australia we
have seen an increase. Despite the claims from Premier Weatherill and Minister Snelling in South Australia and the opposition here that somehow we are cutting funding, if we just look at health funding as an example, in the 2013-14 budget—which was the last budget under the Rudd-Gillard government—there was $983.3 million in hospital services and $23.1 million in public health, so just a little bit over a billion dollars, and in the 2014-15 budget it was $1.07 billion to health, and over the forward estimates, by the time we get to the 2017-18 budget, it is $2.188 billion. It is a continuous, year-on-year rise that is funded. It is actually in the forward estimates. So the coalition government has continued to fund the important things, such as health and education.

We have also funded important things such as defence. We made a promise coming in to the last election that we would fund national security and our Defence Force at two per cent of GDP. This government have followed through on that and made appropriate appropriations in the budget and the forward estimates to put us on a path to see us funding our national security at that two per cent.

That is in stark contrast to what Labor did when they were in government. They treated the defence department as an ATM. They deferred programs. They shifted expenditure. They reduced the budget. We were left with not only a range of deferred programs for new equipment but, importantly, some $16 billion worth of other deferrals, including remediation works for things like fuel farms that are essential to our operational capabilities and which needed massive investment to get them back up to a safe operating state. There were things like asbestos in buildings. There were IT systems that needed refurbishing. There were a whole range of things that never make the headlines but are at the core of operating an effective military organisation. Yet the Labor Party cut and cut. Whereas the coalition government have kept our promise to increase that funding.

Not only have we kept our promise to increase the funding but, in line with being good managers, we have implemented the first principles review, which is doing a grassroots, root-and-branch review of the defence department to ask, 'How can this organisation run more effectively so that we can lift the capital productivity of the funds that are given to it by the taxpayer?' That means that rather than the funds that are being put into Defence being wasted, we are saying that the money that will go there will deliver more capability for Defence because the management will be more effective.

Lastly, the point that I would like to talk about to do with the coalition's approach to revenue income streams and expenditure is that we would prefer to see the size of the pie increased. The bigger our economy, the less need there is, in absolute terms, to have a high rate of taxation. That is because the pure size means that in absolute terms the take for government would be large, which would mean there would be more that could be spent on the services that people need—things like social services, health services and national defence.

As a part of that, the coalition's policy, which has included things like getting rid of negative taxes like the carbon tax and the mining tax and included things like encouragement for small business to invest and expand, has seen some 315,000 jobs created in the last year. We are on track now, well and truly, to meet the commitment that then Prime Minister Abbott gave to create a million jobs in our first term of government. People laughed at that. Why did they laugh? It is because the Labor Party had performed so poorly in their job creation and in
shaping the environment to give business the confidence to invest and grow their workforce. But the policies of the coalition are being demonstrably effective in starting to grow the workforce, which means we will then grow the size of that pie.

There is more economic activity now. Real GDP has increased by some 2.5 per cent across the past year. That is twice what Canada has grown by. It is more than the G7 and more than the average across the OECD. Net exports have increased. Exported services have increased by some 4.6 per cent, which is the strongest they have been in 15 years. The free trade agreements that have been signed up to by this coalition with Korea, China and Japan and the TPP are some of the mechanisms and levers which will enable business to have the confidence and the avenues to grow their worth. Domestically, retail sales are 3.9 per cent higher than a year ago, and turnover has increased in 11 of the last 12 months.

So the ALP can come forward with their motions and try to create fear about a plan that does not exist, but if we look back we can see that the coalition have a good record in this area. Yes, we are having a tax white paper and all options are on the table. We are concerned to take a mature, holistic look at our system of taxation but also expenditure. We are committed to reducing the structural spend. But we do not have the numbers here to do just what the coalition wants, so we need the Labor Party, the Greens or the crossbench to get on board and actually take some responsibility for the black hole that they have created through their mismanagement of the Australian economy. It is a bit like saying, 'You haven't turned the ship.' The Titanic took a while to turn.

If the Labor Party are hanging on and preventing us moving the tiller because they have the numbers in the Senate to block these sensible moves then the Australian people need to take that into account when we come to an election later this year and ask, 'Do we want a government that has a track record of growing the economy, sensible management of taxation, sensible management of expenditure and investment in the important things that count, like education and health?' If they do, they need to look not just at the lower house; they need to look at the Senate and ask, 'Who are we going to vote for so that we can make sure the government has a workable Senate?' Rather than all these measures being blocked by the Labor Party, the Greens and the crossbench—the minor parties—the Australian people need to say, 'We will vote for the party that will put the interests of Australia first and grow the size of our economy so our children have jobs.' We have a vision and a hope for the future where we do not have to be increasing the size of the taxation take because the whole pie will be bigger, there will be more people working and there will be more revenue flowing to government that can be put to use in sensible ways, not on pink batts, school halls or mining taxes that in net terms actually cost the country money. People should go to this next election asking, 'Who do we trust to run this country wisely, to make investments that will benefit not only us but, more importantly, our children and our grandchildren?' There is only one clear answer to that. That answer for the people at the election later this year is to vote for the coalition not only in the lower house but, importantly, in the Senate.

Senator DI NATALE (Victoria—Leader of the Australian Greens) (17:06): I rise today to speak to the issue of the Turnbull government's plans to increase the rate of the goods and services tax to 15 per cent and to broaden its base to include fresh food, education and health. In the discussion around the goods and services tax, we have lost touch with the central idea of why it is that governments raise revenue. Governments raise revenue to pay for the services
that the Australian community want and deserve. Governments raise revenue to ensure that our society prospers together, and the choices that we make about how we raise that revenue are an expression of our values. They are an expression of the things that we as a society believe are the foundation of what it means to live in a decent, more caring society in which we look after the people and the planet that sustains it.

It is a question of values. When it comes to those values, the key principles of the Greens are fairness, social cohesion and ensuring that we as a society collectively understand that being able to fund things like health care, education and a decent social safety net are indeed the pillars of a decent society. We must remember that this is a battle that has continued in our national parliament since the federation of Australia. A consensus has emerged that says, ‘We are better when, together, we are able to fund services like education and health care.’ That not only means that we deliver those services efficiently—because we know that the collective provision of universal health care is not just an equity measure; it is also an efficiency measure. When you look at countries like the US, which has adopted a user-pays system in areas like health and education, you see that it is a much more expensive way of delivering those services. But there is also an important principle of fairness and equity here. We understand that, in a society like ours—one that is founded on the principle of egalitarianism—everybody should be able to access a doctor and get a decent education.

Our tax system reflects those values. Our tax system also reflects the key principle of egalitarianism: we want a society where there is not a huge gap between the super-rich and the ordinary people. And that is why we have developed a system of progressive taxation. I will talk about that in a moment. Often these debates are abstract debates. They are debates where we throw numbers around and talk about GDP and about tax take as a percentage of GDP, and it becomes an abstract and, sometimes, theoretical exercise. But let’s talk about some real-world examples. Let’s start with Mark.

Mark is a man who earns $290,000 a year. He has enough equity in his home so that he can leverage that to buy investment properties. That enables Mark to drive his taxable income down. He claims 100 per cent of the losses against his income, and only half of his capital gains will be assessed for taxation purposes. He gets a further 32 per cent discount on his super contributions, and, because Mark has just turned 60, he does not pay any tax on super earnings, while the rest of us pay 15 per cent. He is also churning $35,000 of his salary through super and drawing the same amount out the other side, saving him a further $10,000 a year in income taxes. He spends about four per cent of his disposable income on GST. Let’s contrast that with Louise.

Louise is someone who works full time. She is a healthcare worker, and she is on a median income of $63,000. But she is not a baby boomer, so she cannot afford to buy a house. She is renting. She is helping, in fact, to pay down Mark’s investment property and, each year that she does that, the gap between her income and house prices gets bigger and bigger. She is saving what she can for a house, but the amount that she needs for a deposit keeps inching upwards faster than the savings, while she is getting taxed on her savings. Even if she has enough to reach a deposit, she is going to find it tough to outbid other investors who get all the tax benefits that she doesn’t. She only gets a 17 per cent discount on her super contributions, and she has no capacity to make voluntary contributions, due to her disposable income. She pays about seven per cent of her disposable income on GST.
These two real-world examples demonstrate how our tax system is benefiting those people on high incomes, providing them with huge tax breaks, at the expense of ordinary people, people on the median wage, who simply do not have the disposable income or indeed the capacity to grow their wealth in the same way that somebody on the high end of the income scale can do. That means that in Australia we are saying one per cent of income earners receive 10 per cent of all income. The top one per cent get 10 per cent of all income. You can drill down on that a bit further: the top 10 per cent of all income earners get one-third of all income. So what we are seeing is that the gap between those people at the high end of the income scale and those people on the median wage is growing.

You will find that those in the top decile of income earners spend about four per cent of their disposable income on GST. When you are in the lowest quintile, you are talking about spending 13 per cent of your disposable income on GST. That is why we call the GST a regressive tax. The wealthier you are, the less you spend on GST as a proportion of your income. The less well-off you are, the more money you will contribute through an increase in the goods and services tax.

NATSEM modelling showed that lifting the GST rate to 15 per cent would see the bottom income earners paying seven per cent more, while top earners would be paying an additional three per cent of disposable income. At a time when the gap between the rich and the poor is growing, we are considering implementing a tax that will make that problem much, much worse.

We had achieved consensus on this issue, and the post-war era saw the greatest narrowing of income inequality in human history. That post-war era saw a consensus that said, ‘The huge gap between the rich and the poor is not something that we as a civilised society should accept’, and we made huge progress towards that end. It was due in part to steeply progressive income tax rates, where you had high marginal rates for people on very high incomes. It was in part due to the work of those people who came before us in this place, and of course the Labor Party were a significant part of that story. The problem is, of course, that the trend is reversing. Some prominent economists argue that this worldwide trend to reduce income tax rates is very closely correlated with the issue of income inequality.

Inequality was low when income rates collected more off wealthy people, when societies valued strong wages at the expense of huge super profits, and when the power yielded by wealthy interests over our political class was much, much less than it is today. One of the first lessons that I learned when I was elected to the parliament was that it was the power of those vested interests, those large corporations who spent day after day in this place arguing for their share of profits to increase, all the while knowing that the cost of that was that the gap between the rich and the poor would continue to grow. The problem is that inequality is now built into our system. It is an in-built problem within the system and we have to challenge it. We have wages that are growing at one to three per cent a year, while those people who are already on high incomes look at investments that return six to eight per cent a year.

Wealth creates more wealth, and the problem is that those ordinary Australians on the median wage are struggling to stay afloat. A report from ACOSS, Anglicare, the Salvos and Vinnies last year showed how that trend was playing out. It showed that the wealth of the top one-fifth of households grew 28 per cent since 2004 while the bottom fifth grew just three per cent.
It is our tax and transfer system that allows us to reduce this inequality. It is one of the reasons we have a progressive taxation system and a decent social safety net. The tax and transfer system has as its principle the notion that income inequality is unacceptable. It is true of the way we decide to give preferential tax treatment to things like housing and other forms of investment, and it means that we are locking out a whole generation of young people from home ownership—making them much more susceptible to poverty later in life, without a house paid off that they can live in. Isn't it remarkable that here we are at a time when we are seeing the sale of luxury cars like Maseratis and Ferraris increase at record rates, close to a 50 per cent increase in 2015, and we have over two million people living in poverty. One in 10 new cars sold today are luxury vehicles. In 2000, it was one in 20 cars.

The government says that the revenue from the GST gain will go towards two key priorities: one, to cut income tax rates; and, two, to cut the company tax rate. Theirs is not a solution that says the foundation of a decent society is to pay for health care, to pay for education and to pay for income support to look after people on pensions. Theirs is a recipe that says: 'We want to raise the GST, a regressive tax that targets those disproportionately on lower incomes so that we can give a tax cut to those people on high incomes and so that we can cut the company tax rate'. True, you can ameliorate some of the regressive impacts of the GST from compensation. You can do that through the income tax system, but that is not what this government is trying to do. It is ironic that when we saw the introduction of a price on carbon through—as the government liked to call it—'the great big new tax on everything' that we now have a government that is looking to introduce a great big new tax on everything. And isn't it remarkable that when the government at the time criticised the carbon tax for being a merry-go-round because of the compensation that was applied, it is now considering a great big new tax on everything and a great big tax merry-go-round through its reported efforts to compensate people who will be impacted by an increase of the GST. What we will see as a result of the GST is a widening of that gap: greater income inequality at a time when the rich are getting richer and those ordinary people are struggling to make ends meet. If income tax cuts from the GST were not exclusively focused on low- to medium-income earners, all we would be doing is exacerbating that long-term trend.

NATSEM modelling did show that when you have a straight five per cent tax cut for each marginal income tax rate as a result of the GST, two-thirds of households earning less than $100,000 are going to be worse off. The third above that would be better off with GST increases and income tax cuts. It is going to be a hard, hard thing to sell to the public, let me tell you.

Yesterday the PBO revealed that the government's harsh cuts to public spending, which are now languishing in the Senate, are adding another $9 billion to the budget deficit. What we need from the government is a plan B. We need them to recognise that their plan to cut essential services, to slash Medicare, to reduce spending in education, to reduce spending on family supports and to reduce spending on income support is not going to address the budget deficit because it is not going to get through the Senate, because this Senate is reflecting the will of the Australian community. Instead, it has an opportunity to look at ending unfair tax breaks that disproportionately favour those on higher incomes.

The member for Melbourne, Adam Bandt, commissioned research from the Parliamentary Library which showed that a GST of 12.5 per cent would raise the same amount of revenue
for the government as a carbon price of $28 but that the GST increase would cost households three times more. We had this government mounting a relentless campaign against the implementation of a price on carbon. A price on carbon did so many other things apart from its impact on raising revenue. It was designed with the central purpose of reducing emissions and driving innovation in the Australian economy. The government was relentless in its criticism of the impact—you remember Barnaby Joyce’s $100 roasts—yet it is proposing to increase the GST—a GST which, at 12.5 per cent, would cost households three times more than the price on carbon ever did.

If the government wants to boost economic growth in new areas, if it wants to create a 21st century economy, a new economy with new jobs, attracting international investment and encouraging innovation, as a first step it would put back a price on pollution and set some ambitious climate targets to help attract that international investment—those innovators and entrepreneurs—to Australia and drive the transition that is so desperately needed.

The Greens have been leading the debate about how we can address that critical issue of income inequality but also raise revenue to pay for services like health care, education and a decent social safety net, which we think are the foundation of a decent society. Before the Mid-year Economic and Fiscal Outlook the Greens released four measures that would reduce those unfair tax breaks and close the budget deficit by $38 billion over the forward estimates. Let us go through some of those.

We would make superannuation more progressive and end the huge concessions that disproportionately benefit those on higher incomes. That would bring in close to $9 billion. We would remove negative gearing for anyone considering a future purchase of a property while grandfathering existing properties. That is $4½ billion over the forward estimates. We would do something about the unsustainable growth that has occurred in the housing market, which is locking people out and fuelling the housing bubble. We would look at removing capital gains tax discounts. There are different models for how that would be achieved. We have costed a range of models. A reduced capital gains tax discount would bring in $2½ billion over the forward estimates. We have costed removing those huge fossil fuel subsidies—subsidies, in the form of the diesel fuel rebate, that mean that people like Gina Rinehart, one of the richest women in the world, get subsidised fuel for their operations, while other people have to pay the full rate of excise on their fuel. Abolishing that tax break would bring in $20 billion over the forward estimates.

