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SITTING DAYS—2014

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- PERTH     585AM
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FORTY-FOURTH PARLIAMENT
FIRST SESSION—FOURTH PERIOD

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

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

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

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<td>Abetz, Hon. Eric</td>
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<td>Birmingham, Hon. Simon John</td>
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Pursuant to section 42 of the Commonwealth Electoral Act 1918, the terms of service of the following senators representing the Australian Capital Territory and the Northern Territory expire at the close of the day immediately before the polling day for the next general election of members of the House of Representatives

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<td>Peris, N.M.</td>
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(1) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice R. Carr), pursuant to section 15 of the Constitution.

**PARTY ABBREVIATIONS**

AG—Australian Greens; ALP—Australian Labor Party;
AMEP—Australian Motoring Enthusiast Party; CLP—Country Liberal Party;
DLP—Democratic Labour Party; FFP—Family First Party; IND—Independent,
LDP—Liberal Democratic Party; LNP—Liberal National Party; LP—Liberal Party of Australia;
NATS—The Nationals; PUP—Palmer United Party
Heads of Parliamentary Departments
Clerk of the Senate—R Laing
Clerk of the House of Representatives—D Elder
Secretary, Department of Parliamentary Services—C Mills
Parliamentary Budget Officer—P Bowen
## ABBOTT MINISTRY

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<tr>
<td><strong>Prime Minister</strong></td>
<td>The Hon Tony Abbott MP</td>
</tr>
<tr>
<td><strong>Minister for Indigenous Affairs</strong></td>
<td>Senator the Hon Nigel Scullion</td>
</tr>
<tr>
<td><em>Minister Assisting the Prime Minister for the Public Service</em></td>
<td>Senator the Hon Eric Abetz</td>
</tr>
<tr>
<td><em>Minister Assisting the Prime Minister for Women</em></td>
<td>Senator the Hon Michaelia Cash</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary to the Prime Minister</strong></td>
<td>The Hon Josh Frydenberg MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary to the Prime Minister</strong></td>
<td>The Hon Alan Tudge MP</td>
</tr>
<tr>
<td><strong>Minister for Infrastructure and Regional Development</strong></td>
<td>The Hon Warren Truss MP</td>
</tr>
<tr>
<td>(Deputy Prime Minister)</td>
<td>The Hon Jamie Briggs MP</td>
</tr>
<tr>
<td><strong>Minister for Foreign Affairs</strong></td>
<td>The Hon Julie Bishop MP</td>
</tr>
<tr>
<td><strong>Minister for Trade and Investment</strong></td>
<td>The Hon Andrew Robb AO MP</td>
</tr>
<tr>
<td><em>Parliamentary Secretary to the Minister for Foreign Affairs</em></td>
<td>Senator the Hon Brett Mason</td>
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<tr>
<td><strong>Minister for Employment</strong></td>
<td>Senator the Hon Eric Abetz</td>
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<tr>
<td>(Leader of the Government in the Senate)</td>
<td>The Hon Luke Hartsuyker MP</td>
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<tr>
<td><em>Assistant Minister for Employment</em></td>
<td>The Hon Eric Abetz (Leader of the House)</td>
</tr>
<tr>
<td>(Deputy Leader of the House)</td>
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<tr>
<td><strong>Attorney-General</strong></td>
<td>The Hon George Brandis QC</td>
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<tr>
<td><strong>Minister for the Arts</strong></td>
<td>The Hon George Brandis QC</td>
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<tr>
<td>(Vice-President of the Executive Council)</td>
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<tr>
<td>(Deputy Leader of the Government in the Senate)</td>
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<tr>
<td><strong>Minister for Justice</strong></td>
<td>The Hon Michael Keenan MP</td>
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<tr>
<td><strong>Treasurer</strong></td>
<td>The Hon Joe Hockey MP</td>
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<tr>
<td><strong>Minister for Small Business</strong></td>
<td>The Hon Bruce Billson MP</td>
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<td><em>Acting Assistant Treasurer</em></td>
<td>Senator the Hon Mathias Cormann</td>
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<tr>
<td><em>Parliamentary Secretary to the Treasurer</em></td>
<td>The Hon Steven Ciobo MP</td>
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<tr>
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<td>The Hon Barnaby Joyce MP</td>
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<td><em>Parliamentary Secretary to the Minister for Agriculture</em></td>
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<td>The Hon Christopher Pyne MP</td>
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<tr>
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<td>The Hon Paul Fletcher MP</td>
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<td><strong>Minister for Health</strong></td>
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<td><strong>Minister for Sport</strong></td>
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<tr>
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<tr>
<td>Minister for Veterans’ Affairs</td>
<td>Senator the Hon Michael Ronaldson</td>
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<tr>
<td>Minister Assisting the Prime Minister for the Centenary of ANZAC</td>
<td>Senator the Hon Michael Ronaldson</td>
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<tr>
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<tr>
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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.
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CHAMBER
The PRESIDENT (Senator the Hon. Stephen Parry) took the chair at 9:30, read prayers and made an acknowledgement of country.

COMMITTEES

Joint Select Committee on Northern Australia

Meeting

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (09:31): by leave—I move:

That the Joint Select Committee on Northern Australia be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, as follows:

(a) today, from 3.30 pm to 5.30 pm; and
(b) Thursday, 28 August 2014, from 11.15 am to 12.30 pm.

Question agreed to.

BILLS

Land Transport Infrastructure Amendment Bill 2014

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (09:31): I welcome the opportunity to speak on the Land Transport Infrastructure Amendment Bill. Building infrastructure for the long term can be truly transformative for an economy. It can deliver productivity gains that create jobs and make us a better country.

Labor has a proud record in this area. After the stagnant years of the Howard government, it was Labor that turned infrastructure investment around. Current levels of government infrastructure investment have not been so significant since the 1980s. From 2008-09 up to the last financial year, the Nation Building Program expended a record $36 billion, with a strong focus on the nation's roads, rail and intermodal terminals. We are now ranked No. 1 in the OECD for infrastructure investment as a proportion of the economy, after languishing in the rankings during the Howard years.

Much of the government spending on economic infrastructure is framed by the Nation Building Program (National Land Transport) Act. This bill relates to the majority of federal infrastructure spending on road, rail and intermodal projects. Under Labor, around $6 billion per year flowed through this act to fund land transport projects. The bill as proposed does not represent ambitious change. It is more a pedestrian rearrangement and updating of certain aspects of the existing act.

Labor support continued funding for the Roads to Recovery program beyond mid-2014, but we expect that this program will be subject to rigorous audits to ensure value for money and indeed that this funding adds to existing roads funding rather than displaces funding already available at the local level.
It is important to note that Labor allocated funding for the Roads to Recovery program for five years in the 2013 budget. This funding totalled $1.75 billion. Despite this fact, the coalition has tried to wage a ham-fisted scare campaign about a threat to Roads to Recovery because Labor wants to make this bill better. Labor fully backed Roads to Recovery, without freezing the indexation of financial assistance grants or otherwise stripping the local governments of much-needed funds.

Senators should be aware that this bill passed the other place on 24 March. A Senate committee reported on this bill at the same time. Despite the claimed urgency to extend the Roads to Recovery program, this bill has not come before the Senate once since then—not at all. Of claimed urgency, it passed the House of Representatives in March but has not turned up till today. It has languished for 155 days. This delay is of the government's own choosing. Frankly, the only threat to Roads to Recovery is the coalition.

Let us not forget about the indexation freeze to financial assistance grants to councils, announced in this year's budget, which will continue every year as far as the eye can see. It will effectively wipe out the entire size of the $350 million per annum of the Roads to Recovery budget. So what Mr Tony Abbott gives with one hand he is taking away with the other. He promises increases in one place but takes more than that away in another place.

Local government is justifiably up in arms about this savage and, not surprisingly, unflagged cut. It was not mentioned before the election. But this cut will impact most on regional and rural councils—the very councils with the highest road maintenance burden. And where are our National Party colleagues? The lapdogs, the doormats—they are at it again. They are going to come into this chamber and once again going to vote to disadvantage regional, rural and country voters. They are a sad and sorry reflection of what was once a great party that actually argued for its own constituents. They talk big back home but then they come into the big red and green chambers and just roll over on their backs and let the Liberal Party tickle their tummies. With cut after cut after cut, whether it is to roads, broadband networks, health, or, more importantly, education for rural kids, they roll over on their backs and let the Liberals tickle their tummies. And what is more distressing is that the government appears even to be successful in tickling the tummies of a few of the crossbench senators. That is what is really disturbing about this debate today.

Senator McKenzie: I find the 'tickling the tummies' very disturbing!

The PRESIDENT: Order! Senator Conroy has the call.

Senator CONROY: Then one should object to it when it is done to one! So much for the Nationals and the coalition wanting to help the bush. It is another important regional issue, another example of the National Party rolling over and failing to stand up for the people they say they represent.

Other changes the government is seeking in this bill include renaming the act to take out the phrase 'nation-building', adding new types of eligible projects and funding recipients and repealing some spent acts. Labor is concerned that the renaming of the program could incur additional costs—for instance, in terms of signage. Why do you want to now have a new name and get all these new signs made just out of your own political vanity? 'We want to call it a new name, spend taxpayer's dollars and change all of the signs just so we can have our name on it rather than the original name.' We hope the assurance that the minister has given is
that this will not be the case, but we will be watching. If new signs start popping up and taxpayers have their money wasted simply for the government’s vanity and ego, we will be holding them to account.

Who can possibly object to the term ‘nation building’? What is the problem? Why do you need to go down such a pathetic, puerile, juvenile path? The coalition, though, I suspect is most likely worried about the term ‘nation building’, because it has always been associated with Labor. We are proud of that fact. Labor has a long, proud tradition of building this nation and its infrastructure and we will continue to do so into the future. Nation building is what Labor does—a vision in the long-term interest of our country instead of the short-term political interests which we see so much of from this new government.

Labor will be seeking to amend this bill in two important respects. Firstly, Labor will move to strengthen governance around project selection by elevating the role of Infrastructure Australia in advising on project benefits. Prior to approving individual projects under the act, the minister must have regard to the identified priorities and plans set by Infrastructure Australia and any advice it produces relating to the type of project being considered for funding. So, we do not want to give this to the National Party, the party of regional rorts programs, the party that enjoys nothing more than reaching into taxpayers’ pockets and spreading largesse in the form of pork-barrel grants to its mates around the country. Further—and I note this with some irony—for projects with a value of $100 million or more, the minister must obtain an evaluation of the project to Infrastructure Australia.