We can do that. The tax take to GDP ratio in Australia is lower than in most other OECD countries; certainly much lower than it was under John Howard. By raising the tax take to GDP ratio, through ending those unfair tax concessions, we would be able to pay for services like Medicare and schools and make sure that people on income support are looked after. We would continue to build the foundations of Australian society. We would create the investment settings that drive investment in productive areas of the economy, rather than distorting our economy by further fuelling investment in areas like mining and the housing market. We would get Australia back to its core belief that as a wealthy society the gap between rich and poor needs to narrow.

Senator LUDWIG (Queensland) (17:27): What an extraordinary argument put forward by Senator Fawcett. I only want to touch on it briefly. The argument effectively is that there is no plan; the plan does not exist. The motion before us highlights the fact that the Senate opposes
the plan by the Turnbull government to increase the goods and services tax rate to 15 per cent and broaden its base to include fresh food, education and health. Ultimately Senator Fawcett ended with the clear view that it is us over on this side, and perhaps the Greens, that are running a scare campaign.

How far from the truth this is. The truth is that the coalition are running their own scare campaign. Here are the words that were put on 3AW on 6 October. Neil Mitchell asked:

… everything is on the table—superannuation, negative gearing, capital gains tax—everything. The GST, everything is on the table.

The response from the Prime Minister, Mr Turnbull, was:

Everything is on the table. That's right.

The presenter, I think, was somewhat taken aback by that. He was asked the further question:

I think everyone understands that an efficient, incentivising tax system is the Holy Grail … even looking at increasing or broadening the base of the GST. Can you be clear with us now—

This was on the ABC RN on 1 October 2015. The answer from the Prime Minister to Fran Kelly was:

Fran, everything is on the table.

What we have now is quite clear: a backbench in revolt from their own scare campaign. It is clear you do not have to put everything on the table. You can have a tax review which is progressive and which talks about how you are going to deal with it. You do not have to put everything on the table. Of course, in putting everything on the table you have created a plan—a plan which effectively means that any review can come back and say, 'We should increase the GST.' How are you going to deal with that? You have let the cat out of the bag. You have put the dead cat on the table. Who is going to take it off? I dare Mr Turnbull to take the dead cat off the table, because you will be stuck with it. You have already run your own scare campaign. You have already started your scare campaign. How are you going to end a scare campaign that you have created amongst your own backbench?

But what is really damaging in this whole debate is that the Prime Minister, Mr Malcolm Turnbull, has refused, time and time again, to rule out increasing the GST to 15 per cent. He has also refused to rule out broadening the GST and charging it on fresh fruit and vegetables, education and university costs, medicines, grocery bills, child care, nursing home payments, rent and the cost of a new home. An increase in the GST would mean that every single Australian would suffer as the price of everything is pushed up. It would cost more to visit the supermarket, go to the doctor or buy your kids what they need to get a good education. But unlike the time the GST was first introduced, when wholesale sales taxes were withdrawn and there were reductions in other areas, this would be a flat, straight increase of five per cent in the GST without those moderating influences—and it would come at a time when low- and middle-income earners are already struggling to keep their heads above water.

The GST, in and of itself, is a regressive tax, which would see the lowest income earners paying 20 per cent of their income while the highest income householders pay a mere nine per cent of their income. This government looks like it is insisting on punishing low- and middle-income earners. All of those household bills that are already causing families much financial strain, including electricity, gas and grocery bills, would go up. The Australian public can rest assured: Labor does not support an increase in the GST rate or applying it to fresh food,
health care or education. It is a regressive tax and would have a disproportionate impact on low- and middle-income earners. We will continue to fight the coalition on their plan that would see every Australian pay more.

I will give you an idea of how severe this GST increase could be. An average family with a household income of $86,000 would pay an extra $6,200 if the GST were broadened to apply only to fresh food, health care, education, water and sewerage. They would pay an additional $3,200 a year more if it were increased to the 15 per cent, with no change to the base. They would pay $3,000 a year more if it were applied to fresh food, health care and education but remained at the current rate of 10 per cent. They are leaving the GST on the table as part of the review and whichever way you cut it if it were picked up it would be a huge slug to low- and middle-income earners. The refrain from the other side is, 'There is no plan,' or, 'Even with a GST increase, we will provide offsets.' They might lower income tax rates and they might hold out a carrot, but they will never compensate sufficiently for a flat rise of the GST in the order of 15 per cent.

It seems that the Liberal Party under the leadership of Mr Malcolm Turnbull would be happy to see low- and middle-income earners pay more while refusing to go after multinationals. They would be happy to see low- and middle-income earners slugged with this tax while multinational companies get off scot-free. It is not fair, and this government wants those who can least afford it to effectively subsidise multinational companies' operations in this country. They could have taken the opportunity to close those tax loopholes for multinationals, but instead they wimped on that. I hate to say what the Greens also did on that. They could have been a little stronger, but as usual they rolled over.

The Liberal Party are also concerned with only looking after the big end of town, so it should come as no surprise that they have taken this view that they could increase the GST and slug low- and middle-income earners whilst at the same time ensuring that the big end of town and high-income earners are well looked after. That is how they intend to operate. Labor simply will not support Mr Turnbull's plan to hurt the families who can least afford it. Labor understands that families are finding it harder and harder to make ends meet. Wage increases are not keeping up with the rising cost of household bills—not to mention that those who are unemployed are finding it harder to find and keep a good job.

It is not only low- and middle-income earners that this GST would hit. Small businesses, which are the engine of growth in Australia, would suffer significant losses as a result of an increase or broadening of the GST. As business confidence and retail spending take a hit, supporting small business is crucial to driving growth and employment opportunities in this country. The role of small business in driving our prosperity has never been more important than now. However, it seems that this government does not understand what the knock-on effects of such a knee-jerk policy change would be. By merely allowing the issue to run, to not scotch it, but to let it float out there to be considered and be part of their overall strategy is poor form for small business. It knocks business confidence. It knocks consumer confidence and, as a consequence, small businesses are already feeling the effects of it.

You do not have to go far. You only have to go to the coalition backbench to see how this impact is playing out. They talk to their constituents. They know their constituents are revolting against their plan to increase the GST. They are hearing it loud and clear, just as we hear it. We have heard from families, from workers and from fixed income earners. They all
understand how an increase in the GST to 15 per cent will hurt them so much. Small businesses do not need the complexity that this will create. They are already weighed down by red tape and cash flow pressures. A recent NAB SME survey showed that a lack of consumer demand is the No. 1 constraint on small business profitability. Labor understands that times are tough and that the Australian economy is in transition. The last thing small businesses need now is another blow to consumer confidence created by this government and bigger BAS payments. They need to let small businesses get on with their job of working hard, running their businesses and turning a profit.

Coming back to how they might structure their package, modelling has shown that, even if the carrot of a five per cent income tax were offered, as suggested by those opposite, the lowest 60 per cent of households will still be worse off and the top 40 per cent would gain at their expense. It seems that the government cannot escape punishing low- and middle-income earners. If history has taught us one thing, it is that the coalition government cannot be trusted to implement any promised tax cuts. Some of the taxes they promised to scrap when the GST was introduced are still in place 15 years later, and voters have not forgotten about that. There have been plenty of opportunities for state governments of Liberal persuasion to follow Mr Howard's lead, but they have never taken it up. Families do not need to be slugged with more tax. This government should stop frightening its own backbench and focus on going after those big companies that are avoiding paying tax in this country.

The Prime Minister simply cannot be trusted on the subject of the GST. Even in parliament, you can look at Hansard and see that Mr Turnbull has refused to rule out an increase or a broadening of the GST. When asked in parliament, Mr Turnbull refused to rule out increasing the GST to 15 per cent not once, not twice but three times. He has also refused to rule out broadening the GST and charging it on the cost of fresh fruit and vegetables, education and university, medicines, grocery bills, child care, nursing home payments, rent and new homes. It is an enormous scare campaign that this coalition government are running against themselves, if ever I have seen one. It is an extraordinary that they would contemplate such an outcome. It shows their inability to manage the economy and provide leadership for small business and consumer confidence, and it demonstrates once and for all that this government are only looking after the interests of big business. If they were serious about looking at how they could lead this debate, they certainly would not do it the way that they have led this one.

Of course, it does not stop there. Families do not need to be slugged with a 15 per cent tax. This government, as I said, should be more focused on managing the economy, but the Prime Minister has already belled the cat on this issue. The cost of living is already at an extreme high, and every time a person pays a bill, stands at the supermarket checkout or takes their kid to the doctor, they will pay more. Absolutely everything will cost more under this government. Mr Turnbull's plan—he only has one plan—is to raise the GST, which will slug families and those on fixed and lower incomes.

If you look at the seriousness with which this issue has been taken—for example, by ACOSS in Tax Talks 5: The effects of a higher GST on households—I do not think this coalition government can simply argue, 'We don't have it as a plan.' What are they doing? Maybe it is a thought bubble. Well, ACOSS take your plan very seriously. They have
commissioned a report from NATSEM to see how would impact the Australian economy. Their summary states:

Increases in the Goods and Services Tax … are being advocated to help fund services provided by the States such as health care; to replace other indirect taxes such as Stamp Duties or Payroll Taxes; or to pay for income or company tax cuts.

It goes on to say:

Many people are concerned about the impact of a higher GST on low and modest income households …

So they did the work that this government should have done before it started a thought bubble which crystallised into a plan. They looked at how they could assess the equity impacts of changes to the GST. ACOSS commissioned the National Centre for Social and Economic Modelling, with support from the Carnegie Foundation, to model the impacts of a number of scenarios. The scenarios provided a key insight into how this would impact those on low and modest incomes:

The GST is regressive, raising almost twice the share of household income from the lowest 20% of households compared with the top 20% (13.4% compared with 5.9%).

That says it all. In short, if you are on the lowest 20 per cent of household incomes, you will pay a disproportionate share of the tax burden through the GST. You will not and cannot be compensated sufficiently for that tax slug that you will pay. For those on higher incomes, bigger incomes, in dollar terms it has less of an impact. So of course it is not surprising that you find those on the other side thinking it is a good idea.

The modelling reports that extending the GST to health or water would make it even more regressive and points out that extending the GST to education would have a similar impact across the income distribution for all groups. So it negatively impacts students, those who are on modest incomes and those on low incomes. Under 'policy implications', they highlight that this:

… confirms that while the current GST is needed to help fund State Government services, it is a regressive tax. Raising more revenue from consumption taxes rather than income tax would reduce the overall progressivity of the tax system.

So what the coalition are advocating for ultimately is a less progressive tax system by increasing the GST burden on the ordinary low-income or modest-income person.

I have to say that the ACOSS modelling could not find much joy in an increase in the GST no matter how hard they looked and no matter how many scenarios they went through. It would of course impact differently on many different households but there were always going to be significant losers out of this system, and those losers— (Time expired)

**Senator IAN MACDONALD** (Queensland) (17:47): The Labor Party work on the principle that, if you tell enough bare-faced, blatant lies time and time again on every news item—ably assisted, I might say, by the ABC—that someone might eventually start to believe them.

**Senator Cameron:** Mr Acting Deputy President, I rise on a point of order. Senator Macdonald has been here a long time and he knows that he cannot accuse senators of lying. So he should withdraw.

**The ACTING DEPUTY PRESIDENT (Senator Edwards):** I did not hear it, but if you did, Senator Macdonald—
Senator IAN MACDONALD: Mr Acting Deputy President, on the point of order, so that you are aware: I said, and I repeat, 'The Labor Party'. I did not mention anything about senators or individual senators; I said, 'The Labor Party work on the principle.'

Senator Cameron: 'Lying' is unparliamentary. You know that. He should withdraw.

The ACTING DEPUTY PRESIDENT: There is no point of order.

Senator IAN MACDONALD: You can understand why the Labor Party will do everything to prevent me from exposing the truth.

Senator Cameron: Mr Acting Deputy President, could you explain to me why 'lying' is now parliamentary? If that is the case, this is a ruling that I am unaware of. If you are now saying that to make accusations of lying is parliamentary we will go with it.

The ACTING DEPUTY PRESIDENT: Senator Cameron, Senator Macdonald did not refer to anybody. 'Lying' is in the dictionary, the last time I looked. He did not refer specifically to or reflect on anybody in this chamber.

Senator IAN MACDONALD: I might point out to those who might be listening to this debate on radio that it is interesting that, when I have 10 minutes left to speak, Senator Cameron and the Labor Party will do everything possible to prevent me from having my 10 minutes, because they know I will expose the Labor Party for the misrepresentations and the blatant lies that are part of the Labor Party strategy on this issue. I am no new comer to GST debates.

Senator Cameron: Mr Acting Deputy President, I rise on a point of order again on this issue. It is quite clear that what Senator Macdonald is doing is not accusing the Labor Party of lying, but he is accusing of lying senators who have made contributions in here. You should apply the standing orders. This is unparliamentary, and Senator Macdonald should not be allowed to do it. I have not heard this type of language being used against senators for some time.

The ACTING DEPUTY PRESIDENT: Senator Cameron, I will repeat what I said before. Generally, the word has to be attributed to an individual or a person in the chamber or somebody from the other side. I would ask you, Senator Macdonald, if perhaps you could rephrase your statement so that you can actually get through your contribution here today. There is no point of order.

Senator IAN MACDONALD: Thank you, Mr Acting Deputy President. But, if I deal with that, they will find some other reason to stop me exposing the Labor Party for what they are. The Labor Party as a group have no interest whatsoever in tax reform and have no interest in the truth. I am no new comer to GST debates and discussions. This is the third GST debate that I have been involved in. With the first one, I was the only senator here around when the Labor Party told all sorts of lies and made misrepresentations about John Hewson's 'Fightback' package. They succeeded then. I was around when the Labor Party took the same approach against John Howard's GST. That time it was taken to the people of Australia and the people Australia endorsed it. This is the third debate.

Despite what the Labor Party keep misrepresenting to the people of Australia, this is not a government plan. The only person who has a plan publicly for a 15 per cent GST is the Labor Premier of South Australia. He is the only politician who has talked about a 15 per cent plan for the Labor Party. The Labor Party are telling us all the detail of modelling for a 15 per cent...
rise. I do not know, but it seems to me that perhaps the Labor Party have a secret plan that they are doing work on, and that is why they know all this detail about the GST—because no-one on the coalition side in this parliament has ever spoken about the GST. I am sorry; there is one exception to this. Many months ago, when the Labor Party first raised this—abetted by the ABC—I said publicly that I would not be supporting a 15 per cent GST. I publicly said that I would write to the Treasurer and tell him that if it came forward in this parliament not to rely on my vote. That is not new news; that is something I mentioned at the time.

And why did I do that? As I said, I was around when the GST debate occurred in the 1998 election, when John Howard courageously took that proposal to the electorate. At that time, from John Howard down, right down to me, we all promised that it would only be a 10 per cent GST. The Labor Party at the time, first of all they told all sorts of mistruths about it, which you are hearing again now. They also said—again a complete fabrication—that it would only be 10 per cent for the while and then it would be increased to 15 per cent. And from John Howard down, we all swore in blood that it would never increase beyond 10 per cent—for all of the right reasons—and that is why I indicated my position to the Treasurer several months ago.