We have heard an awful lot from this government over the last few months—and it is especially poignant today—why we have got to have cost-benefit analyses. We have just spent millions of dollars paying Minister Turnbull's mates to do a shonky cost-benefit analysis so we can pretend that we have done one when we have already made the decisions. The minister wrote to the company and directed them as to what they were building in a broadband network before the outcome of the cost-benefit analysis. But, goodness me, what good luck we had: the analysis confirmed exactly what the minister told the company to do six months ago.

I do not even know why the government should be afraid of this particular amendment. Just hire Henry Ergas to do the cost-benefit analysis of these projects, and I am sure you will still get as many National Party pork barrels rolling out of this building as you ever had. Just pay Henry Ergas and you will get the outcome that the minister has predetermined.

This amendment makes the logical link to Infrastructure Australia’s role to provide advice on infrastructure and national priorities and the minister’s role to decide how to allocate scarce Commonwealth funds. Who could be opposed to that except a bunch of National Party pork barrellers, which the Liberal Party, when they tickle them in the tummy, agree to all the other atrocities to attack the living standard of ordinary regional and rural Australians but will give the MP a little bit of cash to splash around electorates so that it can pretend it is really representing their interests?

The government have sought to avoid this sensible amendment by proposing and claiming they want to put it in the Infrastructure Australia Act. Oh my goodness! They have actually said that that is where it should go. Make no mistake, Senators: the Land Transport Infrastructure Act is the sole enabling act that governs the terms under which the infrastructure minister can authorise expenditure of Commonwealth funds on roads and rail
projects. There is not a more appropriate place to put this amendment. Do not be fooled by the
government saying, 'No, no, we'll put it in a different act.' No other act does this—certainly
not the Infrastructure Australia Act. That has an entirely different purpose. The Infrastructure
Australia Act establishes a body of experts that provide advice to government on
infrastructure policy and projects.

IA looks at best practice project procurement. It looks at what the nation lacks and suggests
what it needs. It flags future needs. It assesses project value and flags emerging issues in the
sector. It has a primarily strategic focus.

However, it is the national land transport act that authorises payment of billions of dollars a
year to the states for actual projects such as the East West Link. As some of you would know
I live in Victoria and I am very familiar with the East West Link. The importance of this
amending legislation and the key reason this government does not want to support it is very
simple. Do not listen to what this government has to say. Follow the money, as they say in the
classics. The money trail out of this building on East West Link stage 2 is to Victoria.

At Senate estimates, we heard that Infrastructure Australia has classified this project in
Victoria as 'not ready to proceed'. It is no surprise to a Victorian who follows this, because
this is a project where the Victorian government have decided where they are going to dig a
road tunnel. They have decided: 'That spot right there is where we are going to start digging
this tunnel.' You might then ask: if a tunnel is being dug, where is it going to come up? Where
are you planning on bringing this tunnel up? The truth is that the Victorian government have
not made a decision about where they are going to bring the tunnel up. They have started
digging a tunnel and they do not know where it is going to come up.

Yet the federal government, for all their rhetoric of 'must have a cost-benefit analysis, must
do this,' is giving $1½ billion, from recollection, to the Victorian government for a road
project involving a tunnel, but they have not even decided where that tunnel will come up. So,
despite independent advice, the government said it would hand over this $1.5 billion to help
out the drowning Victorian government—I think my speech notes say 'struggling', but let me
assure you it is not struggling; this Victorian government is drowning. A New South Wales
man wrote that!

It is drowning—$1.5 billion for one end of a tunnel will not save the Napthine government.
The sum of $1.5 billion is being handed over for a project that Infrastructure Australia says is
not ready to proceed. Common sense would say to most Victorians that it is not ready to
proceed because they do not know where they are going to bring the tunnel up. But they have
now given this money and the work will not even start until Christmas next year. On what
basis do you give $1.5 billion for a project which is deemed not ready to proceed and in
respect of which they do not know where it will finish, 18 months in advance? There is a very
real reason the government will not accept this amendment and there is a very real reason why
this chamber should insist on this amendment.

Of the handful of new projects over $100 million in value announced by this government in
its budget of largely broken promises, we found out at estimates that no projects—none; not
one, not two, but a big round zero—have been properly assessed by Infrastructure Australia
prior to funding. That is yet another broken coalition promise. They made a big thing of this
before the election; they said: 'For any project over $100 million, we have to have a cost-
benefit analysis done by Infrastructure Australia.' So you take their feet, you put them to the
fire, and you say, 'Okay—now's the time to implement your policy; let's support this amendment.' Oh, no! As usual, this government treats infrastructure as nothing more than a pork-barrel re-election fund to parade around the country, claiming it is building for the future.

So you can understand how important strengthening governance is for this bill. For projects that are funded, this amendment will require the minister to publish details of the projects and include Infrastructure Australia's prior evaluation.

Infrastructure Australia has not even been able to assess East West Link stage 2 because the Victorian government has not given them more than one page of information on this proposal, described as high-level. It had to be bloody high to get away with just one page for $1.5 billion! That is not high level; that is up-in-space level!

So, overall, this amendment is vital. It strengthens governance—precisely what every major stakeholder in the infrastructure sector has called for in the current Productivity Commission inquiry into public infrastructure. These major stakeholders include the Business Council of Australia—

Senator RICE (Victoria) (09:52): Mr President, I begin by noting that this is not my first speech—you have got to wait until this afternoon for that!

The PRESIDENT: Thank you, Senator Rice.

Senator RICE: I rise to speak in support of the Land Transport Infrastructure Amendment Bill 2014, subject to some very important amendments. This legislation in itself is a series of amendments to the existing Commonwealth transport funding legislation. The further amendments which the Greens are proposing will include adding the criteria of transport integration and sustainability into the overall assessment of what projects get funded; legislating for funding to be provided for heavy vehicle safety and productivity measures; and, importantly, where funding for a project exceeds $50 million, requiring scrutiny by Infrastructure Australia and having transparency about the results of that scrutiny.

I am pleased to see that the legislation is neutral about the form of transport infrastructure being funded so that, as well as funding for roads, it makes provision for funding for rail, and for intermodal projects infrastructure, where freight gets transferred from road to rail and vice versa. This is refreshing, given the Prime Minister's irrational objection to federal funding of urban rail projects.

The Greens are also neutral about the form of transport infrastructure that should be funded. We are guided by overriding objectives of providing safe, cost-effective, environmentally sustainable and convenient transport that is accessible to all. What this means is that we support road projects that help provide safe, cost-effective, environmentally sustainable and convenient transport that is accessible to all. We also support passenger and freight rail and other transport projects which meet these criteria.

This legislation wraps up funding programs that I know well from my time in local government: the Roads to Recovery program, which has been talked about so much over the last week; black spot programs; and the nation-building program. These programs have funded essential local road-building and maintenance programs—absolutely critical infrastructure.
I note, however, that this legislation has been considered at the same time as local government is reeling from savage budget cuts to local government road funding. Here we are setting up a framework for land transport funding in the context of the government's $1 billion cut to Commonwealth Financial Assistance Grants. Regional councillors across the country have expressed their loud opposition to these cuts that will result in a decline in service delivery as well as road maintenance throughout the local government sector. The Municipal Association of Victoria president Bill McArthur has said that:

Commonwealth financial assistance grants are a core revenue stream for local government. The grants provide up to 27 per cent of rural councils' total funding so rural communities will suffer a massive impact.

The Greens are appalled at these budget cuts. They hit just the kinds of transport infrastructure that need to be supported.

We should be funding upgrades of unsafe local roads across rural and regional areas; upgrading roads in outer suburbs that are carrying 10 times as much traffic as they were designed for; and upgrading alternative roads or creating bypasses so that heavy vehicles do not have to go straight down the main street of regional cities or rumble down residential streets. We should be funding the repair and proper maintenance of bridges. I remember well when I was a Maribyrnong councillor and mayor talking to my rural colleagues about bridges. In Maribyrnong I think we had five; rural shires had 40 or more and a much smaller rate base to fund them from.

I road my bike through regional Victoria on my way to Canberra and we travelled along a range of country roads from the most delightful narrow country lanes and regional city streets to a 12-kilometre stint along the Hume. By the end of the trip, I had three distinct road funding programs that I thought were a priority. The one that was particularly relevant to today's debate was sealed shoulders on any country road that carried any significant amount of traffic, particularly truck traffic. This will enable not just safe cycling conditions but easier passing, particularly of slow-moving trucks by other vehicles.

My last job before standing for election was as a strategic transport planner in the outer Melbourne municipality of Hume. People know me well as an advocate for the public transport that we need, particularly in our outer suburbs, but I was a great roads advocate in Hume too. My focus for the 18 months in that job was the development of the Hume Integrated Land Use and Transport Strategy. The key aims of this strategy were to advocate for the duplication of roads that used to be country roads: Somerton, Sunbury, Mickleham and Craigieburn roads, which are now carrying huge amounts of traffic both passenger and freight traffic.

Local government cannot afford to duplicate these roads and, with the limited amount of state government funding that is being allocated, VicRoads told us they had a backlog of arterial road duplication projects so that it was likely to be decades before all these roads were duplicated.

On my home turf, the Greens and I are long-term supporters of the Westgate truck bypass, which would get trucks off residential streets in Yarraville and Footscray. This is a very cost-effective land transport infrastructure investment plus effective freight-rail transport to and from the port connected with the intermodal transport hubs in the outer suburbs would allow up to half of the containerised freight going to and from the Port of Melbourne to go by rail,
freeing up lots of room on the overloaded Westgate Freeway. If we invested in decent public transport across the outer suburbs, rail and bus, then we really would be on our way to solving traffic congestion.

This type of road and public transport investment scores very highly on the criteria of helping to provide safe, cost-effective, environmentally sustainable and convenient transport that is accessible to all. This is where the money needs to be spent, not on massively expensive, polluting freeways and motorways in Melbourne and Sydney, which are not cost-effective, will not solve congestion problems. Spending billions of dollars on these city tollways takes money away from where it needs to be spent: on local roads, country roads, public transport and freight-rail projects.

The critical thing, which is so blindingly obvious, is that infrastructure costs money. It is an investment so, just as obviously, it is critically important to make sure the money is spent in the most effective way. To make sure this happens, it is essential that there is good process, transparent process and evidence based decision-making. The tighter the money is, the more important it is. If we are serious about efficiency in government, then we have to make sure that we are not splashing money around on massively expensive transport projects that do diddly squat towards creating safe, cost-effective, environmentally sustainable and convenient transport that is accessible to all.

Having strong, evidence based decision making that involves assessing infrastructure projects against these criteria is critical. That is why the Greens have been supporters of Infrastructure Australia, which was set up to do just that—to pull evidence together to enable objective assessment of transport projects rather than transport infrastructure priorities being determined by their location with relation to marginal electorates or by other perceived short-term political benefits. That is why, in this bill, we want to ensure that the funding of any project is considered in the light of Infrastructure Australia’s infrastructure priority lists and infrastructure plans, and that any projects over $50 million are scrutinised by Infrastructure Australia. This $50 million benchmark was recommendation 2.3 of the Productivity Commission report into public infrastructure, which was undertaken this year. They stated:

All governments should commit to subjecting all public infrastructure investment proposals above $50 million to rigorous cost-benefit analyses that are publicly released …

This legislation provides a perfect opportunity to put this recommendation into legislation. We also think that, regardless of the size of the project, if Infrastructure Australia have anything relevant to say about a project their views should be taken into account. For the vast majority of small projects, such as roadside rest stops and black spot projects, Infrastructure Australia would not have anything to say, so taking their views into account would be an easy thing to do. But it may be that the black spot being considered is on a road that is a feeder road to a proposed Infrastructure Australia priority project, and knowing this will be very relevant in deciding whether or not that black spot gets funded.

Rigorous and transparent assessment of transport projects is fundamental good governance and standard practice throughout the world. It is what the community expects of us. This sort of assessment would stop the situation of slashing vital support to regional councils while at the same time committing $3½ billion to the WestConnex private tollway in Sydney and $3 billion for the East West Link in Melbourne. These are massively polluting tollway projects that will not improve congestion but will boost the profits of private developers. In both cases
the business cases have not been released despite requests through the Senate and from the community. There has been no transparency, no full cost-benefit analysis, despite Tony Abbott promising before the election that all projects worth more than $100 million would receive this scrutiny.

In contrast to the $6½ billion promised for these massively expensive, massively polluting tollway projects, the government has committed less than a third of that to the Roads to Recovery program in the 2014 budget. When it comes to infrastructure and road spending, this government is all rhetoric. It is the road projects, freight projects and public transport projects covered by this legislation that should be getting priority and funding, instead of billions being provided to the private sector for the WestConnex and East West Link tollways.

Senator IAN MACDONALD (Queensland) (10:03): I am pleased to support the Land Transport Infrastructure Amendment Bill. The bill does a number of things, the first of which is that it renames the Nation Building Program (National Land Transport) Act 2009. It gives it the more appropriate name of the National Land Transport Act 2014, thereby removing the link between the name of the act and the name of the land transport infrastructure funding program. This means that the act will not need to be amended if the name of the land transport infrastructure funding program changes. It is the most sensible name for the act and it keeps it above politics. It will also streamline and enhance the operation of the act to benefit states and territories.

By and large, this act is important because it enables a continuation of the wonderful Roads to Recovery program after 30 June 2014. I want to spend little time on this, because, if I may proudly say, I was the minister who introduced into this chamber the original act that provided for Roads to Recovery. It is a wonderful program that gives federal money to local governments to allow them to do road work that otherwise would not be possible. There has been some hesitation in recent years about the constitutionality of funding going directly from the Commonwealth to local governments, but clearly that is addressed by this new bill. Local authorities right around Australia, particularly in rural and regional Australia, have a major influence on which roads are constructed; they know what local people need and they are the best equipped to plan and then build roads in their local communities.

This Roads to Recovery program introduced by the Howard government gave local authorities that additional funding that they had so badly lacked prior to that time and enabled them to build thousands and thousands of kilometres of roads that were absolutely necessary, particularly in rural and regional Australia. I remember a few years after the program was introduced that for much of regional Queensland there was no funding at all for state roads from the then Labor state government. With the approval of the federal government, councils were putting their Roads to Recovery money towards state roads to enable those linkages between small country towns and bigger ones; and it was well received.

As a Queensland senator, Mr Deputy President, you will excuse me if I talk only about Queensland. I must say that both the current federal government and the current Queensland government—Campbell Newman's Liberal-National Party government—are doing such wonderful work on road improvements that I get a bit annoyed with them, because, not matter where you drive in Queensland these days, you will find road works in progress. That, of course, means lanes cut off or detours or speed restrictions, and, for someone who travels the roads as widely as I do, that does become a source of annoyance. But I console myself by
understanding these roadworks will benefit all Queenslanders and all Australians in the years ahead.

A great deal of work is being done on the Bruce Highway, and I give full credit to a number of federal and state politicians who have been campaigning for its upgrade for many years: George Christensen, Ewen Jones and Warren Entsch have done a wonderful job in advocating for money for that work. I live in a place called Ayr and my office is in Townsville about 100 kilometres to the north and I drive to work on the occasions I am in the North. I am delighted to see work on the southern approaches to Townsville that were promised by Labor for years—each budget we would have an announcement from Labor that they were going to fix the Van Tassel Street intersection to include a bypass. They kept talking about it a year after year but, as was typical with the Labor government, it never happened—indeed, I think in the last budget they actually withdrew it. That work is now happening and it will provide a four-lane entrance from the south into the burgeoning city of Townsville; it will certainly help anyone using that road, including in a selfish way myself.

All the way throughout Queensland, or all along the Bruce Highway, roadworks are occurring. All credit goes to Campbell Newman and his government for that road work and to the federal government for the funding they have provided to the Queensland government for that road work to be done. It is not just the Bruce Highway or the main highways. During the last few months, I have driven in many of the back roads, the secondary roads of Queensland, and have seen that work is happening in all of them. Congratulations to Warren Truss, Campbell Newman and all those responsible for the enormous amount of road work that is happening.

As well as dealing with the Roads to Recovery program—I want to come back to that briefly—this bill will also unify the schemes for funding National Land Transport Network projects in part 3 of the Nation Building Program (National Land Transport) Act and the off-network projects in part 6 of that act. Furthermore, the bill will also enlarge the scope of power to fund research, investigations, studies and analysis, first by expanding the types of organisations that can be funded to include partnerships and non-corporate Commonwealth entities in certain circumstances, and second by allowing funding for the additional purpose of researching and investigating projects funded or submitted for consideration for funding under the act. The bill also repeals three spent pieces of legislation in this general field. It is again part of the coalition government's program to tidy up the books, so to speak, to reduce the red tape and get rid of legislation that is no longer relevant.

The Labor Party in this bill have proposed eight pages of amendments to provide for a separate section on this program. It is a program that is already provided for in legislation. So the Labor Party are—or at least they were last time we were talking about this; I am hopeful that perhaps they have had a rethink about this—proposing these amendments to provide a separate section in this bill for something that has already been dealt with in the other legislation. We agree that it is a very important program to which the Labor Party were averting. In fact we have committed more funding to that program than the current opposition did when it was in government. But the amendments proposed by Labor simply duplicate provisions in the existing legislation.

When Mr Albanese was the minister, he established the program, but to ensure the program could receive funding under the legislation, all Mr Albanese needed to do was to amend the
definition of a road in this act, which is exactly what he did. In 2008 he introduced the AusLink (National Land Transport) Amendment Bill to add to the definition of road in section 4 of the act. He knew then that it was not necessary to include it in a full separate section. He and his party should understand that it was not necessary then, back in 2008, and neither is it necessary now.

The coalition government is committed to a number of other programs that are not provided separate status in the legislation—that is, the Labor Party want to particularly go to one area, but there are other programs that are not provided with separate pieces of legislation and they do not need to be. If the heavy vehicle program were to be included then, for consistency, those programs should also be included, potentially adding up to 40 pages of unnecessary duplication to this very simple bill.

We are, as I mentioned, committed to reducing red tape, not creating it, and the new programs that we are talking about include the Bridges Renewal Program—a wonderful program that will help many communities get the bridges they need and repair some pretty rickety, narrow bridges that are a safety concern at present. Again, all credit to the minister, Mr Truss, for the introduction of that new Bridges Renewal Program. There are also the managed motorways program, another regional roads program and the national highway program. None of these are specifically referred to in legislation, but the Labor Party, for some reason, wanted one element of those programs to be the subject of some eight additional pages of legislation. So I would hope that the Labor Party have had a rethink about that. I hope that the Greens and the other crossbench senators understand that that is not necessary. It is just useless padding, and it does complicate what is a very simple bill, the main purpose of which is to ensure that the Roads to Recovery program continues beyond 30 June 2014.

Councils will be anxiously watching this debate and this bill. As I understand it, payments were to cease because the Labor Party’s program concluded on 30 June 2014. There has not been any tangible impact of the failure to pass this bill to date, but if it is not passed immediately it will throw into jeopardy the payments that continue to go to local councils or local government authorities for the Roads to Recovery program.

Again, I repeat that this is a program initiated by the Howard government, and I say to any senator: if you are ever visiting a local authority anywhere in Australia and you are at a loss to know what to talk about, just mention Roads to Recovery and you will get an instant response from all councillors, CEOs and council staff on just what a wonderful program it has been. It has really saved the day for many communities who were doing it tough and could not, through their rate base or financial assistance grants funding, gather together the money to do these essential road projects, and this Roads to Recovery program gave them that opportunity and that ability to properly service their communities. That has been great for those communities, great for Australians and, indeed, great for the competitiveness and competency of Australia as a nation. The work on those local roads has really built our productivity and helped people, and it deserves support.

I urge all senators to support this bill in its original form. It is a simple bill. It is there to extend the Roads to Recovery program. I would guess that every senator in this chamber is keen to see that program continue to be funded. Let us get on and do that. If you want to have lots of talk about other programs, then let us do it in the appropriate red legislation at some other time, but it is certainly not necessary now. Let us keep the bill simple. Let us get the
money flowing and let councils know that they have the certainty of that continued funding under the Roads to Recovery program.

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (10:19): I, too, rise to speak on the Land Transport Infrastructure Amendment Bill 2014. For those opposite, spending money on infrastructure is not a means to improving productivity, and it does not appear to be a means to improving the whole economy for the benefit of all Australians. It does, however, appear to be a means through which they can pork barrel their own marginal electorates, as they did through the rorted Howard era Regional Partnerships Program.

The Labor Party is a party that believes in infrastructure. It is a party that knows that developing infrastructure will improve outcomes for all Australians. Therefore, it needs to be developed according to need. Only the Labor Party understands that building infrastructure requires vision and an understanding that the needs of the entire Australian community need to be served, not just a marginal electorate that those opposite, as I said, would like to pork barrel in.

It is the Labor Party that realises that modern, efficient, well-placed infrastructure built in accordance with expert advice is what will drive Australia's prosperity into the future. And it is the Labor Party that understands that infrastructure includes ports, freight rail, light rail, airports, communication infrastructure, bridges and much more—not just more and more roads. That is why the former Labor government oversaw a radical transformation in the way that the Commonwealth approaches infrastructure.