Anything the Labor Party say, the fabrications that come out from the Labor Party campaign unit, are not new to me. This happened in the GST era of John Howard. The Labor Party pilloried it. It was the worst thing that was going to happen; the world was going to come to an end if we had a 10 per cent GST. I remember all of those debates in this chamber. Of course, it went ahead because the Australian people agreed with it—agreed that the compensations were good; agreed that Australia needed a better and fairer tax system, which happened as a result of the 10 per cent GST—but Labor opposed it, foot and mouth, all the way through. And then Labor came to power, as happens in this country. The Labor Party became the government and, after all of their years of bagging the GST, what did they do about abolishing it? This was the tax that the Labor Party said was going to destroy the world, and yet when they got into power, did they do anything about getting rid of the GST? Of course not, because they understood that this was an essential part of a tax package for a modern country.

I remember—not quite the names, but I remember that during the 1998 campaign it was pointed out that there were only two countries in the world that did not have a value-added tax. One was Botswana and I think the other one might have been some central European country—perhaps Bulgaria, but I am not sure about that. But there were only two countries in the world that did not have a value-added tax, and yet the Labor Party said it was going to destroy Australia. As we know, during the time of the Howard government, with that great boost to the economy that followed from the 10 per cent GST and the tax cuts that occurred, the Australian economy went ahead in leaps and bounds.

I could not help but think that Senator Ludwig—when I talk about fabrications, Senator Ludwig had the hide to say all the tax cuts that were promised when the 10 per cent GST came in were not actually taken off by the Howard government. The reason why was most of the state governments at that time were run by the Australian Labor Party. They agreed that if we had a 10 per cent GST—and of course the GST goes straight to the states; it does not come to the Commonwealth—then all of the state Labor governments would get rid of payroll tax, tax on insurance levies, transaction taxes. They promised that a raft of state taxes would
go when the states got their hands on the 10 per cent GST. We did our part of it; we got the 10 per cent GST that went to the states. But, as I said, at the time nearly every state government was a Labor government. So we gave them the 10 per cent, and what happened? Most of them reneged on their promises to reduce state taxes, which was part of the agreement. So for Senator Ludwig to get up and say the Commonwealth government did not remove all of the taxes it promised is wrong. Every tax that was within the power of the Commonwealth government to remove, like export taxes, import taxes—

Senator Colbeck: Wholesale sales tax.

Senator IAN MACDONALD: wholesale sales tax particularly—all went as promised. But the state taxes that the Labor state governments promised they would repeal, they did not. They just took the 10 per cent and kept their economy-destroying taxes.

The Labor Party have never had any credibility when it comes to taxes and the economy. I can tell you that Mr Keating's Labor government actually legislated for a tax reduction before an election. He said, 'I'm legislating for these tax reductions', and it went through parliament, supported by us. The first thing he did when he got re-elected was repeal that reduction of income tax. That is how much you cannot trust Labor on anything to do with taxes at all.

Thanks to Senator Cameron taking up my time with puerile points of order, which he knew were not valid, I have run out of time, which is a great pity because I would love to continue exposing the Labor Party for the frauds and charlatans that the party and their strategies are. Full of issues, full of making up stories that they know are not true; blatant misrepresentations by the Labor Party. No-one is talking about a 15 per cent GST except the Labor Party and the ABC. They are the only ones, and of course the only one who has come forward with a real plan for a 15 per cent GST is the Labor Premier of South Australia. You do not need to be terribly clever to work out who is telling the truth when it comes to questions of tax and the economy. It is certainly not the Labor Party.

Debate interrupted.

ANSWERS TO QUESTIONS ON NOTICE
Question Nos 2630, 2631 and 2632

Senator COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (18:00): by leave—I table answers to questions on notice to the Deputy Prime Minister. They are question Nos 2630, 2631 and 2632.

DOCUMENTS
Consideration

The following orders of the day relating to government documents were considered:
President's report to the Senate on government responses outstanding to parliamentary committee reports as at 1 December 2015. Motion of Senator Smith to take note of document agreed to.
Community Affairs References Committee—Grandparents who take primary responsibility for raising their grandchildren—Letter to the President of the Senate from the Minister for Social Services (Mr Porter) responding to the resolution of the Senate of 24 November 2015. Motion of Senator Brown to take note of document agreed to.

COMMITTEES

Membership

The PRESIDENT (18:01): I have received letters requesting changes to the membership of committees.

Senator RUSTON (South Australia—Assistant Minister for Agriculture and Water Resources) (18:01): by leave—I move:

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

Australian Commission for Law Enforcement Integrity—Joint Statutory Committee—
Discharged—Senator Johnston
Appointed—Senator O’Sullivan

Community Affairs Legislation Committee—
Discharged—Senators Lindgren and Smith
Appointed—Senators Johnston and Heffernan
Participating members: Senators Lindgren and Smith

Community Affairs References Committee—
Discharged—Senator Lindgren
Appointed—Senator Heffernan
Participating member: Senator Lindgren

Education and Employment Legislation Committee—
Discharged—Senator Johnston
Appointed—Senator Lindgren
Substitute member: Senator Rice to replace Senator Simms for the committee's inquiry into the provisions of the Building and Construction Industry (Improving Productivity) Bill 2013 [No. 2] and related bill
Participating members: Senators Johnston and Simms

Electoral Matters—Joint Standing Committee—
Discharged—Senator Canavan
Appointed—Senator O’Sullivan

Environment and Communications Legislation Committee—
Discharged—Senator Ronaldson
Appointed—Senator Abetz
Participating member: Senator Ronaldson

Foreign Affairs, Defence and Trade Legislation Committee—
Discharged—Senator Ronaldson
Appointed—Senator Abetz
Participating member: Senator Ronaldson
Law Enforcement—Joint Statutory Committee—
Discharged—Senator Johnston
Appointed—Senator O’Sullivan

Legal and Constitutional Affairs Legislation Committee—
Discharged—Senator Lindgren
Appointed—Senator O’Sullivan
Participating member: Senator Lindgren

National Broadband Network—Select Committee—
Discharged—Senator Smith
Appointed—Senator Lindgren
Participating members: Senators Johnston and Smith

Privileges—Standing Committee—
Discharged—Senator Ronaldson
Appointed—Senator Abetz

Public Works—Joint Statutory Committee—
Discharged—Senator Canavan
Appointed—Senator Williams.

Rural and Regional Affairs and Transport Legislation Committee—
Appointed—
Substitute member: Senator Simms to replace Senator Siewert for the committee's inquiry into the provisions of the Water Amendment (Review Implementation and Other Measures) Bill 2015
Participating member: Senator Siewert

School Funding Investment—Select Committee—
Appointed—
Senators Dastyari, Lazarus, McKenzie, McKim, O’Neill and Reynolds

Question agreed to.

**BILLS**

**Building and Construction Industry (Improving Productivity) Bill 2013 [No. 2]**

**Building and Construction Industry (Consequential and Transitional Provisions) Bill 2013 [No. 2]**

**First Reading**

Bills received from the House of Representatives.
Senator RUSTON (South Australia—Assistant Minister for Agriculture and Water Resources) (18:02): I move:

That these bills may proceed without formalities, may be taken together and be now read a first time.

Question agreed to.

Bills read a first time.

Second Reading

Senator RUSTON (South Australia—Assistant Minister for Agriculture and Water Resources) (18:02): I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

BUILDING AND CONSTRUCTION INDUSTRY (IMPROVING PRODUCTIVITY) BILL 2013

Introduction

Today I introduce the Building and Construction Industry (Improving Productivity) Bill 2013.

The construction industry provides many jobs for workers in small business, large enterprises and contractors. It is critical to a productive, prosperous and internationally competitive Australia. The coalition government recognises the importance of an industry that is vital to job creation and essential to Australia's economic and social wellbeing.

This bill re-establishes the Australian Building and Construction Commission, a genuinely strong watchdog that will maintain the rule of law to protect workers and constructors and improve productivity on building sites and construction projects, whether onshore or offshore.

This bill will reverse Labor's changes to the laws which underpinned the Australian Building and Construction Commission before it was abolished in 2012.

The bill prohibits unlawful industrial action, unlawful picketing, and coercion and discrimination. Penalties that are high enough to provide an effective deterrent will apply to breaches of these provisions. A wide range of effective remedies such as injunctions will also be available to the ABCC and persons affected by unlawful behaviour.

The need for the Australian Building and Construction Commission to be re-established

For many years, the building and construction sector provided the worst examples of industrial relations lawlessness. Then workplace relations minister in the Howard government, the Hon. Tony Abbott MHR, was prepared to tackle this longstanding bad behaviour and in 2001 established a Royal Commission into the Building and Construction Industry. The final report of that royal commission provided compelling evidence of the need for reform in this industry. It found consistent evidence that building sites and construction projects in Australia were hotbeds of intimidation, lawlessness, thuggery and violence. Projects were delayed, costs blew out and investment in our economy and infrastructure was being jeopardised.

Central to the royal commission's findings was industry lawlessness. It concluded that the standards of commercial and industrial conduct exhibited in the building and construction industry represented a significant departure from that in the rest of the Australian economy. Witnesses reported criminal conduct, unlawful and inappropriate conduct, including breaches of the relevant workplace relations and work health and safety legislation and a disregard for Commonwealth and state revenue statutes. Inappropriate conduct was defined by the royal commission as ‘behaviour that infringes the Workplace
Relations Act 1996, a person's right of choice or other conduct which departs from recognised norms of civility and behaviour'.

The royal commission's findings publicly established what everyone in the industry had known about for years but previous governments had been unwilling or too intimidated to tackle. The Howard coalition government was prepared to step in and make the tough decisions required to clean up this sector. The establishment of the Australian Building and Construction Commission in 2005 provided a genuinely strong watchdog, dissolving the 1970s-style practices that plagued this industry. It was a strong, specialist regulator that enforced the rule of law applying to the building and construction sector.

While the ABCC existed, the economic and industrial performance of the building and construction industry significantly improved. For example, a 2013 Independent Economics report on the state of the sector during this period found that:

- building and construction industry productivity grew by more than nine per cent;
- consumers were better off by around $7.5 billion annually; and
- fewer working days were lost through industrial action.

The former Labor government came under sustained pressure from building and construction unions to abolish the Australian Building and Construction Commission and the Building Code that supported its work. The Labor government procrastinated for five years before the then workplace relations minister, now Leader of the Opposition, gave in to union demands and abolished the organisation in 2012 and replaced it with a regulator with significantly reduced funding and powers. This saw the 'bad old days' return—wildcat stoppages, militant protests, demands from unions that their mates be employed on projects ahead of non-unionists and an increase in construction industry disputes to a seven-year high.

No-one needs reminding of the scenes we saw late last year, merely weeks after the Australian Building and Construction Commission was abolished: violence on the streets in the city of Melbourne, with militant union protestors intimidating the community and their supporters attacking police horses. We had workers on the site purchasing an advertisement in the Herald Sun with an open letter to their own union bosses asking for the blockades to stop. Images of these protests were seen on television screens around the world. What message did that send to national and international companies about investing in building and construction projects in Melbourne or Australia?

We saw the CFMEU grossly bullying nonmembers by creating posters labelling them—amongst other things—’scabs' and advocating that they be run out of the industry, in open defiance of the Fair Work Act and Supreme Court orders to end the protests.

We saw a violent dispute at the Little Creatures Brewery site in Geelong, where union picketers were accused in court documents of making throat-cutting gestures, making threats to stomp heads in, workers who wanted to get on with the work being told they were 'dead', and shoving, kicking and punching motor vehicles.

We saw union protestors threatening people with 'Columbian neckties' at City West Water in Werribee, where the dispute was so heated that workers had to be flown in by helicopter. The term 'Columbian neckties' came from the Columbian Civil War of 1948 and involves slashing a victim's throat horizontally and pulling their tongue out through the open wound.

And just last month, we saw CFMEU officials threaten to stop work on a Lend Lease project in Adelaide if a union flag was not moved to a more prominent position.

The previous government was well aware of this type of behaviour in the building and construction industry and so was understandably reluctant to abolish the Australian Building and Construction Commission, despite strong union pressure. It contracted Justice Murray Wilcox to review the industry, to buy time. Justice Wilcox recognised the need for, and the benefit provided by, the Australian Building and Construction Commission, stating in his report that 'the ABCC's work is not yet done' and
'it would be unfortunate' if the ABCC's replacement body 'led to a reversal of the progress that has been made'. But that is exactly what we have seen.

The Labor government, led by the now Leader of the Opposition, set up a severely curtailed version of the ABCC called the Fair Work Building Industry Inspectorate. As well as having its powers substantially curtailed, it faced significant reductions in funding and staffing of around 30 per cent. The inspectorate was hampered by quite novel restrictions on its ability to initiate or continue with proceedings if matters the subject of litigation had been settled by the parties. These amendments were introduced without any prior notice or forewarning by the Leader of the Opposition when he was the responsible minister. They are equivalent to a person running a red light and causing an accident and then police being unable to charge that person with any offences, including running the red light, if that person has settled with the other person involved in the accident. These provisions are certainly contrary to former Prime Minister Gillard's views while she was the responsible minister in 2009. At that time she said, in relation to misbehaviour in the building industry, that 'each and every breach of the law is wrong and each and every breach of the law should be acted upon'.

These provisions in the Labor government's legislation were heavily criticised by the Law Council of Australia as giving primacy to the interests of private litigants over the application and enforcement of laws of the parliament. The Law Council of Australia urged reconsideration of this provision and the community can be reassured that there is no such provision in the coalition government's bill.

The election commitment

In the government's Policy to Improve the Fair Work Laws, the coalition government committed to re-establishing the Australian Building and Construction Commission to once again ensure the rule of law and productivity on commercial building sites and construction projects, whether onshore or offshore.

We took this commitment to the 2010 and 2013 federal elections as a key policy. So important did we see this commitment that we also committed to re-establishing the Australian Building and Construction Commission within 100 days of the parliament first sitting. This government was given a clear mandate by the Australian people to make this change.

The coalition government is committed to ensuring that the rule of law is maintained and that workers in the building and construction sector can go to work free of intimidation and harassment. As the Cole royal commission concluded a decade ago, the behaviour that we too regularly see in this industry marks it as singular. It is an industry in which conventional standards of commercial and industrial behaviour do not apply. Like in the textiles, clothing and footwear sector, special circumstances require special laws.

We also promised that a re-established Australian Building and Construction Commission will administer a code that will govern industrial relations arrangements for government funded projects. This step will ensure that taxpayers' dollars are used efficiently. We also promised we would work with state governments to ensure consistency with guidelines introduced by those governments who saw the urgent need to set up their own schemes in response to the Gillard government's abolition of the ABCC, led by the now Leader of the Opposition. A new statutory code is being developed that is intended to commence at the same time as the re-established Australian Building and Construction Commission on 1 January 2014.

Description of the bill

The main object of this bill is to provide an improved workplace relations framework for building and construction work to ensure that it is carried out fairly, efficiently and productively for the benefit of all building industry participants and for the benefit of the Australian economy as a whole.
The bill aims to improve the bargaining framework so as to further encourage genuine bargaining at the workplace level. Enterprise bargaining negotiations must be harmonious, sensible and productive and should be tailored to the particular workplace.

The bill upholds and promotes respect for the rule of law and ensures respect for the rights of all building industry participants. The bill contains provisions to ensure that unlawful action, including unlawful industrial action and unlawful pickets, are dealt with appropriately. The bill includes the ability for the courts to impose significant penalties for individuals and organisations that participate in unlawful action.

The bill provides effective means for investigating and enforcing the law. The Australian Building and Construction Commissioner will be able to exercise their power to obtain information quickly and effectively without being hindered by unnecessary bureaucratic red tape around the issue of examination notices. However, to ensure accountability and transparency, the use of these powers will continue to be reviewed and reported on by the Commonwealth Ombudsman.