Compared to the last full year of the former Howard government, 2006-07, annual infrastructure spending in real terms was up 59 per cent by 2011-12. Infrastructure spending across the economy rose to record levels. In terms of spending on infrastructure as a proportion of GDP Australia rose from 20th to first in 2012 in the OECD.

We created Infrastructure Australia to research and rank proposed infrastructure projects based on their potential to add to economic productivity. We rebuilt or upgraded 7,500 kilometres of road and 4,000 kilometres of railway lines. We delivered the National Ports Strategy and the National Freight Strategy.

Total annual private and public investment in our nation's roads, ports, railways, energy generators, water supply facilities and telecommunication networks hit a record $58.5 billion in 2011-12, equivalent to four per cent of GDP, the biggest share of national income since 1986-87.

We lifted funding for infrastructure from $132 per Australian to $225. Total public and private sector infrastructure spending over federal Labor's first five years in office was almost $250 billion—almost 70 per cent greater in real terms than the $150 billion spent during the last five years of the former Howard government. As the figures I just quoted show, it is Labor that believes in infrastructure.

I spoke in this place earlier this year about the Infrastructure Australia Amendment Bill. Labor created Infrastructure Australia to research Australia's future infrastructure needs and impartially assess projects. Unfortunately, the version of the Infrastructure Australia bill that was passed in the House sought to destroy Infrastructure Australia's ability to plan for the future, assess the value of proposed projects, publish information without the minister's consent and would have even prevented Infrastructure Australia from doing research on
whole areas of infrastructure needs like public transport or how to protect infrastructure from the effects of climate change.

In short, those opposite wanted to prevent Infrastructure from assessing their pork-barrelling projects or to provide frank and fearless advice on the country's future infrastructure needs. I do not believe that those opposite are serious about infrastructure at all. If they were, they would have given this bill a higher priority in this place.

This bill continues the funding for the Roads to Recovery program, which expired on 30 June, 2014. The program is made ongoing, indefinitely, rather than having a set expiry date in the act.

Senator Macdonald mentioned the need to pass this legislation today. If the government were able to manage the proceedings of the chamber properly, they could have had the legislation passed before the funding expired.

Unfortunately, though, I do not think those opposite really have a clue about how to act when in government and that is pretty obvious from the many faux pas we have evidenced in the media since the change of government. I will not digress, because I would take up all my time just discussing those faux pas.

Other changes in this bill see the distinction between national projects, network and off-network projects eliminated and all are retitled as 'investment projects'. Transport research funding criteria are widened to include research into funded projects.

This bill also makes partnerships and non-corporate Commonwealth entities eligible to apply for research funding. The bill would also repeal the following three spent Land Transport Infrastructure Acts: the Australian Land Transport Development Act 1988, which has been superseded; the Roads to Recovery Act 2000, which has no outstanding claims against it; and the Railway Standardization (New South Wales and Victoria) Agreement Act 1958. Loans under this act were repaid in June 2013 and this act therefore has no further effect.

The opposition has no issue with removing from the statute books spent and redundant legislation. We do, however, have issues with pork barrelling. We know that the current government likes to take credit for things that it has not done. We can see that from the minister's second reading speech in the other place. In that speech the minister mentioned almost a dozen major projects that were announced and funded by the federal Labor government, including: $6.7 billion to upgrade the Bruce Highway; $5.6 billion to finish the duplication of the Pacific Highway; $1 billion to continue the Gateway Motorway North upgrade in Brisbane; $686 million to finish the Gateway WA Project in Perth; $615 million to build the Swan Valley Bypass on the Perth to Darwin Highway; $500 million for the upgrade of South Road in Adelaide; $405 million for the F3 to M2 Link project in Sydney. One that is particularly important to me is the $400 million to continue the Midland Highway upgrade in Tasmania; Labor in fact committed $500 million and so the current government thinks it can do it for $100 million less. We also allocated $300 million to finalise plans, engineering design and environmental assessments for the Melbourne to Brisbane Inland Rail project and we also allocated $1.8 billion to the WestConnex project in Sydney, subject to conditions including a proper business case.
The current government has a nasty history of taking credit for the work of others, and the Australian people are waking up to the government's insincerity and their deceit. In Tasmania, they re-announced our entire nation-building package, albeit belatedly, including the same funding for the freight rail revitalisation, for the Brooker Highway and for the Huon Highway. There is only one difference: that is the Midland Highway, for which they have announced a $100 million cut. It is unbelievable that the Liberal senators from Tasmania can stand up and say that they care about infrastructure for Tasmania, when they have ripped $100 million from the Midlands Highway upgrade. They need to explain to the people of Tasmania why they did not fight harder for that funding, as does the member for Lyons in the other place. They need to explain why they have not fought harder for funding for Tasmania.

Labor will be looking to move amendments to this bill. We realise the importance that infrastructure projects be assessed to see whether they meet the nation's needs—not the political needs of the current government. The opposition's first amendment is to improve governance arrangements around project selection. Many stakeholders in the infrastructure debate have called for greater transparency and accountability over how the Commonwealth chooses to spend its infrastructure funds. The Australian people deserve transparency in the expenditure of between $3 and $6 billion per annum—much of that spending is channelled via this act.

When this bill faced the Senate Rural and Regional Affairs and Transport Legislation Committee, Labor senators had additional comments and flagged amendments. The opposition's amendments would see that, prior to approving individual projects under the act, the minister must have regard to the identified priorities and plans set by Infrastructure Australia and any advice it produces relating to the type of project being considered for funding. Further, for projects with a value of $100 million or more, the minister must obtain an evaluation of the project from Infrastructure Australia. This evaluation will include a cost-benefit analysis from Infrastructure Australia and an Infrastructure Australia view on the priority of the project against its identified national priorities. For projects that are funded, the minister will be required to publish details of the project and include Infrastructure Australia's evaluation and cost-benefit outcome. Overall, this strengthened governance is precisely what all major stakeholders in the infrastructure sector have been calling for in the current Productivity Commission inquiry into public infrastructure, and in the recent Senate inquiry into Infrastructure Australia. Allowing Infrastructure Australia to assess these projects will help to prevent the pork-barrelling we have seen under previous Liberal-National governments. This means that, if they do choose to approve projects that are unworthy, the Australian people will be able to see where and what the government is funding for their own political gain.

The opposition's second amendment is to formalise the Heavy Vehicle Safety and Productivity program as a program under the act. The Heavy Vehicle Safety and Productivity program is an Australian initiative established under the act in 2009 to improve safety and productivity outcomes of heavy vehicle operations across Australia. This program is the first dedicated Commonwealth program of its kind and aims to reduce driver fatigue. Unfortunately, too many Australian truck drivers die on Australian roads. The Department of Infrastructure and Regional Development told the Senate inquiry into this bill that:
… during the 12 months to September 2011, 230 people died from 204 fatal crashes involving heavy vehicles or buses and there is significant evidence linking such accidents with fatigue.

This program funded rest stops along highways to provide more options for drivers to take a break. The first two rounds of the HVSPP provided $70 million in the period 2008-09 to 2011-12. In the 2012 and 2013 budgets, Labor provided a further $250 million to extend the program. This additional funding in 2013-14 brought total spending on the program to $320 million and added a further 58 projects to the 236 projects already delivered, including over 140 new or upgraded rest areas and 46 new or upgraded parking and decoupling bays.

Round 3 projects included funding the states and territories in six categories: rest area projects which improve the provision of heavy vehicle rest areas on key interstate routes; parking and decoupling bay projects which provide heavy vehicle parking and decoupling areas and facilities in outer urban and regional areas; technology trial projects which include trial technologies to improve heavy vehicle safety and/or productivity; road enhancement projects which enhance the capacity and/or safety of roads, including bridges, to allow access by high productivity vehicles to more of the road network; demonstration projects which facilitate innovation to improve heavy vehicle safety and productivity projects; and livestock transport industry projects which improve heavy vehicle safety and productivity for specific livestock transport operations. I urge those opposite and the crossbench members to pass these amendments to make roads safer for truck drivers and for the general public.

While I am summing up my contribution to this debate, I would like to say that one of the pettiest aspects of this bill is that it renames the Nation Building Program (National Land Transport) Act to remove the words 'Nation Building'. Those opposite are so concerned about the positive legacy of the Labor government in infrastructure that they want to rename the act to wipe away Labor's connection with it. How petty can they be? The shadow minister, Mr Albanese, has sought assurances in writing from the new minister that there will be no additional cost to taxpayers because of this change of name and the minister has given that assurance. It will be interesting to see how they deal with changing all the letterheads, all the signs and everything else at no extra cost. All we can hope is that they will not choose to put the signs with the new program name in Liberal-National Party colours, as they did with the AusLink program. I really hope they will not stoop to such a petty, disgusting waste of taxpayers' resources—again—to try to make themselves look good.

Labor has shown time and time again that we are the party of infrastructure. I have listed the various projects we undertook and funded. I urge the Senate to pass the opposition's amendments to this bill.

Senator SESELJA (Australian Capital Territory) (10:34): I thank Senator Bilyk and others for their contributions. I was taken by the latter part of Senator Bilyk's contribution, when she said that we were trying to take away the 'positive legacy'—I think those were her words—of the former Labor government in infrastructure. I think we are seeing that legacy being played out in today's front-page stories about the NBN and the way Labor handled that infrastructure project. Infrastructure development under the former government was a joke. It was done on the back of a beer coaster on VIP flights, it was done without cost-benefit analysis and it cost taxpayers tens of billions of dollars extra—because the former Labor government simply did not do the work.
We take a very different approach to infrastructure and the bill we are debating today is part of that. The Land Transport Infrastructure Amendment Bill 2014 is part of our plan to fix the mess we have inherited and to deliver on the things we said we would deliver on. We said we would stop the boats, we said we would get rid of unnecessary and toxic taxes like the carbon tax, we said we would get the budget under control and we said we would build the roads of the 21st century—and that is what this bill is about. It is about rolling that out. It is extraordinary that the Labor Party are doing all they can to frustrate a roads agenda, an agenda of building infrastructure for the 21st century. It is extraordinary that a party that designed the NBN on the back of a beer coaster, costing taxpayers tens of billions of dollars extra, now seeks to frustrate a government seeking to deliver infrastructure properly. That is what this is about.

Infrastructure is key to Australia's competitiveness. Our future depends on it. Better infrastructure underpins vital services, such as transport and logistics. Inefficient infrastructure networks are one of the key reasons Australia's productivity has declined. Inefficient infrastructure networks are also a key driver of the cost-of-living pressures affecting Australians. The government is committed to building the infrastructure of the 21st century and the changes in the Land Transport Infrastructure Amendment Bill will help us to achieve this goal. Our ability to deliver more appropriate, efficient and effective infrastructure will significantly influence Australia's future growth and maximise our competitiveness.

The government is working with state and territory governments to deliver nationally significant infrastructure projects to maximise our productivity and improve living standards for all Australians. We are also working, where possible, in partnership with the private sector to maximise private capital investment in infrastructure projects. This collaboration between the Australian government, the states and territories and the private sector will enable the efficient and successful delivery of the infrastructure that Australia expects, that industry needs and that our communities deserve.

This bill, which amends the Nation Building Program (National Land Transport) Act 2009, is necessary to facilitate our ambitious land transport infrastructure agenda. We are committed to delivering the infrastructure of the 21st century. This bill continues the vitally important $2.1 billion Roads to Recovery program, which funds and supports local governments to carry out upgrades and maintenance on local roads.

We are committed to the Roads to Recovery program, which was established under the Howard government. It is through our commitment that we have allocated $2.1 billion over the next five years of the program, including a doubling of funding next financial year to every local government in Australia. The purpose of the additional funding to the program is to assist in addressing the backlog of local road maintenance across the country. Chief Executive of the New South Wales Livestock and Bulk Carriers Association, Andrew Higginson, was quoted by the ABC as stating that the delay in providing certainty about this funding could have significant flow-on effects for businesses. He said:

It makes it impossible for people to actually go out and build the roads we want, even when the money is allocated.

You might have a local industry who could benefit greatly from an improved road and if that fund is not flowing through the local council, it could put that industry, or that particular producer, out of business.
A month delay, two month delay—the compounding effects of that can be disastrous for any industry.

The amendments proposed by Labor and the Greens, which the government deems unacceptable, include wanting to enshrine the name of the Heavy Vehicle Safety and Productivity Program in the act. These projects are already funded under the act and budgeted for, and including a new separate part is nothing more than unnecessary duplication. Labor and the Greens also want to further complicate things by inappropriately creating an additional role for Infrastructure Australia in this bill. This act has nothing to do with the administrative arrangements of Infrastructure Australia, and so this amendment makes no sense whatsoever.

The coalition government is committed to reducing red tape, as has been evidenced by our red tape repeal days, as well as our commitment to cut $1 billion in red tape every year. This bill works to assist our deregulation agenda by repealing three spent land transport infrastructure acts. The government understands just how important road safety is for all Australians and how important this funding is to local road improvement programs and to our economy. Both the Labor Party and the Greens refused to support this bill in the other place, but they were unable to point to a single aspect of the bill that was unacceptable. This is nothing more than deliberate obstructionism.

The primary intent of the Land Transport Infrastructure Amendment Bill 2014 is to continue vital funding to programs such as the Roads to Recovery program—something that the former minister for infrastructure, Mr Albanese, failed to provide for when he was the minister. The expiration date was left by Labor at 30 June 2014, leaving local councils with no certainty whatsoever. The Labor Party and the Greens need to stop playing political games and support the passage of this very simple legislation. If Labor and the Greens were serious about delivering for councils and reducing the amount of red tape interference, they would simply pass this bill unamended.

As the chair of the ACT Consultative Panel for the Black Spot Programme, I am very keen to see this bill pass as it also continues funding to this vitally important program. The Black Spot Program provides funding to address road sites that are high-risk areas for serious crashes. It is a key part of the commitment to reduce crashes on Australian roads, save lives and reduce road trauma by funding measures such as traffic signals, roundabouts and increased signage at dangerous locations to reduce the risk of crashes. These programs are incredibly effective, saving the community many times the cost of the relatively minor road improvements that are implemented. An evaluation by the Bureau of Infrastructure, Transport and Regional Economics recently estimated that the program reduces casualty crashes at treated sites by 30 per cent.

I was pleased last month to be able to announce that the ACT would receive $1.1 million to upgrade and fix a number of dangerous black spots in our community. Here in the ACT additional funding of $452,000 has been made to install traffic signals at Jerrabomberra Avenue, Captain Cook Crescent and Sturt Avenue in order to fix a dangerous intersection, address a proven history of crashes and prevent the loss of life. Here in the ACT we are taking pre-emptive action through the Black Spot Program to upgrade signage at the intersection of Coulter Drive and John Cleland Crescent in Florey. We are installing animal fencing, additional reflectors and an upgrade to signage on the Tuggeranong Parkway, from Lady
Denman Drive to Cotter Road Ramp East. And we are installing a high-angle approach for left-hand turns out of Well Station Road, as well as the upgrade of existing traffic signals at the intersection of Gungahlin Drive and Well Station Road in Mitchell. All of these measures are being put in place through the Black Spot Program to reduce crashes, to prevent road trauma, to save lives and to improve road safety.

I was pleased to see that the 2014 budget allocated an additional $1.6 million to the ACT for the Black Spot Program. I will continue to engage widely with the ACT community to investigate potential locations that could be fixed under the Black Spot Program in order to maximise its effectiveness and potential here in my community. Nationally, the government’s commitment also provides an additional $200 million over two years for this program. This totals a record $500 million to the Black Spot Program allocated by the coalition in the 2014 budget.

Importantly—and this has been touched on by Senator Bilyk—this bill also renames the Nation Building Program (National Land Transport) Act 2009 to the National Land Transport Act 2014, removing the link between the name of the act and the name of the land transport infrastructure funding program. We should not be politicising the name of the Infrastructure Investment Programme from within the act. This change keeps the name of the act above politics. It also means that we will not need to amend the act should the name of the land transport infrastructure funding program change.

The bill also aims to streamline and enhance the operation of the act, which will directly benefit the states and territories and the Commonwealth. A new requirement is being implemented that the states and territories will notify the minister as soon as possible after the sale or disposal of land that was acquired using Australian government funding. By doing so, we will ensure a timely response to land sales and disposals from both the states and the territories and the Australian government. This will mean that the proceeds of the sale or disposal can then be allocated to new infrastructure projects.

This bill also introduces a new type of project that can receive funding. Under the bill, projects that involve research, investigations, studies or analysis of investment or black spot projects, previously funded Off-Network Projects and works funded under the Roads to Recovery program will be eligible for funding. Additionally, to help inform advice to government, this funding will also be able to be used for analysis of projects submitted for consideration for funding as investment or black spot projects.

Lastly, the bill adds two types of eligible funding recipients to the act. Partnerships have been added as eligible for funding, the purpose of which is to simplify funding arrangements for firms without a body corporate structure. Non-corporate Commonwealth entities whose functions include research relating to land transport research operations will also now be able to receive funding under these changes.

The bill ensures that local governments get their $2.1 billion in Roads to Recovery funding, providing certainty into the future. It ensures that we remain consistent with our red-tape reduction agenda and it also works to support a number of other measures, such as the Black Spot Program.

Labor and the Greens need to do the right thing by their electorates and their communities and pass this bill. As a government we will continue to stand up for local communities, we
will continue to build the infrastructure of the 21st century and we will continue to fix Labor's debt and deficit disaster. I strongly support the passage of this bill.

Senator BACK (Western Australia) (10:45): I am absolutely delighted to support this bill, the Land Transport Infrastructure Amendment Bill 2014, and I urge all senators to agree to the passage of the bill without amendment and without further delay. It would have come into this chamber in the last sitting fortnight of the previous session of parliament had there not been a very strong indication that it was not going to pass at that time. I hope, over the last five weeks, there was the opportunity for reflection by senators on all sides and for speaking to their constituents, particularly those in rural and regional areas of Australia. They, like me, would have been lobbied very strongly by local governments around Australia to pass this bill without delay.

As has been said previously, the actual funding for the Roads to Recovery program notionally expired on 30 June 2014, so at the moment there is a cloud and some uncertainty over the continuation of that program. I will not go to discussions of the changing of the name, because it was canvassed earlier in this place. What I do want to do is affirm the commitment of our Prime Minister, Mr Abbott; he has made the very strong statement that he wants to be known as ‘the infrastructure Prime Minister’. All of those strategies and policies are being put into place to give effect to that commitment. The last thing this place needs and the last thing the Australian community, and road users in particular, need is to see that frustrated and thwarted if it is being done just for cheap, political purposes. This issue is far too important to be tied up in that sort of nonsense.

Through the Infrastructure Investment Program, over the coming six-year period the government is committing some $35½ billion to road and rail projects across Australia. Others have spelt them out. I want to focus on two of them—that is, the $686 million to finish the Gateway WA project around Perth Airport and the $615 million committed to build the Swan Valley bypass on the Perth to Darwin highway.

In recent days I have travelled up to Darwin and back to Perth; out to the airport again to travel to Esperance and then back to Perth; and then again within a few hours back to the airport to travel to Canberra. On each of those occasions I have had the opportunity to see the wonderful work that is being undertaken in the development of the Gateway WA project. It also emphasises, as we all know, that Western Australia is the powerhouse of the Australian economy. We know that the use of airports and the frequency of air travel underpin and speak to the enormous activity being undertaken.

Whilst it certainly is frustrating the movement of traffic, I wish to place on the record the tremendous accord that I have with, and my congratulations to, those responsible for giving effect to these engineering projects. How they are able to coordinate continually the movement of road traffic, vehicular traffic and heavy transport traffic to those air hubs and logistics hubs around our airports whilst at the same time undertaking this massive work, I think, deserves enormous credit. Those who have been in Perth recently may have travelled on the new, upgraded Great Eastern Highway into the city. Again, whilst it inconvenienced us, the fact that they were able to get on and get that work done and still allow those roads to remain open was tremendous. So I congratulate the government on its continuing efforts. I understand from Comcare drivers—in whose currency of knowledge I have enormous faith—that it will be towards the end of 2015 that we will see that finished.
The second project to which I referred is the Swan Valley bypass on the Perth to Darwin highway. Of course, there is no longer coastal shipping activity from Fremantle or Cockburn Sound going north for a lot of general cargo. There is, naturally, for completion of the major offshore gas projects at Gorgon and Wheatstone; but, unfortunately, coastal trade is no longer available for general cargo so it all now goes on roads. We in WA and those who have visited have all been grossly inconvenienced by the movement of enormously heavy vehicles carrying the components they do that will continue to drive the economy of Australia by supporting projects to the north and up to Darwin. It speaks volumes about the need for the Swan Valley bypass and, indeed, we just cannot get that work completed too quickly.