Importantly, this bill encourages productivity and the pursuit of high levels of employment in the building and construction industry. It will ensure that the government's policy to deliver the infrastructure of the 21st century is delivered on time and on budget. This bill will create jobs and investment by ensuring employers and workers in the industry can get on with the job without fear of intimidation.

**The definition of building work**

The definition of building work in the bill includes off-site prefabrication of made-to-order components for parts of buildings, structures or works. The definition of building work also includes the transporting or supplying of goods to be used in building work. This is a change from the previous ABCC legislation and is included to ensure that large resource construction projects cannot be indirectly disrupted through coordinated 'go-slow' on the supply of materials to those projects.

**The extension to the Exclusive Economic Zone and continental shelf**

The bill extends the geographic limits to the Exclusive Economic Zone and land above the continental shelf. This extension will bring the legislation into line with the Fair Work Act.

**The structure of the ABCC**

This bill will re-establish the Australian Building and Construction Commission to ensure the rule of law is enforced in the building and construction industry. The Australian Building and Construction Commission will be led by its commissioner, who will have the critical task of monitoring, promoting and enforcing appropriate standards of conduct by building industry participants and referring matters to other relevant agencies and bodies as required.

The Australian Building and Construction Commissioner will also be responsible for investigating suspected contraventions of the law by building industry participants. They will also institute or intervene in proceedings in accordance with these laws; and, provide assistance and advice to building industry participants on their rights and obligations under designated building laws.

The Australian Building and Construction Commissioner will be supported by deputy commissioners, and by a statutory agency, to be known as the Australian Building and Construction Commission, comprising persons engaged under the Public Service Act 1999. The Australian Building and Construction Commissioner will be the head of that statutory agency. The agency will be properly funded to ensure it can do its work—the funding taken away by the Labor government, led by the current Leader of the Opposition, will be restored.

**Penalties**

Changing the lawless culture of the building and construction industry requires strong regulation, a strong regulator and a level of penalties that will act as a deterrent to unlawful behaviour.
Higher penalties are justified in an industry that is so critical to Australia's economic performance. Building and construction organisations are well resourced and some show a blatant disregard for court orders and shrug off fines as 'simply part of the cost of doing business'.

**Unlawful action**

The bill makes it clear that unlawful action will not be tolerated and there are significant penalties for taking unlawful industrial action, or for engaging in, or organising, an unlawful picket. Safeguards are built into the legislation that ensure that the commissioner is able to separate unlawful and organised picketing aimed at disrupting building and construction work from legitimate protests.

The bill also reinstates civil remedy provisions in relation to coercion and discrimination and makes it clear that project agreements are unenforceable where the intention is to secure standard employment conditions relating to a particular site or sites covering employees from different enterprises. These types of project agreements inhibit genuine enterprise bargaining.

**Coercive powers**

The bill enables the Australian Building and Construction Commissioner to compel witnesses to attend an examination or to produce documents where he/she reasonably believes that the person has information or documents relevant to an investigation into a suspected contravention of workplace relations laws. These powers are needed to ensure the Australian Building and Construction Commission is able to carry out its investigations effectively and is a key tool for breaking down the historical and unacceptable 'culture of silence' in the sector. These kinds of powers are not novel and are also granted to a range of other Commonwealth regulatory bodies such as the Australian Competition and Consumer Commission, the Australian Prudential Regulation Authority, the Australian Securities and Investment Commission, the Australian Taxation Office, Centrelink and Medicare.

The bill does, however, contain appropriate and effective safeguards to ensure due process and transparency in the use of these powers. The bill requires the Australian Building and Construction Commissioner to provide the Commonwealth Ombudsman with a report about the examination along with a video recording and transcript of the examination. At the end of each financial year, the Commonwealth Ombudsman is required to prepare and present to the parliament, a report about examinations during the year. This will ensure public transparency and accountability and give the community confidence in the work of the ABCC.

**Federal Safety Commissioner and the Australian Government Building and Construction OHS Accreditation Scheme**

The government is committed to using its influence as a funder of large building and construction projects nationally to lead the way on improving work, health and safety standards and culture throughout the building and construction industry. For this reason, the bill retains the role of the Federal Safety Commissioner and the Australian Government Building and Construction Industry WHS Accreditation Scheme.

**Conclusion**

The coalition government is committed to doing all that is necessary to reform the building and construction industry and to reinstitute the rule of law in this sector.

The coalition government wholeheartedly believes that workers deserve to be able to go to work each day without the fear of being harassed, intimidated or the subject of violence.

The former Labor government, led by the Leader of the Opposition, undermined confidence in the building and construction industry. Abolishing the Australian Building and Construction Commission has seen a return to lawlessness and an increase in the number of days where work is simply not being done in the industry.
Australia cannot afford to have a building and construction industry which is inefficient and unstable. The restoration of the Australian Building and Construction Commission and the code which supports its work is a critical reform for Australia. The contents of this bill reflect this commitment and I commend the bill to the House.

BUILDING AND CONSTRUCTION INDUSTRY (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2013


This Bill deals with consequential and transitional matters relating to the re-establishment of the Australian Building and Construction Commission and other matters set out in the Building and Construction Industry (Improving Productivity) Bill 2013.

This Bill will ensure a smooth transition from the institutions, functions and powers created by the Fair Work Building Industry Act 2012 to the new regime established by the Building and Construction Industry (Improving Productivity) Bill 2013. This Bill also deals with residual operation of the Building and Construction Industry Improvement Act 2005 where necessary.

The PRESIDENT: In accordance with standing order 115(3), further consideration of these bills is now adjourned to 15 March 2016.

**Competition and Consumer Amendment (Payment Surcharges) Bill 2015**

**Tax and Superannuation Laws Amendment (2015 Measures No. 6) Bill 2015**

First Reading

Bills received from the House of Representatives.

**Senator RUSTON** (South Australia—Assistant Minister for Agriculture and Water Resources) (18:03): These bills are being introduced together. After debate on the motion for the second reading has been adjourned, I shall move a motion to have the bills listed separately on the Notice Paper. I move:

That these bills may proceed without formalities, may be taken together and be now read a first time.

Question agreed to.

Bills read a first time.

Second Reading

**Senator RUSTON** (South Australia—Assistant Minister for Agriculture and Water Resources) (18:03): I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

COMPETITION AND CONSUMER AMENDMENT (PAYMENT SURCHARGES) BILL 2015

Mr Speaker, today I introduce this Bill to ban excessive and unfair payment surcharging by merchants.

This Bill forms an integral component of the Government's response to the Financial System Inquiry, and is delivering on our commitment to implement fairer outcomes for Australian consumers.
There is significant community concern around the abusive practice of excessive surcharging. Of the 6,500 submissions received by the Financial System Inquiry, more than 5,000 related to the opportunistic practice engaged in by some merchants to drive profits through card acceptances.

Mr Speaker, this Government has listened to the community concern; and this Government has chosen to take action.

We are committed to stamping out rapacious behaviour by a select number of merchants who choose to take advantage of Australian card users.

Where a merchant charges a customer a card surcharge, that carries with it an irrefutable representation that the merchant is seeking to recover his or her costs. Whilst many merchants do pass on costs fairly, some merchants intentionally charge many times more than the true cost of accepting a card payment.

The Coalition Government believes consumers are entitled to a fair deal, which limits surcharging to genuine cost recovery. Consequently the Government is taking action to ensure customers are charged no more than that amount that reflects the true amount of the merchant's costs in accepting that payment.

The Government will not stop merchants from recovering their own costs of accepting cards.

That is reasonable and also helps to send a price signal to the community about the cost of competing kinds of payment facilities. However, profiteering by merchants under the guise of cost recovery will not be allowed by this Government.

Mr Speaker, each month around $45 billion of purchases are processed through more than half a billion card transactions. Given the widespread problem of excessive surcharging, this measure will therefore provide considerable savings overall to Australian consumers.

This Bill will amend the Competition and Consumer Act 2010 and ban merchants from engaging in excessive surcharging of customers for use of a particular payment method. A surcharge will be excessive where it exceeds the costs that merchants are charged by their payment provider for using that payment method.

We will put in place a flexible framework that Government and regulators can adjust to changing circumstances. The Bill allows for a broad range of payments to be covered by the surcharging restriction either by the Payments System Board making a surcharging standard in relation to a payment system; or by a regulation made under the Competition and Consumer Act.

For most payment types, the Reserve Bank will be responsible for setting the boundaries of the application of the scheme and the permitted surcharge that applies for each payment type. However, provision is made for these matters to be determined by regulation if necessary for any reason in future.

With technological innovation bringing new types of payment methods into the market, maintaining flexibility in the application of this regulatory regime is important.

The Reserve Bank will begin public consultation this week on standards that may be made for this purpose.

Mr Speaker, this measure, apart from establishing a framework for protecting consumers, will also empower the Australian Competition and Consumer Commission to enforce the ban on surcharging. The ACCC shall be given new powers to gather information from those involved in the payments process and the authority to issue infringement notices against those engaging in excessive surcharging.

The ACCC will be able to require merchants and other payment system participants to provide documents or information to help it assess the costs incurred against any surcharges imposed by a merchant. It will be an offence to fail to provide the documents or information requested by the ACCC.
If the ACCC forms the view that a merchant has engaged in excessive surcharging, the ACCC may issue an infringement notice including a penalty for listed corporations of up to 600 penalty units, currently $108,000, for each alleged contravention.

So, Mr Speaker, these new rules do not merely establish a 'best practice' framework, but contain real teeth to achieve targeted and meaningful behavioural change.

These are real protections for consumers.

This reform is both good for consumers and good for the overall efficiency of retail and wholesale markets – as it will allow for a fairer reflection of the costs of different payment systems.

As new, smart and innovative methods of payment are developed and rolled out, this Government wants to ensure that Australia has a system in place where they can compete on a level playing field with other payment systems, rather than being subjected to inaccurate overstatements to consumers of their actual costs through excessive surcharging.

We want to remove any disincentives or discouragements for commercial activity.

Of course, if a merchant faces a high cost for accepting a certain type of payment, they are still entitled to pass that cost on. Otherwise, consumers using lower cost methods of payment will effectively subsidise those using higher cost payment methods like premium cards.

A merchant should however never be able to give a false impression that certain payment methods cost more than they actually do and profit as a result. We never want consumer behaviour to be distorted by these practices.

This legislation will ensure that they cannot legally do so, and will put the ACCC on the beat to ensure that they do not.

I commend the Bill to the House.

TAX AND SUPERANNUATION LAWS AMENDMENT (2015 MEASURES NO 6) BILL 2015

This Bill introduces amendments to Australia’s taxation laws to improve the operation of Australia’s capital gains tax regime. The measures in this Bill are two of the 92 announced but unenacted measures left by the previous government.

Schedule 1 to this Bill clarifies the treatment of earnout arrangements by making any financial benefits payable under such rights part of the original value of the business or business asset for capital gains tax purposes.

An earnout arrangement is a sale or purchase of an asset where the consideration includes a right to future financial benefits linked to the performance of the asset. For example, a 'standard' earnout may involve an upfront payment for the sale, with the seller having a right to future payments that are contingent on the business’s performance.

Earnout arrangements are a legitimate and efficient way of structuring the sale of a business (or business assets) to deal with uncertainty about its value.

Under the Australian Taxation Office’s current administration of the law, each earnout right is a separate and distinct asset from the underlying business and must have its market value estimated for capital gains tax purposes. The complexity involved in this system affects the ability of businesses to efficiently price their business assets.

This Bill will result in any payments made under the earnout right being added to the capital proceeds or the cost base of the original sale, through amendments to the taxpayer's tax return at that time.

This Bill will not only help provide certainty for businesses entering into earnout arrangements, but will also protect any entitlement they have to small business capital gains tax concessions.
This Bill will apply to all earnout arrangements entered into after the draft legislation for this measure was made public on 23 April 2015.

In addition, to protect taxpayers who have reasonably and in good faith anticipated changes to the tax law in this area as a result of the May 2010 announcement by the Labor Government, the Bill also includes protections to preserve their current tax outcomes, without requiring amendments.

Schedule 2 to this Bill introduces a new collection mechanism to support the operation of Australia’s foreign resident capital gains tax regime.

Foreign residents are liable to pay tax on capital gains when they dispose of certain Australian assets – broadly direct and indirect interests in real property. The Australian Taxation Office has indicated that voluntary compliance with Australia’s foreign resident capital gains tax regime is poor. In addition, there are difficulties in the Australian Taxation Office undertaking effective compliance activity after a transaction takes place, given the funds would likely be offshore and the foreign resident may otherwise have little connection to Australia.

The Australian public rightly expects that foreign investors into Australian property comply with their Australian legal obligations. This is why the Government recently enacted reforms to Australia’s foreign investment framework to increase scrutiny and transparency over foreign investments into Australian residential property. It is also why the Government is implementing this measure.

Under this measure, from 1 July 2016, where the seller of certain Australian assets is a foreign resident, the buyer will be required to withhold and pay to the Australian Taxation Office 10 per cent of the purchase price. The amount collected is an estimate of the vendor’s final income tax liability. The vendor is still required to lodge an income tax return and pay any outstanding debt. They may claim a credit for the amount of tax withheld in the income tax return at this time. In this way, the withholding measure also encourages participation and engagement by foreign residents with the Australian Taxation Office.

To ensure that this measure is appropriately targeted at those areas where revenue is at greatest risk, and minimises the impact on other property transactions, the measure does not apply to direct real property transactions below $2 million.

Other design features of this measure have been developed following extensive consultation with stakeholders.

Full details of both measures are contained in the explanatory memorandum.

Debate adjourned.

Ordered that the bills be listed on the Notice Paper as separate orders of the day.

Food Standards Australia New Zealand Amendment (Forum on Food Regulation and Other Measures) Bill 2015

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

Community Affairs References Committee

Government Response to Report

Debate resumed on the motion:

That the Senate take note of the document.
Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (18:05): I rise to speak on the government's response to the Senate Community Affairs References Committee report on the inquiry into the Department of Social Services, or DSS, grants. The report was completed in September 2015 after three public hearings and almost 100 submissions. As a member of this committee, I had a very strong interest in this issue and in the government's response, which was tabled out of session a couple of weeks ago.

As we know, based on evidence given to the inquiry, the committee concluded that the 2014 tendering process was poorly planned, hurriedly implemented and resulted in a loss of services. Combined with cuts to the sector of $270 million, the impacts on services for the Australian community were devastating. Furthermore, the process does not appear to have been equitable and transparent, with an apparent inherent bias towards larger providers at the expense of local knowledge and expertise that smaller providers have developed in response to their clients' needs. Some of the decisions that were made were plain disastrous, utterly inexplicable, and have had devastating impacts across our communities.

I would just like to take a few moments to highlight one of the ridiculous situations that the committee was informed of. In the first public hearing in Canberra, we heard from the Chief Executive Officer of Volunteering Tasmania, Ms Adrienne Picone. Here is what Ms Picone told the hearing:

Volunteering Tasmania has been chosen to be the preferred service provider in two very tiny pockets of Tasmania. In the south it is greater Hobart and the Brighton and Sorell areas, and in the north it is three small towns in Ulverstone, Devonport and Burnie.

The vast majority of Tasmania will have funding received by a consortium based in Queensland. This consortium, we understand, has never worked in Tasmania. They are without community connections in Tasmania. They have no local knowledge or an understanding of the unique Tasmanian experience. We have on several occasions asked for the rationale behind this decision but have been consistently told that nobody seems to know why this decision was made, and we are really at a loss to understand the logic behind this decision. These actions are at odds with DSS's stated objective of providing a foundation for integrated, community led program delivery that understands and meets local needs.

I think the government needs to listen carefully to the words of Ms Picone, because what we have seen from this government in so many areas of public policy is an overwhelming desire to smash small, local organisations that are in touch with their communities. They keep the funding to larger organisations and peak bodies but seek to destroy the smaller organisations. It is quite clear that the government has not been listening to the concerns of the sector, as we can see from this disappointing response.

It seems that the government ignored most of the evidence given to the committee and, disappointingly, only agreed to four of the recommendations. They did not agree with one recommendation and noted the remaining nine recommendations. I am pleased that the government have agreed with a recommendation for a five-year contract cycle. However, it is disappointing that the government did not agree with the committee's recommendation that the Department of Social Services publish its recent analysis of service delivery gaps to promote transparency and to encourage informed discussion of the strategy that will ensure that vulnerable people are properly supported right across Australia with no gaps.

The committee noted witnesses' concerns that service gaps had not been fully identified and addressed. It is clear that the government needs to respect the not-for-profit and volunteer
sectors more because they do wonderful work serving the needs of the community. The NFP sector contributes $107 billion to the national economy and $4.9 billion to the Tasmanian economy, and employs over one million Australians. So I call upon the Prime Minister and the Minister for Social Services to take another look at the committee report and to commit to more of the recommendations. This sector is too important to destroy through random, wilful cuts and misguided ideological decisions. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Community Affairs References Committee
Government Response to Report

Debate resumed on the motion:
That the Senate take note of the report.

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (18:09): I rise to speak to the Community Affairs References Committee report Grandparents who take primary responsibility for raising their grandchildren and the government's response in regard to that. In doing so, I would like to reflect briefly on the history of the committee and talk briefly about the government's response, and then end with a quote about the significance of this.

This inquiry began back on 9 December 2013 when this place moved a motion to establish the inquiry into grandparents who take primary responsibility for raising their grandchildren. I was pleased that that committee reference was endorsed by my fellow committee members: Senator Siewert, Senator Moore, Senator Brown and others.

It received over 173 submissions from around the country. Of the 173 submissions, 63 per cent were from individuals detailing their personal stories and the real-life struggles that they endure taking on the responsibility of raising their grandchildren. I was pleased that 36 of those submissions came from my home state of Western Australia and particularly pleased that fellow senators allowed the committee to travel not just to Perth but to Albany in the far south-west of Western Australia, where we heard some very powerful accounts from grandparents who are raising their grandchildren. The committee held seven public hearings around the country and, of course, one of those was in Perth and one of those was in Albany.

The inquiry focused on the unmet support needs of grandparents who raise their grandchildren and how to address those needs. The committee tabled its final report in October 2014.

I am pleased that in the government's response they do acknowledge the important role played by grandparents who take primary responsibility for raising their grandchildren and the challenges frequently associated with this caring role. The government's response does recognise that governments at all levels may need to improve existing information resources and channels to ensure that grandparent carers are more aware of the supports and services that may be available to them.

I was also pleased that the government is prepared to commit some additional resources to the grandparent advisers program, which was an element of our recommendations. The government has committed to expand the program from this year on a trial basis with two additional grandparent adviser positions and funding for outreach activities. Under the trial,
the number of grandparent advisers will increase from six to eight. In addition, the eight grandparent advisers will conduct outreach activities with grandparent advocacy groups and organisations to promote the grandparent advisers role within the community.

I want to reiterate that this is the beginning of raising the awareness of grandparents who are raising their grandchildren; this is not the end. I will continue to work, as I know other senators will, with the government, with particular non-government organisations, grandparent groups, grandparent carers and their families to provide the support and important recognition that this worthy group of Australians so justly deserve.

But a note of caution: the government's response is heavy on process. Those processes are important. It is important that governments work together. But a word of caution: if the government thinks that this is a static issue in the Australian community or the government thinks that this is an issue that is receding then I disagree and I disagree very, very strongly.

The reality is that since this issue was first raised in this Senate back in 2013, the issue has got more pronounced, more prominent in the Australian community. And when we talk about the affliction of ice, when we talk about drug and alcohol abuse, we cannot ignore the fact that where those issues end is with grandparents having to take primary responsibility for their grandchildren because the parents of those children are afflicted with the scourges of drug abuse and alcohol abuse.

You cannot invest money in strategies to deal with ice and drug and alcohol abuse and not give attention and, indeed, funding to the important issue of grandparents raising grandchildren. A word of caution: this issue is not going away. It is, unfortunately, a modern feature of our community. Fortunately, it is one in which grandparents are stepping up to the challenge. Their first instinct is that they will meet these demands themselves rather than call on government, but the harsh reality is that the government does have a role to play.

On a positive note, the government has not been ignorant of these issues, and I am pleased that the new Minister for Social Services, Christian Porter, announced late last year that the government will exempt grandparent carers from the changes to family tax benefit part B. This means that grandparent and great-grandparent carers with a youngest child aged 13 to 18 years of age will be eligible to receive family tax benefit part B at the standard rate. That is, they will be exempt from any changes to FTB part B.

I am also pleased that my colleague Senator Simon Birmingham, as the Minister for Education and Training, announced late last year that grandparents who are the primary carers for their grandchildren will be exempt from the childcare subsidy activity test. In short, this means that grandparent carers will be eligible to access up to 100 hours of approved child care fortnightly. The measure as announced by the government will go some way to providing much-needed respite for grandparent carers and give grandchildren the opportunity to enjoy learning and playing opportunities with other young children.

These measures recognise that grandparent primary carers provide a vitally important role in our community, often stepping in to look after the grandchildren when these children have been in stressful and other adverse circumstances. These two announcements from the government are a small but important recognition that grandparent carers are doing it tough. As I said, this is the beginning of an important issue in our community, one that will not go
away. It is one that federal governments of all colours will have to face up to. They will have to step up to the challenge of meeting this very modern dilemma in our community.

In closing, I want to share from page 16 of the report of the Community Affairs References Committee. It was a contribution by Dr Jan Backhouse, a social researcher based at the Centre for Children and Young People at Southern Cross University, who I thought eloquently put this modern community challenge in its rightful context. She said:

The grandparent-as-parent experience is marked by both deep pain and pleasure. The many challenges faced by grandparents who take on the primary care of their grandchildren include financial issues, legal battles, physical and emotional health problems (their own, as well as those of their grandchildren), social isolation and lifestyle changes, parenting problems and conflict with the children's parents.

Nevertheless, grandparents are totally committed to the care, safety and happiness of their grandchildren, often at the expense of their own lives. They routinely place their grandchildren's financial needs before their own, often drawing on very meagre income to provide for the children's health, education, out of school/sporting activities etc. in an attempt to give their grandchildren the same opportunities available to other children.

Research also reveals the significant loss of the traditional grandparent role by grandparent carers. Instead of the 'mythical' grandparent role involving 'pleasure without responsibility', they must now take on the parenting roles of disciplinarian, provider and authority figure. This shift to the grandparent-as-parent role has impacted on grandparents in a number of different ways, including provoking feelings of being unrecognized, disadvantaged, misunderstood and isolated within the community, together with a strong sense of injustice in relation to their experience.

It is a very, very powerful account of the modern challenge, the modern dilemma, that the Australian community faces—one that will not go away. The government's response is an important first step. It is the beginning; it is not the end. I am pleased that the government has been able to match its response to this report with some real benefits to people in terms of changes to the family tax benefit.

Senator MOORE (Queensland) (18:18): On the same report, I take up Senator Smith's statement about the response being an important first step. Indeed, it is just that: an important first step. Consistently through our inquiry we heard from grandparents across the country, and there is no specified area where this issue is most evident. Grandparents across this country are taking full-time care of their grandchildren. Too often people think that the issue of grandparent care is about grandparents helping out after school or in some way giving parents some immediate aid day to day. But, no, this particular inquiry was focused on the real issue of grandparents who are the sole guardians of children—many of whom have significant issues—from birth or from the time they are very small babies through until they are young people.

What came out in our inquiry was that the young people who are being cared for by their grandparents are often extraordinarily fragile and vulnerable. In fact, many have severe disabilities—and that is one of the ongoing pressures for the families. They are being forced together into a family circumstance for which there has been no planning. Indeed, some of the personal stories that came out in our inquiry were extraordinarily confronting. As always in our Senate inquiries, we were amazed and humbled by the openness with which people came and shared their lives with us and pointed out the problems that they are facing and by the great resilience that so many have.
I know that Senator Smith used the term 'a point of caution' in his contribution, and certainly there are several points of caution in the government's response. Senator Smith talked about the issue of increasing the current Centrelink grandparent carer program—and we had very, very positive responses about the way this service operated to allow grandparents to try to balance their Centrelink entitlements with their new-found responsibilities as carers and about the reference point that the service can provide to other services in the community—and we welcome that increase. The core point of caution that I want to bring to the attention of the Senate is that, whilst the government response has come up with some very welcome first steps, I would have liked a slightly greater increase—but any increase at this stage is welcome. Also welcome is the acknowledgement that that service will create a better database in terms of keeping information on the grandparents and their needs so that we can build up better knowledge and awareness within our system as well as in the wider community.

But my major point of caution about the response is the fact that, whilst the government has said that they do acknowledge that this is an issue which must have the engagement of ministers and governments at all levels of government, at no point in the response did the federal government say, 'We will lead on this issue. We will take this issue to our state counterparts so that we can ensure that the kinds of responsibilities which have been identified will be shared and will be planned. We, as the Commonwealth government, acknowledge that, whilst we may not have the primary responsibility for child care or for after-school care or any of those other elements in the system, it is such an important element in our community that we will take it to the COAG discussions, and we will ensure that the various ministers across all states and territories who look after issues around families will have this on the agenda.' I am sure we as a committee will be following up with the government to say that that is what we expect. In fact, if you go to the recommendations we put forward from the committee, you will see that that is what we asked for.

We want the federal government to identify the issues we had raised in terms of the particular needs of grandparents and the pressures that they have, often at a time when they are most vulnerable. We consistently heard stories of people in quite straitened financial circumstances and reliant almost exclusively on the pension who suddenly—and very often incredibly suddenly, like overnight—had the care of two or three children. This was often the result of tragedy in their own family. We identified that grandparents took over the care of their grandchildren often because there were significant issues of drug or alcohol dependence by their own children—the parents. So that is a double pressure on the grandparents. They had the stress of having to make decisions around their own circumstances in order to take on the care of these young people while at the same time there was quite overwhelming guilt about the fact that in many cases they had not been able to effectively parent their own children. They had an ongoing concern that their own parenting skills had been challenged by their own children and were now again going to be challenged by these very innocent young people, many of whom had seen things that were quite distressing in terms of family violence and dissolution of family.

We need to understand that there are significant psychological issues, often around mental health, that need to be identified in these cases. The kinds of services needed are not just financial. They are also things like access to trained personnel who can provide support.
around child mental health and developmental issues in schools. Many of the young people needing care have missed long periods of school and have fallen behind in their education. These are identified problems that needed a response. We should surround the grandparents with support when they take on their new roles.

Certainly we welcome the response from government. We welcome any response from government in community affairs. Sometimes we have to wait quite a long time to get responses, but to have one, we celebrate. In terms of this process, we acknowledge that the government has responded to a number of our recommendations. Whilst acknowledging that these people will need support from all three levels of government, particularly at the state and federal levels, I call on the federal government to take leadership, take the necessary direction and gather together the information resources from both state and federal levels so that this will be a priority when ministers meet. Then we will be able to use the valuable evidence that we gathered in our committee and we will be able to have the professionals who want to be involved in looking at the results of the work. We will be able to ensure that grandparents will not be as isolated as they felt when they came to our committee. I ask leave to continue my remarks later so that this issue can remain on the agenda.

Leave granted; debate adjourned.

Legal and Constitutional Affairs References Committee
Report

Debate resumed on the motion:
That the Senate take note of the report.

Senator IAN MACDONALD (Queensland) (18:25): I want to talk tonight about the Senate Legal and Constitutional Affairs References Committee's report into the arts and I want to congratulate Minister Fifield on the implementation of the Catalyst policy that had been foreshadowed by the former arts minister Senator Brandis in the last budget. This proposal was to give the government a small amount of money to contribute to and to support various art organisations around Australia that the government believed deserved support. Senators will know that most of the very considerable funding for the arts is distributed by the Australia Council, which is an independent body and a law unto itself. Very often they do quite good work, but many of us who do not come from the Sydney and Melbourne enclaves think that often the Australia Council does not recognise well enough the artistic talent that abounds in the more remote parts of Australia, particularly in Western Australia and Queensland, which statistics show were rather poorly dealt with. In the last round of Australia Council grants one electorate in Melbourne—I think it was the electorate of Melbourne—received, I think, 17 grants from the Australia Council whereas I recall the whole of North Queensland received only five grants—that is, five, six or seven electorates in North Queensland received five grants while the electorate of Melbourne received 17 grants. There has been disquiet that the Australia Council, as good as it is, is rather more narrowly focused. It seemed at times that there was a group of people, their assessors, who knew everybody. Everyone seemed to be in the club if they lived in Melbourne or Sydney, but outside of that you were not in the club.

Senator Brandis's idea, which Senator Fifield took up, was that the government, which was elected by the people of Australia to make these sorts of decisions, institute the first of what
Senator Fifield called the Catalyst programs. I congratulate him. I particularly want to make reference to the grants that Senator Fifield made available to artists from the Girringun Aboriginal Corporation, which is situated in the Cardwell area between Townsville and Cairns, and the Erub organisation in the Torres Strait. There are a number of wonderful artists there. Also, one of the Western Cape Indigenous communities was part of that grant. The artistic works of these three Indigenous corporations will be put on display in Sydney where they will have large exposure to people interested in that sort of art. Subsequently, the exhibition will go to Monaco, where it will be available to an international audience. It is the Catalyst program that the government has introduced that has allowed this to happen. We went around the countryside in this inquiry which the report is about with Labor, the Greens and the chairman, Senator Lazarus, condemning this program as is the want of those people on the committee. At every opportunity they were denigrating the government for this initiative in having a very small part of the total moneys available for the arts go to projects, which the elected government wanted to do as part of its process in governing Australia.

I think in many cases in Australia we have gone too far in this independent assessment of giving out government money because these independent organisations, not just in the arts but across the board, are all pretty good but very often they are accountable to no-one except themselves. Whereas if it is done by a minister who was elected to govern then the minister is very accountable because if the people of Australia think that the minister is pork-barrelling or making silly decisions on who gets the funding, the people of Australia have a remedy—they can vote them out the next at the next election. But that is not possible with groups like the Australia Council.