I turn to Roads to Recovery. Nobody should underestimate the value of this project, commenced under the Howard government and continued in the years of the Rudd and Gillard governments. What we are trying to do here—this is central to this bill that is before us today—is to guarantee continued funding to local governments so they can get on with their work. My colleagues earlier—perhaps Senator Rice, also Senator MacDonald and I think Senator Bilyk—referred to the value that local governments place on the Roads to Recovery funding. More to the point, it is locked in years in advance. By committing $2.1 billion over five years, the government has doubled funding for next financial year to every council in Australia. I think that is a recognition by the government of the value of this funding.

Why is this funding arrangement so valuable? Because every council in Australia will tell you that when Commonwealth funding is assured they can then add their own locally sourced funds—and state-sourced funds, if they have them. Every dollar is driven further, is utilised better, in terms of the effectiveness and the efficiency of the projects being funded. For example, if they are undertaking roadworks they can ensure that, by mobilising and not having to demobilise and start again, they can lay more tar and improve roads and shoulders, and they can provide the quality of roads that the community expects. We know, because of geographic circumstances, weather situations and pressure of use of roads, there are different challenges in different areas of Australia. There is no better project or funding in the view of local governments around Australia, supported by the federal government of the day, than the Roads to Recovery program. But it is at risk at the moment. I absolutely implore senators who have any interest—and I know we all do—in the future of our road networks to pass this bill without delay.

Mention has been made of black spot funding, and it is my understanding that the bill introduces a new type of project that can receive funding under part 4 of the act—Transport Development and Innovation Projects. These are projects, as the Deputy Prime Minister has said, that involve research, investigations, studies or analyses of investment relating to and including black spot projects—and how successful has the black spot concept been around Australia. So it will then be the case that those sorts of projects previously funded off network, funded under the Roads to Recovery program, will be eligible for part 4 funding. This amendment will enhance the management of projects and the Infrastructure Investment Program. Again, that is what we want to see in this country—we want to see maximum value for taxpayers' money in developing projects of value to the Australian community.

I cannot emphasise enough that we in this place and the media all too often make the comment that it is the government's money. Governments of themselves have no money. The money that they accumulate is accrued from taxpayers, company profits and interest on
investments. Governments do not have money. Therefore it is incumbent on us as legislators to ensure that money is spent as wisely and as prudently and as frugally as it can be for the purposes for which it is allocated. We need to honour our commitment to Australian taxpayers—whether they pay through direct income taxes, taxes through GST, company profits or however else they are sourced—that we will spend their money as effectively as we possibly can.

As an aside, those young people looking down would have no idea that one of the effects of this bill will be the repeal of the Railway Standardisation (New South Wales and Victoria) Agreement Act 1958. I suspect that you, Mr Acting Deputy President, may not have been around when that was implemented. As we all know, we had the unusual circumstance up and down the east coast of Australia that the gauge of the railways in Queensland, New South Wales and Victoria were all different. I recall one of the gauges being 5' 3"; the standard gauge is 4' 8½" and the narrow gauge is 3'6". How ridiculous must it have been for somebody to board the 5' 3" gauge train in Brisbane, get as far as the border, unload themselves, their goods, their family and whatever else and get onto the 4' 8½", and then travel through New South Wales on the standard gauge only to repeat the whole exercise in Albury-Wodonga. In our own state of Western Australia, we had, and still do in many instances, the narrow gauge—the 3' 6". This bill repeals that particular agreement act of 1958, because the last loan repayments to the federal government were received in June 2013. So the loan has been repaid, and there is no longer any need for that element of legislation to be in place.

I understand from Senator Bilyk's contribution and that of Senator Rice that there will be amendments moved. The first one relates to the concept of a role for Infrastructure Australia in assessment. This is not what this bill is about. The issue associated with Infrastructure Australia casting its slide rule over projects and auditing them for the purposes of ascertaining effectiveness and allocating priority et cetera is worthy but it is not the subject of this bill. There is no case for holding up passage of the Land Transport Infrastructure Amendment Bill because of an element that is totally and utterly irrelevant. So let us not to be confused about that element: it is not before the chamber, and it is not part of this exercise. It simply adds to the confusion and delays the inevitable—we hope—passage of this bill. The claim has been made that Labor and the Greens want to complicate the arrangements and inappropriately create an additional role for Infrastructure Australia in this bill when, as I have just said, the act has nothing to do with the administrative arrangements. It makes no sense. It adds to red tape. It is relevant in other legislation but not relevant in this legislation, and it therefore should be dealt with in other fora—and not dealt with in this one.

Other amendments to this particular legislation have been proposed in the other place by the honourable Anthony Albanese—amendments which, again, the government does not accept—to enshrine the name of the Heavy Vehicle Safety and Productivity Program into the act. Again, these matters are dealt with in different jurisdictions and therefore it is not necessary for them to be introduced into this bill.

In my concluding comments, I say this: the central component of Roads to Recovery is critical to all Australians. For those involved in local government, it underpins their roads programs—their roads maintenance and roads development programs. And—as I am sure my two colleagues, Senator Fawcett and Senator Johnston, would agree, both coming from states with large road networks—those programs are absolutely critical to ongoing maintenance, and
to the ongoing efficiency and effectiveness of the overall spend on roads in those local governments. So I urge all senators in this place to put to one side those sorts of activities that may have been amusing or distracting but may, in fact, have taken us away from the essential elements of this bill. It is simple: it requires passage. I can assure you, Mr Acting Deputy President, that every local government around this country is watching and waiting, and hoping that common sense prevails and that the bill is passed.

The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson): Thank you, Senator Back.

Senator CAROL BROWN (Tasmania) (11:02): I also rise to speak on the Land Transport Infrastructure Amendment Bill. I say to Senator Back, through you, Mr Acting Deputy President, not only are the Labor Party amendments needed but also that they are critical to ensuring that we get the best spend for infrastructure in Australia—through those amendments. Because, simply, this government cannot be trusted to spend the money where it is actually needed, and I will talk about that further through my contribution.

For those following this debate, it might seem hard to understand what, exactly, we are debating. In the other place, the minister claimed that this bill was about 'delivering the government's ambitious land transport infrastructure agenda'. This statement just highlights this government's complete lack of vision when it comes to investing in crucial nation-building infrastructure. This bill seeks to change the name of the Nation Building Program (National Land Transport) Act 2009 to the Land Transport Act 2014, and it also eliminates some out-of-date provisions in the existing legislation. I would not say that this constitutes 'delivering', nor that it can be considered 'ambitious'. The other thing that this bill seeks to do is extend funding for the Roads to Recovery program. This formalises the Labor government's decision in the 2013 budget to continue the existing Roads to Recovery program beyond 30 June of this year—that is a $350 million program which expired on June 30 because of this government's incompetence and inability to manage their own legislative agenda.

Labor will be seeking to make two amendments to this bill. The first Labor amendment will require consultation with Infrastructure Australia before projects are approved, and will provide greater transparency around the decision-making. There has been much debate in this place on the need for transparency in relation to infrastructure spending. Many stakeholders in the infrastructure debate have called for greater transparency and accountability around decisions on how the Commonwealth government spends its infrastructure funds. In response to the views of stakeholders, Labor's first amendment requires the minister to seek the views of the government's infrastructure expert adviser, Infrastructure Australia, before approving funds for a project. Labor's amendment will also require a full evaluation by Infrastructure Australia of any project above $100 million in value. Finally, this amendment would require that, in approving funds for a project, the minister must make public not only Infrastructure Australia's findings on the priority of the project but also its evaluation of cost-benefit. Those opposite should be supportive of the Labor amendments, given that only four days before the election Mr Abbott said that no infrastructure projects worth more than $100 million would be funded without a published cost-benefit analysis. We already know that that commitment has been broken, along with a lot of other commitments and promises that have been broken by this government.
The second Labor amendment would formalise the Heavy Vehicle Safety and Productivity Program as a program under the act. The Heavy Vehicle Safety and Productivity Program is an initiative taken under the former Labor government. The program targets infrastructure around heavy vehicle driver fatigue, and funds rest stops along highways to provide more options for drivers to take a break. In its current form, this bill—like all of this government's infrastructure policy—is just spin. The change of the name, with the removal of the term 'nation-building' from the statute books, seems little more than an attempt to remove any hint of the former Labor government from the infrastructure debate; any hint of the work that the former Labor government did on infrastructure; and any hint of the investment that the former Labor government made into nation-building infrastructure for Australia.

I can understand why those opposite might seek to do that. For a government with no real vision for infrastructure investment, the Labor Party's record on investment would be intimidating. I have had a number of representations from local councils concerned about future funding for Roads to Recovery. This concern is a result of scaremongering by those opposite. Labor does, and always has, supported the Roads to Recovery program. The simple truth of the situation, as set out in the 2013-14 Commonwealth budget papers, is that the Labor government extended Roads to Recovery funding across the forward estimates. Labor allocated $1.75 billion in the 2013-14 budget for the next five years of the program; it is already budgeted for the next five years. However, the first quarterly payment for this financial year, which is due to be paid to councils next month, is in limbo because the government would not agree to the sensible amendments proposed by Labor that would have increased transparency in major infrastructure investments. That is why the member for Grayndler, Anthony Albanese, yesterday sought to introduce a private member's bill in the other place that would amend existing legislation to extend Roads to Recovery. Yesterday Mr Albanese sought to bring on debate on his private member's bill and give councils the certainty they want by extending this program. However, the Abbott government opposed even debating the legislation. They shut down a move by Mr Albanese on his private member's bill. They would not even allow debate on his bill.

Not only has the incompetency of those opposite prevented the Roads to Recovery program being extended before it expired on 30 June 2014; now their sheer stubbornness has seen them reject Labor's attempt to sort this issue out. Labor understands how critical investment in infrastructure such as roads and rail is for the economic development of this country. Labor understands how critical it is to make the right investment in the right infrastructure projects. That is why Labor doubled the roads budget to $46.5 billion and upgraded 7½ thousand kilometres of road, lifted local government road grants by 20 per cent, invested $3.4 billion in rail freight network over six years, rebuilt more than a third of the rail network—that is 4,000 kilometres of track—and committed more investment in urban rail infrastructure than all predecessors. Labor understands the importance of these nation-building projects, and has invested in our vision for the country.

In my home state of Tasmania people know how important investment in critical infrastructure is for economic development. Unfortunately, those opposite have failed the people of Tasmania and have tried to fool them by reannouncing infrastructure projects in the budget. They reannounced our entire nation-building package, including the same funding for the freight rail revitalisation, for the Brooker Highway and for the Huon Highway. In fact, the
only new thing in the budget for Tasmanian infrastructure was a cut—a cut of $100 million to the funding of the Midland Highway. Labor had committed $500 million over 10 years for this critical project, and now there is only $400 million. This is something that Minister Truss is apparently proud of, as he highlighted this project in his second reading speech on the bill we are debating here today. I might say that Senator Abetz also seems very proud of the fact that there was a cut of $100 million from the Midland Highway.