The Australia Council does do a lot of good work and has a very good CEO and a very good chairman. But sometimes their vision, their focus is a bit more narrow then I would like to see. During the inquiry of the Legal and Constitutional Affairs Committee into the impact of budget decisions on the arts, we heard evidence in Western Australia and in Queensland. We had statistics that showed that some of those states did not quite receive what the Sydney and Melbourne cohort were receiving. I am one of those coming from the north, and Senator Smith comes from the west. I am one of those who thinks that talent in Australia is spread all around the country. You do not have to live in Sydney or Melbourne to be a good artist or to benefit from taxpayers' money that does support the arts. I am delighted that Senator Fifield introduced that program. Congratulations to Senator Brandis for his initiative in raising the issue. I think the first round of grants by the minister has been well received. I congratulate the minister and I look forward to further grants to groups like the Girringun Aboriginal Corporation that could result from the Catalyst program. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**Economics References Committee**

**Report**

Debate resumed on the motion:

That the Senate take note of the report.
Senator STERLE (Western Australia) (18:33): I rise to speak briefly to committee report No. 4 from the Economics References Committee entitled *I just want to be paid. Insolvency in the Australian construction industry*. Unfortunately I was not on that inquiry—I would have loved to have been on it—but I am told that the chairmanship from Senators Dastyari and Ketter kept it rolling along. It was a very good report that came out. There are a couple of things I want to touch on. It is important that the Senate should note that there is nearly $3 billion each year in unpaid debts in the construction industry including subcontractor payments, employee entitlements and tax debt averaging around $630 million a year for the past three years. So there is no secret in what a shocking industry it is for not paying its people.

As I travel the country, most of my inquiries and most of my conversations lead around to similar issues of small businesses not being paid. Whether we are talking about construction, which is the worst by the sounds of it, or about transport or about supermarkets or funeral directors or whatever those small businesses may be, there is a fundamental flaw in this nation. I am not pointing the finger at any government; I am pointing the finger at us as a nation that we allow this to happen.

In my experience as a small businessman in the transport industry, I was fortunate enough to work for a major and I got my pay. Every 14 days, my money was there—although sometimes we had to walk out the gate and make sure we reminded them the 14 days was up. But how the heck can we as a nation allow this to happen? How can we, whether it be the conservative side or the Labor side let us, one of the leading nations in the OECD, think that it is all right for businesses to not get paid? I have also thought to myself: it is bad enough when a business goes broke through no fault of its own but when a business goes broke because some mongrel has not paid it, how do we sleep at night? I am not running a union-versus-the-boss argument; I am running a decency argument.

I know, Mr President, when you were involved in your small family business—which was probably a lot larger than my family business and you probably did not have to worry about damages as I did as a furniture removalist—you put everything on the line. It is a big commitment to go out and say, ‘I am going to start my own business.’ Most of us have not been trained in how to run a business although we do know our trades very well. It goes no different, Senator Macdonald, for lawyers; what is the difference? I do not think anyone in this Senate or in the other place over there—who I think sometimes are on another planet—could say this is the right thing to do.

How has this continued to happen? Not only has it continued to happen but we have another absolute pox in our nation with phoenixing. I know the committee addressed phoenixing with some very interesting words. We all know what phoenixing is. There is nothing worse, when a company goes broke today owing whatever money to its suppliers, to its employees—God help them to their shareholders—or whoever it may be and then start up the next day with a different name and with the same low-lifes running it. I am tempering my language here—I could tell you what I really want to call them.

It is prevalent in my former industry as well. There is no greater example than one that came to my attention last year: there is a company that came out of the bottom of some pond down near Busselton and that went broke overnight, owing $9 million. They are a family business, and they are actually carting for one of the major retail chains in Australia, and I am
not going to mention Woolworths—oops! They are still carting for Woolworths. These people shut their doors—this gets even better, and there is an investigation going on. They shut their doors. Then, the next day, the daughter of the owner bought the company. On the $9 million debts and the employees, tough. The employees were too scared to say anything. They have this stupid belief that they are going to be looked after by the employer again, and they are still carting for the same clients. In fact, one of the dopey truck drivers that works for this company, who is probably related to the owner, could not wait to put on Twitter a week later—or a month later or whatever it may be—a photo of himself, in his finest shorts and thongs, at some roadhouse on the Nullarbor, driving the brand-new $380,000 Kenworth across the Nullarbor to continue working.

There is no government response at this stage, but I just plead to anyone with half a heart: it does not matter who you are or what you do; if you have gone out there in good faith and you have contracted—whether it be in writing or verbally—to perform services for an employer or whatever, nothing will defend subcontractors or employees not being paid. I am looking forward to the government response. The reason why I am so passionate about our Road Safety Remuneration Tribunal is that we actually have the legal ability to recuperate money. Jeez, there has been some conversation in this joint, inside and out, and I will continue espousing it, because it is the right thing to do—people deserve to be paid. An order was issued last year that our truck drivers, our owner-drivers, actually have to be paid a safe and sustainable rate and that they have to be paid within 30 days. But by the same token we have massive companies out there, multinationals in this nation, who are now trying to get our truck drivers to accept 90- and 120-day payments—not only our owner-drivers but our reputable transport companies too. If you put yourself in the shoes of a transport owner, whether it be the biggest or whether it be mid-tier, they have to make some very harsh decisions, particular if they are employing a heck of a lot of people who are relying on them for work: do they stretch out these payments to 90 or 100 days?

I know I have digressed from phoenixing, but let me tell you, Mr President: as long as I am in this building—it comes as no surprise—I will always defend anyone being paid; they must be paid. So I certainly hope that the government will address this. I certainly hope that if they are addressed then we will work with them as closely as we can. But I will just put it on notice now that I am not stopping on this. I believe that, whether you are a winemaker or whatever, you should be paid within 30 days. I am going to move a private member's bill out for truck drivers to be legally paid in 30 days, I look forward to support from all in this chamber. But if anybody wants to come to me and say, 'Sterley, why should it just be truck drivers; why don't we keep going?' then come and talk to me. I seek leave to continue my remarks later.

Leave granted.
Senator IAN MACDONALD (Queensland) (18:41): I congratulate Senator Sterle on that presentation and for his thoughts. I have to say I think he is 100 per cent correct. My only concern is that I hope the committee's report has some reasonable resolutions in it that can be adopted. I just shrug my shoulders and say, 'What can you do?' I do not think that government regulation can make people pay their bills. If people do not have the money to pay their bills then I do not know what you can do about it, and that is the problem. In business, as Senator Sterle would know, it is, 'Let the buyer beware.' I remember in my own profession, when I left it 25 years ago, we used to send everyone bills, but I understand modern lawyers all get the money up front. Most businesses do these days, particularly with the advent of credit cards. Businesses, quite rightly, say now, 'Look, we're not a bank; we're here to retail a product or a service, so take your credit card and sort out with the bank whether you can pay it or not.'

Notwithstanding that, Senator Sterle is right and the committee report is correct in a number of instances where people are not paid for all the wrong reasons. Again, I relate a personal experience where it actually got me and where the phoenixing that Senator Sterle talked about, I think, has happened. There was a group of Sydney 'entrepreneurs' who came to Townsville to build a high-rise right opposite my office. I thought, 'That looks good, and in 20 years or so when I retire from the Senate I would not mind living there,' so I bought off the plan. Halfway through they changed the design of my unit, whereupon I took them to court. I am confident that I would have won, because it was a blatant breach of the contractual arrangement, but I spent about $20,000 to $30,000 on lawyers and barristers and reports, and before I could get them to court the company went broke; the Sydney company that was building this high-rise went into liquidation. The building had almost been completed. But I was denied having my day in court and I was denied recovering the tens of thousands of dollars I had paid in legal fees, which I could have recovered had we gone to court. Yet I am very confident that the people involved in that group are back in business in Sydney under an assumed name. It was okay for me. I cannot afford it, but it impacted far less on me than I know it impacted upon a lot of other people who are dealing with the same company.

But how you deal with that I do not know. I do think that we need a complete revision of the insolvency laws in Australia. Perhaps this report of the committee may be a step going forward—a starting step in the need to consider seriously the reform of insolvency in this country. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

AUDITOR-GENERAL’S REPORTS

Report No. 14 of 2015-16

Senator RICE (Victoria) (18:47): by leave—I move:

That the Senate take note of the document.

I want to respond to the tabling of the Auditor-General's report Audit Report No. 14 of 2015-16, Approval and Administration of Commonwealth Funding for the East West Link Project following the investigation into the Commonwealth funding approval decisions related to the East West Link project.

This Auditor-General's report is nothing short of damning. What a complete farce it demonstrates this government to be when it comes to infrastructure approvals and spending. Despite the time that has elapsed since the Victorian community fought back against this
terrible toll road—and won—I still feel really angry that such a socially divisive, economically wasteful and environmentally-polluting project was ever pushed onto Victorians. The east-west toll road has been cancelled, and thank goodness! But we must learn lessons from the decisions that led to its short-term viability. This investigation shines a light on those.

Of course, at the time of the funding decision for the ill-fated east-west toll road our Prime Minister was Tony Abbott. Now we have a new Prime Minister, but we must not allow him to distance himself from his predecessor's decision. This is the same government and we have not yet seen proof that transport infrastructure funding decisions are improving.

The new Prime Minister would do well to reflect on what happened to the government's Victorian Liberal colleagues when they tried to ram the east-west toll road down the throats of Victorian taxpayers. We turfed them out of office. The current Prime Minister would also do well to reflect on what happened to the former Prime Minister who, with the stroke of a pen, ignored advice and flicked a cool $3 billion to his Victorian Liberal mates. Mr Abbott himself said that the 2014 state election in Victoria would be a referendum on the east-west toll road, and we know how that ended.

I want to note for the Senate some of the salient points of the Auditor-General's report. We have a lot to learn from this investigation. The report tells us that the decision to provide Commonwealth funding for the East West Link and to commit $3 billion went against clear advice from the public service that the project had not been justified and was not ready. It said:

Neither stage of the East West Link project had proceeded fully through the processes that have been established to assess the merits of nationally significant infrastructure investments prior to the decisions by Government to approve $3 billion in Commonwealth funding …

The report notes that at the time the commitment was made: … it was not considered to have yet demonstrated strong strategic and economic merit.

by Infrastructure Australia, and that the payment came just months after the coalition promised not to fund infrastructure projects worth more than $100 million without the publication of a proper cost-benefit analysis.

This government clearly has much to learn, and this report shines a light on events that must not be repeated. Unfortunately, it seems that there were repeats of these misguided decisions. In a very similar time frame and political climate, this government approved funds for the Western Australian Perth Freight Link and the WestConnex tollway in Sydney. I am pleased that yesterday the Senate supported the Greens motion to refer the strikingly similar funding decisions for the Perth Freight Link and the WestConnex tollway for audit by the Auditor-General. These two massive, polluting motorways of reek of the same problems as the East West Link funding decisions did.

Communities in inner Sydney are fighting for their parks, homes and clean air as the monstrous WestConnex is set to plough through their neighbourhoods. Similarly, residents in Western Australia are standing up for their precious wetlands and local amenities because the Perth Freight Link is being rammed through their communities. The federal government should not be using taxpayer dollars to bankroll these projects. We are seeing, as the WestConnex Action Group said this morning:
... no transparency, escalating costs, corrupted planning processes, contracts signed before approvals are granted ...

Sadly, there are more massive, polluting toll roads in the works too. In Victoria now we see looming the Western Distributor, which is supposedly going to be a silver bullet to redirect freight trucks off our residential streets in Melbourne's inner west. This happens to be my backyard. I have spent the last 25 years in Footscray and I really know how badly we need a solution to get trucks off our local streets. But the Western Distributor is not the result of a holistic planning process taking into account all the transport needs of the western region of Melbourne and setting a long-term agenda rather than having debates about single projects, which is what Infrastructure Australia say we need to be doing.

The Western Distributor does not consider the desirability of getting as much port related freight as possible onto rail; in fact the port rail shuttle project, which has actually got almost $40 million of federal funding allocated to it, is not included in the Western Distributor transport modelling. The Western Distributor business case does not consider the much more cost-effective option of the West Gate truck ramps, which allow trucks to bypass the residential streets of Yarraville and Footscray just as effectively as this massive tollway that will cost over five times as much.

And the Western Distributor project does not include looking at the massive benefits to our clogged roads and our community if everyone had the opportunity of the healthier, cleaner option of travelling by fast, frequent, reliable, affordable and safe public transport; walking; or riding a bike rather than having to drive their car for every trip. No, the Western Distributor is a market led project where the overall beneficiary is Transurban, who benefit from getting a further decade of tolls on their existing toll roads. That is a really nice little earner there, and it is a project where the transport modelling is commercial-in-confidence, so we cannot interrogate what the assumptions are. But it looks to me, from assessing what we do know from the transport modelling, that it is just projecting forward business-as-usual traffic generation with no significant shift of people out of their cars and onto more sustainable ways of travelling.

It is a project where the touted benefit-cost ratio of 1.4 conflates the benefits of a big new toll road and the widening of the Monash Freeway, which is actually on the far side of town. If you look at the Western Distributor benefit-cost ratio by itself, it is 1.1, and it is likely to be less than one if the port rail shuttle had been included and if the expected traffic that their transport modelling estimates has been overestimated. In short, the Western Distributor project looks just like a project that the Auditor-General would have some problems with if federal funding were committed to it.

Transport planning must not be a captain’s pick. This is what the Auditor-General's report shows us so clearly. We are talking about critical infrastructure that shapes our cities for decades, even centuries. In reflecting on the Auditor-General's report on the East West Link, there is one clear message. I think we need to call upon the government and Prime Minister Turnbull not to continue the mistakes of the past. We must move into the 21st century. We must have the vision to move into the 21st century with our planning and funding of transport projects so that we get the best transport outcomes possible. I seek leave to continue my remarks.

Leave granted; debate adjourned.
Foreign Affairs, Defence and Trade References Committee

Report

Debate resumed on the motion:
That the Senate take note of the report.

Senator GALLACHER (South Australia) (18:56): I rise to take note of the Foreign Affairs, Defence and Trade References Committee report *Blind agreement: reforming Australia's treaty-making process*. I rise to take note of this report because earlier in the session the government's response was tabled and I want to take a modest amount of time to go through that response and perhaps keep the debate alive.

The first recommendation I want to refer to arising out of the committee's evidence and deliberations was that the committee recommended that the government, prior to commencing negotiations for trade agreements, tables in parliament a detailed explanatory statement setting out the priorities, objectives and reasons for entering into negotiations. The statement should consider economic, regional, social, cultural, regulatory and environmental impacts which are expected to arise. The response was that the government does not accept this recommendation. Under Australia's existing treaty-making system, extensive information is already made publicly available both in the lead-up and during the course of trade agreement negotiations. This includes detailed feasibility studies where appropriate.

That was not the evidence before the committee. Really, the government's response more or less says that what we are asking for is available, so it would be a very small step, if it is available so readily, to put it in a concise form and put it into the parliament. Then everybody, including the electors of Australia, could access that. At the moment, they would have to go to different or disparate sources to gather that information. So I found that response less than satisfactory. It may be the subject of more debate during the course of the year as we look at the conclusion of the quadrella, so to speak: the Japan-Australia Economic Partnership Agreement, the Korea-Australia Free Trade Agreement, the China-Australia Free Trade Agreement and the forthcoming Trans-Pacific Partnership agreement.

The next item I wanted to put on the public record was the committee recommendation that a cost-benefit analysis of trade agreements be undertaken by an independent body such as the Australian Productivity Commission and also be tabled in parliament prior to the commencement of negotiations or as soon as practicable afterwards. The cost-benefit analysis should inform the government's approach to negotiations. The committee further recommended that treaties negotiated over for many years be the subject of supplementary cost-benefit analysis towards the end of negotiations and that statements of priorities, objectives and cost-benefit analysis stand to automatically refer to the Joint Standing Committee on Treaties for inquiry and report. During the course of our deliberations and evidence-taking, when we asked where the detailed analysis of the 1,800 treaties that we have made has been, the answer that came back is that we do not do that. We make treaties—quite appropriately—but, when we make economic bilateral agreements, we never measure them. So in the history of the Australian parliament we have not measured the agreements we have made. It might be a waste of time in some respects—because the level of trade is so low or so high that you do not need to—but it beggars belief that we are in a situation now where we...
have a trade minister who appears to be doing an excellent job, and that is probably supported by all of the commentators in the media—

Senator Smith: Is doing an excellent job!

Senator GALLACHER: He appears to be doing an excellent job. But we have media commentary which says the trade deal currently being negotiated barely benefits Australia. That is not coming from our side of politics. That is not coming from the opposition parties in this chamber. That is coming from an analysis by the World Bank. The World Bank is saying that the TPP will barely benefit Australia—and that it will barely benefit the United States. That is coming from The Age, Tuesday, 12 January 2016.

Senator Smith: You can't believe The Age!

Senator GALLACHER: Well, go to The Australian Financial Review of 12 January 2016: 'Australia an also-ran in TPP gains: World Bank'. The World Bank is saying: 'Don't believe what's been said about this glorious attempt at a new economic partnership, the Trans-Pacific Partnership.' Let us go to what Mr Robb says: He said modelling by the World Bank and others suggesting minimal gains should be taken with a grain of salt as modelling could not capture the actual gains that would flow.

"No model can accurately capture the positive impact of getting rid of non-tariff barriers, of innovation, enhanced productivity, closer people-to-people links, defining trading rules for state owned enterprises and establishing trading rules for new, 21st century pursuits, such as e-commerce," Mr Robb said.

I probably agree with him. That is why we want it measured. That is why we want someone like the Productivity Commission to measure this stuff. That is why we want this new 21st century trading opportunity quantified, put in parliament and measured. I do not think it is unreasonable to expect that.

In the last couple of minutes I have, the next thing was:

The committee recommends that stakeholders with relevant expertise be given access to draft treaty text under conditions of confidentiality during negotiations. The committee recommends that the government develop access arrangements for stakeholders representing a range of views from industry, civil society, unions, consumer groups, academia and non-government organisations.

The response is: 'The government does not accept this recommendation.' We are led to believe that it is all working very successfully, but the reality is: we are unable to measure gains made in previous treaties over the last century; we are unable to see an analysis of prospective gains to be made during the course of the agreement; and stakeholders tell us that they are not consulted. The government says there is plenty of opportunity for consultation. I think the reality is that all Westminster systems give the executive the power to make treaties. All this report was trying to say was: 'We can make better treaties; we can make more inclusive treaties; we can do better evaluations of treaties, prospectively and retrospectively. Bring everybody into the tent and let's all go forward together.' It would appear that this title, Blind agreement, is absolutely accurate. There is no shortage of NGOs and industry groups who say they would like to have more visibility, more input. They will sign whatever confidentiality agreements they need to to have more input.

The only ones who are happy are the department. They are the only ones who are happy. And I think the other side are very happy, because history has allowed them to conclude years, and in some cases a decade, of hard work by various governments on the Japanese
economic partnership agreement, the Korean free trade agreement, the China free trade agreement and the Trans-Pacific Partnership. The stars have aligned, if you like, for Minister Robb, and he is bringing those agreements to fruition. But I think it is time we actually went back to basics, used some common sense and accepted some of the recommendations that are in this report. I think they are fundamentally fair. They are just logic. They are common sense. There is no downside. We are not seeking to take away the executive prerogative under the Westminster system. We are just seeking to take the parliament and the people of Australia along for the ride so they can understand what is actually being negotiated.

Finally, you can look at what happened in Auckland—or Wellington or wherever it was—in New Zealand today about the Treaty of Waitangi. A number of groups were protesting. At what should have been a celebration of a great agreement, we had a protest. *(Time expired)*

Debate interrupted.

**COMMITTEES**

**Consideration**

The following orders of the day relating to committee reports and government responses were considered:

Education and Employment References Committee—Access to real learning: the impact of policy, funding and culture on students with disability—Report. Motion of Senator McKenzie to take note of report called on. On the motion of Senator McEwen the debate was adjourned till the next day of sitting.

Economics References Committee—Australia's innovation system—Report. Motion of Senator Carr to take note of report called on. On the motion of Senator McEwen the debate was adjourned till the next day of sitting.


Foreign Affairs, Defence and Trade References Committee—Australia's relationship with Mexico—Report. Motion of Senator Back to take note of report called on. On the motion of Senator Smith the debate was adjourned till the next day of sitting.

Economics References Committee—Future of Australia's automotive industry: Driving jobs and investment—Report. Motion of Senator Carr to take note of report called on. On the motion of Senator McEwen the debate was adjourned till the next day of sitting.

National Disability Insurance Scheme—Joint Standing Committee—Implementation and administration of the National Disability Insurance Scheme—Progress report. Motion of Senator Gallacher to take note of report called on. On the motion of Senator McEwen the debate was adjourned till the next day of sitting.

Education and Employment References Committee—Getting our money's worth: the operation, regulation and funding of private vocational education and training (VET) providers in Australia—Report. Motion of Senator Carr to take note of report called on. On the motion of Senator McEwen the debate was adjourned till the next day of sitting.

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**CHAMBER**
Rural and Regional Affairs and Transport Legislation Committee—Shipping Legislation Amendment Bill 2015 [Provisions]—Dissenting report from Opposition senators. Motion of Senator McEwen to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

Community Affairs References Committee—Availability of new, innovative and specialist cancer drugs in Australia—Report. Motion of the chair of the committee (Senator Siewert) to take note of report called on. On the motion of Senator McEwen the debate was adjourned till the next day of sitting.

Health—Select Committee—Australian Hearing: too important to privatise—Third interim report. Motion of the chair of the committee (Senator O'Neill) to take note of report called on. On the motion of Senator McEwen the debate was adjourned till the next day of sitting.

Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru—Select Committee—Taking responsibility: conditions and circumstances at Australia's regional processing centre in Nauru—Report. Motion of Senator Gallacher to take note of report called on. On the motion of Senator McEwen the debate was adjourned till the next day of sitting.

Community Affairs References Committee—Out of home care—Report. Motion of the chair of the committee (Senator Siewert) to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

Finance and Public Administration References Committee—Domestic violence in Australia—Report. Motion of Senator Gallagher to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

Economics References Committee—Future of Australia's naval shipbuilding industry: Long-term planning (part 3)—Report. Motion of Senator McEwen to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

Foreign Affairs, Defence and Trade References Committee—Use of unmanned air, maritime and land platforms by the Australian Defence Force—Report. Motion of the chair of the committee (Senator Gallacher) to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

Community Affairs References Committee—Adequacy of existing residential care arrangements available for young people with severe physical, mental or intellectual disabilities in Australia—Report. Motion of the chair of the committee (Senator Siewert) to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.


Legal and Constitutional Affairs References Committee—Ability of Australian law enforcement authorities to eliminate gun-related violence in the community—Report. Motion to take note of report called on. On the motion of Senator McEwen the debate was adjourned till the next day of sitting.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Seselja) (19:05): Order! I propose the question:

That the Senate do now adjourn.

Cambodia

Senator REYNOLDS (Western Australia) (19:05): Last month I had the extraordinary privilege of spending a week in Cambodia with five of my parliamentary colleagues from the House of Representatives. The visit was designed for us to visit a wide range of development
programs funded by Australian aid. The visit was organised by Save the Children Australia, funded by the Gates foundation and supported by DFAT. It was my first visit to this amazing nation and it was both a rewarding and an inspiring one on so many levels. We visited a wide range of urban and rural programs being delivered by many different international organisations, all of which are funded by Australian aid. They included World Vision, CARE, PLAN, Hagar, ChildFund and of course our hosts, Save the Children.

Cambodia endured incomprehensible atrocities under the Khmer Rouge regime, which deconstructed their entire society and massacred millions of their citizens. After Pol Pot’s victory, cities and towns were abandoned, religion was suppressed and the entire urban population were sent to the countryside to work as farmers. Agriculture was collectivised, and the surviving parts of the industrial base were either abandoned or placed under state control. Cambodia had neither a currency nor a banking system. So it is utterly astonishing that this country is rebuilding itself so quickly and harmoniously given not only the anger, bitterness and trauma experienced by those who survived the Pol Pot regime but also the fact that millions of children grew up working on farms, malnourished, without the love, care and support of families and of parents and they received little or no formal education or trade training. But most amazingly it is this traumatised but forgiving and highly determined generation that is now working hard for reconciliation and to ensure their children are educated and are reconciled with their communities in order to completely rebuild their nation. It would have been so understandable and so much easier for this generation to have perpetuated and fostered hatred, fostered bitterness and fostered a desire for revenge in the next generation. Instead, this most extraordinary generation of Cambodians, who survived the most unimaginable horrors, are focusing on educating their own children, on rebuilding their families, on their local communities and most of all on building a new nation. It is an absolutely wonderful reminder of the triumph of the human spirit in the face of unimaginable horrors.

Today, the sustained annual growth—currently 7.1 per cent per annum—is clearly evident in the rapid rate of development in Phnom Penh, the proliferation of building sites, the traffic gridlock all over the city, such things as the universality of mobile phones and the proliferation of the most inventive and ingenious motorbike based industries. But, like many countries facing significant rebuilding challenges, it is a country of contrasts. While there are many positive aspects to Cambodia’s transformation, politically and socially the nation is struggling with corruption—as evidenced by Cambodia’s ranking as 150th in the world on Transparency International’s Corruption Perceptions Index last year. Political freedoms are also restricted, as evidenced by the fact that the leader of the opposition, and other opposition members, are currently in voluntary exile overseas.

Similarly in other areas of contrast, at the same time that the gap between the rich and the poor is growing, more and more Cambodians are being progressively elevated out of poverty. Encouragingly, more and more children are receiving and completing formal education. Public health campaigns such those on important things like immunisation, family planning and HIV-AIDS are making significant inroads right across the country. But there is still so much more to be done.

As a member of the Joint Standing Committee on Foreign Affairs, Defence and Trade I was impressed, and I was greatly heartened, by what I saw as a seismic shift in Australia’s

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approach to the delivery of aid. Gone were the last vestiges of paternalism, of Australia perceiving a problem in a poor community overseas and then imposing on it what we think is the right solution for them. In the place of paternalism we saw genuine mutual respect, consultation, friendships and collaboration between government, the community and the agencies all working together with a common goal of empowering individuals and communities. And most pleasing of all was to see that they all had their final aim as making the programs themselves redundant.

By all parties working together, the results across all of the programs we had a look at were very clear to see. Right across Cambodia we met many extraordinary and inspirational young men and women, often from the poorest and most disadvantaged communities, who were all working hard in their own ways, in their own fields, to educate themselves, to learn trades and then to seek employment. They were not looking for handouts. They really were just looking for that hand-up to get them to school, to technical college or to university and to find a job in a safe workplace not only so that they could look after themselves but also now to support their extended families.

For example, Australian aid supports hundreds of youth groups in rural communities in which young Cambodians are not only forging new relationships with each other and their own families but also rebonding local communities. In fact, this generation is now using what they learn to educate and support their parents on issues their parents never had the opportunity to learn under the Pol Pot regime and post-regime—things such as new farming practices, the perils of domestic violence and why domestic violence is wrong, the importance of hygiene and rubbish collection, and indeed civic pride itself. Young Cambodians are also very well represented on local commune councils, which prioritise local community councils and allocate funds to them. In these projects and in these communes, young Cambodians genuinely have a voice.

One disturbing aspect for me—perhaps the most disturbing aspect for me on this trip—was that, while Australian government aid programs have shaken off a well-intentioned but very paternalistic approach to aid and have transitioned to empowerment projects, unfortunately it was very clear that this shift has not fully transitioned to the well-meaning but often counterproductive aid support provided by Australians who travel there to help in orphanages and do other residential care based programs. It is a really puzzling thing, because the negative impact of residential care on the physical and emotional wellbeing of young people is very well known. We have known that here for many years in Australia through royal commissions et cetera. We know that residential care always has to be the last option for young children, so it is puzzling as to why so many Australians go over to Cambodia and other countries to help perpetuate residential care away from children's parents and their communities.

Overseas donors are the main funders of residential care for children in Cambodia, where a wide range of community based care programs supported by the government and reputable aid agencies are available and are far preferable alternatives. Sadly, too many of the children in these so-called orphanages are exploited by the operators to emotionally manipulate donors into funding what is now a big business. I am sure it would horrify most Australians who support these so-called orphanages that in fact three out of four of the children in these facilities are not orphans at all. They actually have at least one living parent. Instead, these
operators, as a big business, now con, cajole, pay or blackmail parents into releasing their children to these facilities, and often parents believe these promises of education. They become part of what UNICEF has called 'voluntourism' that attracts well-intentioned and compassionate travellers. The message from the ChildSafe campaign is very stark: children are not and should never be tourist attractions. We know the damage it can do, and I would ask that any individual, group or community group going to Cambodia do their due diligence and look for community based alternatives that support families and communities in situ in their local communities.

My sincere thanks to Save the Children—who organised and delivered a wonderfully educational and eye-opening program—for inviting me to participate. Thanks to my colleagues, whose company I greatly enjoyed, and a heartfelt thanks to Bill and Melinda Gates who funded this program through the Gates Foundation. Finally, my thanks to DFAT and our wonderful ambassador Alison Burrows, who did an exceptional job. (Time expired)

Queensland: Drought

Senator LUDWIG (Queensland) (19:15): Tonight I rise on this occasion to inform the parliament about the dreadful drought that has hit rural Australia, particularly in areas across my state of Queensland. People should not take too much from this but we have seen on the news that, in the last 24 hours, there has been some relief of the drought conditions, particularly around places like Urandangi and Dajarra. But it remains the case that that area has been in awful drought for over three years now and, while some rain provides some relief, it does not resolve all of the issues that drought brings.

People in these communities have suffered from floods, to drought, and now floods again. We only have to go back a short while to recall the floods right across Queensland. Cyclone Yasi that followed those floods and since then there has been a very long dry spell. At that time the water came quickly and has left a path of devastation and has done that again. Queensland does tend to be a state where you have extremes. Our thoughts are with those loved ones who are missing and those who will spend the next few days and weeks salvaging their belongings and starting again in spite of the harsh conditions that they face.

Despite this rain, much of the state remains in drought. Drought is nothing new to Queenslanders, but this has been one of the worst in recorded history, stretching into its third year. The Queensland Department of Agriculture and Fisheries declared drought in 36 council areas, with an additional five part-council areas and 40 individual properties added to the list. This represents over 80 per cent of the state. To put that in context, this is an area over five times the size of Great Britain.

The Queensland government has commissioned the Rural Debt and Drought Taskforce to consult with Queensland farmers and drought affected communities and to produce recommendations for a response to this issue. I commend them in their valuable work. Some of the personal stories that came out of these consultations have, quite frankly, been heart-wrenching. People have driven for hours to attend the meetings and tell policymakers just how bad the situation is. In Ayr, the task force met with some 40 farmers. Some broke down in tears while speaking of the effects the drought was having on their families and their livelihoods. The values of their properties have been reduced by up to 30 per cent, which has follow on effects that I will briefly discuss shortly.
The stories from other forums have been similar to those heard by the task force in Ayr. In Dalby, Kevin Hoff told the task force that he was receiving $121 a fortnight in farm assistance. When going to buy a modest $38 worth of groceries to feed his family for the week, he was told that he did not have enough money. At a time when globally, interest rates are at record lows, Kevin’s bank informed him that his interest rates were going to be raised to over 16 per cent. He received a foreclosure notice just before Christmas. Many farmers have received similar letters from their financial institutions and are now falling further and further behind in their repayments. Others told the task force that each year they cannot produce a crop, more and more of them will be forced off their farms or face that prospect. Some of these farms have been in the families for many generations, and the distress caused by this occurrence is clear.