Senator Bilyk: That is disgraceful!

Senator CAROL BROWN: That is exactly right, Senator Bilyk. It is disgraceful. And that is from the government of our self-appointed infrastructure Prime Minister. Labor has a strong record of investment in crucial infrastructure projects, and Labor's record contrasts starkly with that of those opposite. Since coming to government those opposite have spoken of a grand vision for infrastructure, but it appears to be no more than a mirage. Not only have they failed to deliver funding for the Roads to Recovery program, but they have also cut $1 billion from the Commonwealth road funding to local councils. Councils all over the country will receive a real cut in real terms this year because of the government's short-sighted decision to freeze annual indexation of the financial assistance grants. These cuts to financial assistance grants will leave local councils with less money to maintain roads as well as delivering local community service.

Senator Williams: That is not true.

Senator CAROL BROWN: It is absolutely true, Senator Williams. You have obviously not been getting your mail from your local councils.

The ACTING DEPUTY PRESIDENT (Senator Seselja): Order! Senator Brown, I will get you to address the chair, and I will ask Senator Williams not to interject.

Senator CAROL BROWN: He does it all the time.

The ACTING DEPUTY PRESIDENT: I cannot comment on what he does all the time. I am just asking him not to interject now.

Senator CAROL BROWN: Thank you for your protection from Senator Williams!

The ACTING DEPUTY PRESIDENT: I am very happy to help.

Senator CAROL BROWN: These actions are in line with the legacy of Mr Howard's 12 years in government. The Howard government left its mark on Australia's investment in infrastructure with the largest infrastructure deficit in this nation's history. The Howard government hardly spent anything on infrastructure. It did not spend it for the economic development of this nation. Under the Howard government, 90 per cent of roads funding in my home state of Tasmania went to two electorates, both held by Liberal Party members. It seems this is a lesson the Abbott government has taken to heart. Since coming to office this government has taken a new approach to infrastructure funding, which could best be described as slashing, cutting, reannouncing and pork barrelling. Those opposite, led by Mr Abbott and Mr Truss, have travelled around the country shamelessly reannouncing Labor projects such as the Gateway Upgrade North in Brisbane and the Bruce and Pacific Highway upgrades, claiming them as coalition projects. They have done the same with Labor's inland rail project, claiming it as a coalition project. They have also scrapped billions in Labor funding for critical transport infrastructure projects such as the Perth public transport system, Brisbane's Cross River Rail project, the Melbourne Metro and Adelaide's Tonsley Park public
transport project. Mr Abbott has committed to Melbourne's East West Link and Sydney's WestConnex project. However, this has been done without cost-benefit analysis—in defiance, as I mentioned earlier, of his own election promise. Those opposite obviously do not understand how transformative investment in crucial infrastructure is for our nation's cities, for our regional areas and for our economic development.

Those opposite, led by Mr Abbott, appear to think that infrastructure funding is about buying votes in marginal electorates rather than making critical nation-building investments. In fact, we have already seen the start of this type of pork-barrelling from them in Mr Abbott's budget. An analysis of the budget's infrastructure spending by Fairfax media found that coalition electorates are favoured for new money by a ratio of three to one. In comparison, the analysis found that the majority of projects which lost federal funding after the 2013 election were in non-Liberal electorates.

It is clear that the government are already ignoring the professional and independent advice of Infrastructure Australia, and it will only get worse if this bill passes. In a Sydney Morning Herald article on 12 June, Monash University professor of transport Graham Currie said:

The question is whether they—

the government—

want to be a professional government or they want to pork barrel, and whether we'll forge the idea of trying to be professional about how we manage resources or just do it on a political basis.

He then went on to say:

I don't think that's how a country should be run.

This bill makes the answer to Professor Currie's question clear.

Stopping this type of politically motivated behaviour was one of the purposes of establishing the independent advisory body of Infrastructure Australia, which Labor has fought to protect. That is why, to respond to the questions posed or statements made by senators opposite about Infrastructure Australia, we have put forward this amendment. It is quite clear that this amendment is needed so that Infrastructure Australia's expert advice is sought, the way it should be. It is an independent body. It makes transparent decisions. We need to have it there. This is why we are putting forward this amendment to this bill.

Critical national-building projects are currently under construction right across Australia because of the investment in infrastructure made by the former Labor government. Across the states and territories, and particularly in my home state of Tasmania, vital infrastructure projects initiated by the former Labor government are providing jobs and boosting the economy.

This bill does little more than eliminate the term 'nation building' from the statute books as part of Mr Abbott's agenda of rebadging Labor government programs. It is clear that those opposite have no real vision for transport infrastructure in Australia. I ask the Senate to support the amendment that will be put forward by our shadow minister today.

Senator WILLIAMS (New South Wales) (11:17): I hope Senator Brown stays in the chamber because I need to refer to some of the things she said. Senator Brown is correct that the government plans to freeze the financial assistance grants, FAGs, for three years. That is correct. I hope Senator Brown realises that we have a budget problem, a mess we inherited from that lot over there that Senator Brown is part of.
In 2015-16 the Roads to Recovery program will be doubled for local governments. Here is the point: FAGs can be spent on anything. When a council receives a grant, they can put pavers down on a footpath. They can put parks in. But we want to fix our roads. I do not know if Senator Brown has ever driven on a dirt road, but I do every week of my life. Here is the point we are making: we want to fix our roads because the exports we produce need to get to the waterfront. For that, we need some decent roads. I hope Senator Brown stays to hear more of what I have to say, but I do not think she is going to. There is more money for local government because of the doubling of the Roads to Recovery program. That was a National Party initiative under former Deputy Prime Minister John Anderson.

While I am referring to senators opposite, I will say that I was surprised that Senator Conroy stayed this morning. I thought he would be too embarrassed to show his face after the release of the coalition's cost-benefit analysis of the National Broadband Network. That is the cost-benefit analysis that Senator Conroy and then Prime Minister Rudd refused to undertake because they knew they would be laughed out of the country if they did. The National Broadband Network is the biggest spending program in our nation's history and no cost-benefit analysis was done. We tried in opposition to get one, but people such as the former member for New England, Tony Windsor, did not want to have the cost-benefit analysis done either. It was a multibillion-dollar program that was devised on the back of a coaster—a coaster, mind you.

Senator Conroy must be close to releasing his own book. We have the Wayne Maxwell Swan book from the former Treasurer. Most of the rest of the Labor hierarchy have pointed the finger at each other about the six-year debacle when they were in government. There is no mateship in the trenches there! I look forward to Senator Conroy's book. What is it going to be called—'A roller-coaster in government' or 'Coming on a coaster near you'? Why didn't they do a cost-benefit analysis when they brought in the NBN? It is because they were afraid of the truth.

The Land Transport Infrastructure Amendment Bill amends the Nation Building Program (National Land Transport) Act 2009. Among other changes, this legislation will allow the Roads to Recovery program to be funded. In the other place, Labor and the Greens opposed the legislation. They opposed the very legislation that has brought so much finance and road improvement to local governments right around our nation. They opposed it. I hope it is not the same with this bill in front of the new Senate where Labor and the Greens, thankfully, do not control the numbers.

In November 2000, the Howard government announced a four-year road funding package worth $1.6 billion, of which $1.2 billion was spent on the Roads to Recovery program. The legislation was introduced by the then Deputy Prime Minister and Minister for Transport and Regional Services, the Hon. John Anderson. It was a Nationals initiative.

The new coalition government faced a $47 billion budget deficit for the 2013-14 financial year just past, $123 billion of projected deficits to 2016-17 and a $1 billion interest bill every month on Labor's debt. For those listening on radio, $1 billion rolls off the tongue pretty quickly. But let me give you an example. Senator Abetz gave an example recently in response to a question in question time on the difference between one million and one billion. One million seconds equates to 11½ days—that is not long—but one billion seconds equates to 31.7 years. So when we talk about billions we are talking about huge amounts of money.
Infrastructure spending does not stop under this legislation. There is a $50 billion investment from this government to deliver vital transport infrastructure across Australia for the 21st century. There is $2.5 billion for the Roads to Recovery program to support the maintenance and upgrade of local roads. I live out on one of those local roads—it is a dirt road—and I know the cost to council of maintaining let alone improving those roads, with their corrugations and potholes. That is especially the case after a dry spell, when the dust has been blowing, when the rain falls and there is erosion washing away the sides of the road. There are additional payments of $350 million to councils during the 2015-16 financial year. I put that on top of the FAGs freeze in the principal for three years, but a doubling of the Roads to Recovery money so we can fix our roads. We said we would be a government of infrastructure building, and that is exactly what is happening here.

There will be $565 million provided through the ongoing Black Spot Program. That includes an extra $100 million in both the 2015-16 and 2016-17 financial years. The $300 million Bridges Renewal Program will commence in 2014-15. This program will repair bridges. Mr Acting Deputy President Seselja, go out to regional New South Wales and have a look at the old wooden bridges that have been there for decades. You will see they are narrow and dangerous and need replacing. There will be $200 million over next five years for the Heavy Vehicle Safety and Productivity Program for road enhancements, rest areas and technology trials—especially the rest areas. I have discussed with Senator Sterle, who is a former truckie, how we need more rest areas, so that when the truckies have to take their break, according to their work diary, there is somewhere they can park their rig so they can get off the road safely—hopefully where it is quiet—and have a rest. There is a $314 million investment in 300 projects in local communities through our Community Development Grants Program, which is designed to deliver the coalition's election commitments and some residue projects from the previous government.

The $1 billion National Stronger Regions Fund aims to promote economic development through investment in infrastructure projects at a local level. This is important. The program will help communities with lower than average socioeconomic circumstances and higher than average unemployment by improving local facilities, creating jobs and building needed infrastructure. There is $100 million to fill in black spots in the mobile phone network. It is all right in the cities and the large country towns, where there is a mobile phone network, but there are many areas across regional Australia that need towers to get the signal out there. There are plenty of examples around where I live—for example, Copeton Dam, which is visited by 100,000 people a year for water skiing, camping or whatever, has virtually no mobile signal.

The Australian Local government Association says:

Roads to Recovery (R2R) program has become an essential element in local government's ability to maintain and upgrade the local roads network. It is an outstanding example of a partnership between the national and local governments and of providing direct funding to local communities.