The data so far is supporting the stories that these farmers have told. A research economist with the Rural Drought and Debt Taskforce, Ben Reece, has calculated that rural debt in Australia has climbed to $60 billion dollars. AgForce, a peak organisation that lobbies on behalf of primary producers, surveyed their membership and found two-thirds of them felt that this is the worst drought they had ever experienced from a financial point of view—with 11 per cent saying that their debt had more than doubled since the drought began.

Banks have made large debt-to-equity loans to farmers who, as a result of the GFC and the drought, now find that they are insolvent due to the falling value of their land and the higher interest rates banks are demanding to recoup the equity gap. On top of this, many banks have placed confidentiality clauses into the loans so that the task force cannot even be fully informed of just how widespread this problem is. The behaviour of some of these banks is truly disheartening. I would hope all of us in this place could call upon the banks to review their policies and processes to ensure these people are given a fair go when times are tough; that their plight is not compounded by our country’s trusted financial institutions; and that they are not making it hard while these people are trying to work through some very difficult circumstances.

Australia exports about 70 per cent of the food we produce. We are helping to feed many overseas but, if we keep losing farms and farmers, eventually we will find that it becomes not a chosen profession by those who spend a significant amount of their time, energy and money creating wealth in food.

Those living in regional towns have not been spared the damage from the drought. With the local farmers unable to generate an income, they are unable to buy the goods and services that are provided by these towns. Local shops have felt the brunt of this as well. So in these areas where drought is prevalent and has been prevalent for a number of years, the community effects are spread wide and far.

The town of Quilpie has had to commence a kangaroo cull as the starving animals come closer and closer to town looking for green pick and water. Trucks have been known to hit them on the main street as they pass through town during the night. All of this adds up to a pretty bleak picture for those who are living in the town, who rely on the town for its services and who also support the town with their purchases.

I would like to take this opportunity to commend the generosity and tireless work done by the Burrumbuttock Hay Runners. These men and women with 120 trucks delivered 5,000 bales of hay from Darlington Point, New South Wales, to Western Queensland—a journey of
1,800 kilometres. The hay, fuel and time were all donated by people who just wanted to help. It was the tenth time that this event had been organised and, as a Queenslander, I say to them, ‘Thank you for the work that you do’.

Without rain, however, those living in rural and remote Queensland are going to need more than hay to survive. What we do need is for the task force to spend its time and energy looking for solutions to assist rural communities, which do not generally ask for much. Generally rural communities get on with life, get on despite the hardships; they endure some pretty tough times. However, in this instance it is cognisant for the task force to take an interest, to look into it rather than wait for the rural people to put their hands up. These are very proud people. What the federal government ought to be doing is working with the task force; the agriculture minister ought to spend a bit of time with the task force to investigate ways to assist and provide measures to help those drought affected people in Queensland through a very difficult time. And, by and large, also keep a pretty close and watchful eye on the banks and the practices that they are now undertaking in rural Australia.

What we want to be able to do is find a pathway forward for them through these difficult times of drought in Queensland. The longer I live, the more droughts I see and the more floods I see that follow them, so there is likely to be good news at some point in the future for rural communities, but to be able to sustain them they do need the opportunity of being there, being viable and having the ability to recover after a sustained drought such as this. In that instance, we do need to spend a little bit more time with the federal government talking to the Queensland government and talking to the task force to see what can be done.

Coal Seam Gas

Senator RHIANNON (New South Wales) (19:25): Today, 4 February 2016, is a historic day. It is a historic day for climate action; it is a historic day for steering Australia to a fossil fuel free future; it is a historic day for creative and courageous direct action. AGL, the second largest energy retailer in Australia, has pulled out of coal seam gas operations across this country. In one centre, Gloucester, AGL planned 330 wells alone. Now many in the business reports will attribute this to the slump in oil and gas prices. Yes, that has a role—I am not denying it—but the key driver that has pushed AGL to walk away from an industry that its US CEO, Andrew Vesey, has described as ‘potential investment of $1 billion’ is a range of organisations and individuals who today have taken their place in the rich protest history of this country. I very warmly congratulate Julie Lyford, a former mayor, and all the rest of the Groundswell Gloucester crew, who have done a most amazing job to take the great wonder and the beauty of Gloucester to the rest of Australia and even further. Then there are other fantastic organisations: Manning Clean Water Action Group, Knitting Nannas, Lock the Gate, the Gloucester Project, and my own colleagues—Greens Senator Larissa Waters and Greens New South Wales MP Jeremy Buckingham—have all played a significant role. Community direct action has been the key.

In saving the beautiful Gloucester Valley in New South Wales, Groundswell Gloucester, Lock the Gate—all of those people who have been on the front line there have made a huge contribution not just in saving Gloucester but also in actually putting it on the table that CSG has no place anywhere in Australia. The people of Gloucester and their supporters did not stand aside for mining companies to make a profit. They have protected their vibrant rural communities, and I am very proud that I was able to join them on their picket line. My next
Gloucester visit was due on 13 February this year for another stage in the protest—a fantastic weekend of music, a whole lot of creative activities and also a walk through Gloucester to amplify our combined voices for no CSG. I imagine now that will be a most fantastic celebration, a celebration of all that is so wonderful about Gloucester.

As AGL licks its wounds, it has decided the right thing to do—obviously within its four walls, the board of that company would be doing some tough talking. But it has left. Our attention now needs to shift to Santos, the last CSG company operating in Australia. And they are operating not too far from here, in New South Wales. Santos plans to build gas fields across the Gunnedah Basin of north-west New South Wales. In this case, it would see 850 coal seam gas wells constructed through the Pilliga forest, the largest inland forest left in eastern Australia. Now that is simply unacceptable. It is scandalous; it is vandalism.

Senator Edwards interjecting—
Senator Bushby interjecting—

Senator RHIANNON: The writing is on the wall for this unscrupulous company. Its quest for coal seam gas in the Pilliga has been hit with over 20 pollution scares, including groundwater contamination, waste spills and leaks from evaporation ponds. It has got it so wrong it clearly, for those local environmental reasons alone, let alone the impact on runaway climate change—

Senator Edwards interjecting—
Senator Bushby interjecting—

Senator RHIANNON: this industry should close. Santos should follow AGL and just get out of this industry.

Senator Edwards: Oh, Lee!

Senator RHIANNON: I notice the interjections there. There is a fossilised approach to this industry. It is not surprising from the coalition benches, but considering it is 2016, considering the evidence before us and considering all the extreme weather events that we have had lately, from the terrible fires in Tasmania to the extreme floods to the extraordinary period at Christmas—there was one day when New York in wintertime had a higher temperature than we did in Sydney, when it was our summertime; yes, we had a cold summer and they were having a hot winter, but that is just totally out of whack—again, what a reminder that is to the interjectors from the coalition benches.

This Pilliga project that Santos is trying to push ahead with has been delayed many times and delayed because of some fantastic, well-organised protests by the Pilliga Push—and what a fantastic name. This project is really on its last legs, with all those problems that I have just outlined, and it has been held up regularly by many nonviolent actions. And they have the backing of the local rural community. Surveys have found that 96 per cent of people living across more than three million hectares of land in north-west New South Wales want to be gas field free. Again, what a strong message! Wouldn't a wise government give it the boot? Wouldn't a wise company looking to its own business model and how it is going to stand with its own community get out of this dirty industry?

I just want to share with you some of the many creative actions, and these are just some of hundreds that have occurred in the Pilliga Push and the many protests to date. On this day, for
a couple of women who I will give you the details about, their protest started at 5 am. They are two local women: Nicole Hunter, mother of three and small business owner, and Michelle Webb, a sixth-generation farmer and agriculture teacher. They set off, and they each travelled for more than an hour to lock on by 6.30 am using bike U-locks around their necks. Nicole locked on to the gates of the proposed Leewood waste water facility, and Michelle locked on to the Santos's Narrabri holding depot. That day, with the support of a fantastic group of people who were there to give them assistance, they delayed the Narrabri CSG project operations for more than four hours.

These are rolling protests that are occurring under very difficult conditions. If you go to the Pilliga, you will see how Santos is attempting, with the support of the New South Wales Liberal-National government and the federal Liberal-National government, to turn this into an industrial landscape which is crisscrossed with wells, wells that we now know are leaking gas. They are leaking contaminated water. There are spills—highly irresponsible operations. A decade ago it was Eastern Star that was there; Santos used to be part of Eastern Star. The industry then was highly unregulated, real cowboy country. They got away with a whole number of spills. When you go to the area, you see the spills. There are holes in the ground. No trees grow there. No trees grow there, because of the level of contamination, again a reminder of how dangerous this industry is.

That is why Nicole, Michelle and their support team were out there in the early hours of the morning under difficult conditions taking a stand. That is what is pushing this industry, in the case of AGL, to its senses. And now Santos are the last one standing, and they need to move in a similar way.

I also want to pay tribute to Neil Kennedy, a local farmer. I understand that he is about 200 kilometres west of the Pilliga forest area, and he also has locked on to a blockade. He has a very funny story about when he was picked up by the local police, who arrested him because he was locked on. These are people who you would not expect to protest in this way. Often people who protest have been typecast, but this is a broad range, a diverse group of people. Why are they taking action? They are taking action because they can see for themselves the damage that has been done to farming land and to the natural environment, and there are the climate change impacts. They have had the courage of their convictions, and I deeply congratulate them.

We now know that the risks of coal seam gas have been so well documented. They have been documented in terms of the damage to the land, to the soil; the contamination; the damage to our water reserves and to people themselves. People report the skin rashes. There could be possible carcinogenic impacts. There are a whole range of problems. There are many unknowns with how this industry is conducted. It is excellent news today that AGL has moved out of the industry. The pressure—and it will be unrelenting—is now on Santos to move on. I congratulate all those who achieved the end of AGL and saving Gloucester and many other areas. Now we will save the Pilliga.

Automotive Industry

Senator EDWARDS (South Australia) (19:35): I rise tonight to talk about an issue going on in my home state of South Australia, an issue of vehicle building, car making or whatever you would like. As you would understand—and you have been involved in the political theatre for long enough to know—this is a very sensitive issue, Mr President. I must say that
we have all been excited by talk of Punch Corporation's prospective buyout of GMH in Adelaide, a plant scheduled to close next year with the loss of thousands of direct and indirect jobs. It is early days in the context of any such arrangement, and I understand that no formal offer has yet been formulated. And, in the event that there is likely to be, there will be many considerable hurdles to overcome. Therefore, I urge restraint. It would be very unfair—and I repeat: very unfair—to build up false hope among the workforce and to have that dashed, all because political opportunists in this place irresponsibly inflate community expectations in order to improve their own stocks in the electorate.

I have had the opportunity to visit Adelaide's Holden plant a number of times, and I have seen firsthand the various systems involved in a highly complicated process of automotive manufacturing. The workers at the GMH plants, both in Adelaide and in Melbourne, know this only too well.

All of these systems have specific intellectual property, and intellectual property is a valuable currency—as you are well aware, Mr President—for a business like General Motors. We know that when General Motors sold Saab, they certainly did not relinquish their intellectual property and it is hard to envisage them giving it away at this time here in Australia.

I urge caution because I do not see a way that General Motors would grant intellectual property associated with their Zeta vehicle, which I understand will continue to be used in a number of other Holden products, to what is after all a global competitor. We have to understand that companies guard their IP because without it they would struggle to compete. It would be hard to imagine Apple, for example, licensing out their intellectual property for an older, superseded iPhone just as it would be hard to imagine Toyota licensing out their hybrid engine technology to a competitor. For Punch Corporation to develop future IP for themselves, it would cost billions of dollars.

The autosupplier base is already beginning to shut down and will accelerate when Ford closes in October. Resurrecting that and ensuring stable supply for the low volumes Punch Corporation would ultimately want to build would be difficult in the extreme.

We have to consider that three of the biggest global automakers, with all of their expertise and experience, were unable to make car manufacturing in Australia work and to profit from it in today's trade and economic environment. In 2005, Holden sold 90,000 Commodores in Australia. Last year, that number had declined to about 34,000 vehicles and the large-car segment continues to shrink after a decade of market fragmentation.

Now, while Punch Corporation might successfully make transmissions in another country, successfully building cars is an altogether different proposition, so is distributing them, marketing them, selling, servicing and repairing them. Another perhaps underappreciated challenge is the capacity to offer proper warranty protection and the capacity to financially back any recall that might occur in the future.

Such a venture by Punch Corporation relies on it delivering extensive expertise and financial capacity if it is to succeed where such eminent others have not. This is a complex business and we must not understate the challenges any proposal would face. I join with South Australian Premier, Mr Weatherill, in acknowledging that while this is a proposition we
must take seriously, it nonetheless seems unlikely, and we must remain realistic in order to avoid giving Holden workers false hope.

Mr President, you come from a state like mine which is challenged economically. That is why I have put forward a proposal to the South Australian nuclear fuel royal commission. That is something that I feel strongly about, that will propel South Australia's economic future. I find it somewhat sad when I see parliamentarians from this chamber politicising and, maybe, cruelly raising expectations of things which are infinitely complex and are of a global scale. So I urge caution and I give that message to the people of South Australia. When somebody comes to town with gifts of riches and other, we should be cautious. We should be careful to evaluate the message and to evaluate the business proposition.

At this stage, South Australia is surely in a state where it wants to know that it can prosper and it is somewhat desperate to know that it can do it in industries which it has been involved in. But I urge caution. I wish everybody luck in the talks with it. I will provide my shoulder to the wheel. However, I urge politicians in this place to not leverage that on the basis of an electoral environment which is needy in the extreme.

**Additional Estimates 2015-16**

The PRESIDENT (19:42): I remind honourable senators that legislation committees will meet to consider estimates, commencing on Monday, 8 February, at 9 am. Program details will be published on the Senate website.

**Senate adjourned at 19:43**

**DOCUMENTS**

**Tabling**

The following documents were tabled by the Clerk pursuant to statute:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]

*Defence Act 1903—Section 58B—Post indexes—amendment—Defence Determination 2016/2.*

*National Health Act 1953—National Health (Highly specialised drugs program) Special Arrangement Amendment Instrument 2016 (No. 1)—PB 5 of 2016 [F2016L00076].*

*Parliamentary Service Act 1999—Parliamentary Service (Remuneration) Amendment (Clerk of the Senate) Determination 2016.*

**Tabling**

The following documents were tabled by the Clerk pursuant to order:

Departmental and agency appointments and vacancies—Additional estimates 2015-16—Letters of advice pursuant to the order of the Senate of 24 June 2008—

Attorney-General's portfolio.

Education and Training portfolio.

Industry, Innovation and Science portfolio.

Departmental and agency grants—Additional estimates 2015-16—Letters of advice pursuant to the order of the Senate of 24 June 2008—

Attorney-General's portfolio.

Department of Education and Training.
Department of Social Services.
Industry, Innovation and Science portfolio.
National Health and Medical Research Council.

Estimates hearings—Unanswered questions on notice—Budget estimates 2015-16 (Supplementary)—Statements pursuant to the order of the Senate of 25 June 2014—
Agriculture and Water Resources portfolio.
Environment portfolio.
Industry, Innovation and Science portfolio.