So why did the Labor Party oppose this bill in the other place? Why is it demanding changes now? It is because Labor wants an additional eight pages of amendments to provide for the Heavy Vehicle Safety and Productivity Program. But this program is already provided for under legislation. It is already there. This government is committed to a number of other programs that are not provided separate status in legislation. If the Heavy Vehicle Safety and
Productivity Program with its eight pages of bureaucratic red tape is included, so must be the others, such as the Bridges Renewal Program and the Regional Roads Program. If the Labor Party's amendments were agreed to, funding to this program would be held up because the guidelines under which applicants were applying would be inconsistent with the legislation. We do not want things held up.

This government will require all Commonwealth funded projects worth more than $100 million to undergo a cost-benefit analysis by Infrastructure Australia to ensure the best use of available taxpayers' money. The cut-off point is $100 million. It was not there for the NBN. We will also require Infrastructure Australia to publish justification for all its project recommendations. Infrastructure Australia is getting on with the job without it having to be in legislation. There was a provision in the Infrastructure Australia Amendment Bill 2013 to enable the $100 million threshold to be determined by a disallowable instrument, but the amendments moved by the opposition and ultimately accepted by the Senate on that legislation removed that provision. We will now seek to put the $100 million threshold in the Infrastructure Australia legislation, where it belongs.

A couple of weeks ago I was in the seat of Richmond, in the northern corner of New South Wales, adjoining Queensland, having a look at some of the coalition funded projects, such as the CCTV at Byron Bay. I was quite amazed to be informed of the amount of antisocial behaviour and crime on the streets of Byron Bay. It is a real concern. I also looked at the planned upgrade of Kennedy Drive at Tweed Heads. It is a pretty ordinary bit of bitumen, I can assure you, and it is good to see that $3.3 million will be spent to rebuild that stretch of bitumen. In Richmond, Tweed Shire Council received $6.11 million and Byron Shire $2.65 million under this program, between 2009-10 and 2013-14. I spoke with representatives of both councils. They are concerned that the Roads to Recovery program funding is being held up by the local federal member Justine Elliott and her Labor colleagues for no good reason other than to play politics. They should step back and let it go through.

In the Hunter region of New South Wales, Upper Hunter Shire has received $4.3 million, Singleton Council $2.73 million, Muswellbrook Shire $2.04 million, Cessnock city council $3.82 million and Maitland city council $2.84 million. I received a letter from the Hunter council which expressed fears about the future of the program. Mayor of Upper Hunter Shire, Councillor Michael Johnsen, says it is critical that the program continue, a view he feels would be held by every council in the Hunter region of New South Wales. Councils in the Hunter know the member for Hunter, Joel Fitzgibbon, voted to stop it, but Labor cannot come up with a plausible reason for having done so. Why did they vote against this in the House?

Over the past five years councils in New England were allocated over $30 million in Roads to Recovery funding. I appeal to the cross benches to stop listening to Labor lies. Mr Albanese has apparently told you that unless the heavy vehicle programme is actually named in the legislation it will not continue. That is absolute rubbish and is wrong. Ask yourself why Mr Albanese did not find it necessary to make significant amendments when he created the Heavy Vehicle Safety and Productivity Program while in government. All he did was change the definition of a 'road' in legislation, because that is all that was needed to establish the program. So ask yourself, cross benchers, why is he now proposing three pages of amendments just on the Heavy Vehicle Safety and Productivity Program?
This is a very simple bill. Its primary purpose is to extend the Roads to Recovery program, change the name of the act, and tidy up aspects of the act, which is consistent with the government's red tape reduction agenda. I have long ago given up trying to understand the Greens. It seems they are a leaderless lot on this very issue. The New South Wales Greens want the federal Greens to support the fuel excise increase, but the federal Greens have had several positions. Senator Milne was obviously rolled in the party room on that one. What I cannot understand is that the fuel excise increase is actually a tax on carbon, yet the Greens oppose it after fighting to retain the carbon tax in this place a couple of weeks ago. How do you work that one out? The fuel excise increase should be supported because all of the money will go to road funding, yet here they are again opposing a good program.

So I say again to the crossbenchers that there are no hidden surprises, no gotcha moments and no hidden clauses with this bill. Don't worry about Mr Albanese's propaganda. Let this go through. I am sure that if you do not let it go through your local government will tell you what they think, if you block this. Ask them to show you some of the projects Roads to Recovery has funded. Talk to the local governments in your states and hear the success stories of the Roads to Recovery program. Ask them if they looking forward to the doubling of the funding in 2015-16. Of course they are. Every council in Australia is. Then tell them that Labor does not want them to have that funding. That is the real issue blocking this. The Land Transport Infrastructure Amendment Bill should be supported so that money can start rolling out now.

Senator STERLE (Western Australia) (11:32): I look forward to making my contribution to this debate today on the Land Transport Infrastructure Amendment Bill. Senators in this place should have road safety foremost in their minds, not only for our transport operators but for every single Australian who uses our roads. There are a lot of issues I want to clear up. Firstly, it is no secret that Labor does support the general purpose of the bill. We have no argument with that as it was our legislation and our work in 2009 that created this bill.

The Heavy Vehicle Safety and Productivity Program should be legislated. I heard Senator Williams going on about not listening to Labor lies, and saying to the crossbenchers, 'Why didn't Minister Albanese legislate it?' I will go further into why Labor believes the amendment should be passed and why we should legislate the Heavy Vehicle Safety and Productivity Program.

There are a couple of points about heavy vehicle road safety that I want to touch on. The Heavy Vehicle Safety and Productivity Program is another element in the armoury we have to help drive down road deaths and injury. There should absolutely be no argument in this chamber or in the other place about doing whatever we can to reduce road deaths, trauma and injury. This program sits alongside spending on our national network, including record spending on duplicating the Bruce and Pacific highways, which, once again, was initiated by the former Labor government.

Heavy vehicle safety is also being addressed by the new Road Safety Remuneration Tribunal, which is sometimes referred to as the 'safe rates remuneration tribunal', which, no-one will be surprised to hear, I am going to have a bit to say about later. I am also going to have a fair dinkum crack at those on the other side who want to take this away from the road transport industry and thus diminish road safety for other road users in Australia. I will say more on that later. The tribunal was established by the former Labor government. It commenced operations in July 2012. The object of the act is to promote safety and fairness in
the road transport industry. I do not see what is hard about that. In fact, I will tell you what is
hard about it: it is a disgrace to this nation that it has taken so long to get through. But it is
here now for the time being, and that mob over there are going to do everything they can to
try to water it down.

The tribunal's role in this area primarily relates to addressing the relationship between
remuneration and safety in the industry by, amongst other things, ensuring that road transport
drivers do not have remuneration related incentives to work in an unsafe manner—and, my
God, they are out there and they are alive. Also, it removes remuneration related incentives,
pressures and practices that contribute to unsafe work practices. I challenge any senator who
wants to debate this with me publicly to bring it on, because I will tell you that you are on the
wrong ground if you think you are going to put up an argument with me that counters what
we are saying about road safety and linking road safety to overloading, break and fatigue
management, speeding, and illicit use of drugs. But the offer is there to any one of you. Bring
it on. But you will not. You do not have the guts to do it.

The coalition government flagged its intention to eliminate this tribunal, even before its
first partial order came into effect, on 1 May this year. They have commissioned an inquiry
into the tribunal before it has had a chance to prove its worth as an additional tool to deliver
road safety. In describing the tribunal as red tape, the government prefers ideology over
finding new ways to save lives on the road.

While I am on a roll discussing the Road Safety Remuneration Tribunal, back in June this
year Mr Jamie Briggs, the Assistant Minister for Infrastructure and Regional Development,
was addressing an Australian Livestock Transport Association conference in Adelaide. I am
quoting from ATN magazine, which is a pretty good magazine, too. It says here:
Briggs told the ALRTA conference the Coalition has "always been very uncomfortable" with the
tribunal and then added: "I think you can see the direction the government is intending to take."
"We think over-regulation of your industry doesn’t help your outcomes. It just adds cost, it doesn’t
improve safety. It just means your businesses are harder to operate."

What a load of bunk! Why didn't he just come straight out and say, 'We will give you every
opportunity in the trucking industry to screw around drivers' wages, break every fatigue law,
speed, overload and turn a blind eye to illicit drugs.'

Let me just clarify this: I do not think one member of the Australian Livestock and Rural
Transporters Association would agree with that statement I just made, but these are words
coming from a politician from South Australia. I just want everyone to know his working
history. It is a travesty when you get members of parliament who have had absolutely no life
experiences and they pertain to be experts in the road transport industry. It really does give
me the screaming abdabs.

But I have got to tell you Mr Briggs's work history. He was born in 1977—great,
tremendous, no dramas. His employment before coming to parliament was as an employment
relations adviser for Business South Australia—whoopie! Then he went on to become a
research assistant to the Hon. RI Lucas MLC for a year, then he was adviser to the Minister
for Employment and Workplace Relations, the Hon. Kevin Andrews MP, for a year and then
he was senior adviser to then Prime Minister, the Hon. JW Howard—

Senator Gallacher: He was up to his neck in Work Choices!
Senator STERLE: and as my mate and colleague Senator Gallacher said, he was up to his neck in Work Choices—for three years. The man has never had a real job. He has never had dirt under his fingernails and would not know what it is like to get out there and actually have to change a tyre at two o’clock in the morning when it is pouring down with rain; but he is an expert in road transport and road safety! What an absolute disgrace. Anyway, I will have a bit more to say about that later.

We will get back to the bill. I just want to quote, while we are talking about road safety, some words of wisdom from the Department of Infrastructure and Regional Development. What they said, in terms of the Heavy Vehicle Safety and Productivity Program under the act, is:

Heavy vehicles are involved in many serious accidents across Australia annually—during the 12 months to September 2011, 230 people died from 204 fatal crashes involving heavy vehicles or buses and there is significant evidence linking such accidents with fatigue. Drivers are also required to comply with heavy vehicle driver fatigue-related legislation which ensures that regular and effective rest breaks are taken during long journeys.

Senator Gallacher and I know that, as we put in a lot of hard work in our former lives as transport workers and also as senior officials with the Transport Workers Union in the transport industry. This is not news to us two; we have been living and breathing it for the last 30-odd years of our lives. It may be news to a few on the other side, particularly those who have never had a real job in their lives but pertain to be experts in the road transport industry.

It also goes on to say:

The size of the heavy vehicle road freight task was 503 billion tonne kilometres in 2008, according to the National Transport Commission (NTC), and this is expected to reach 1,540 billion tonne kilometres by 2050. NTC argues that “improved productivity is the key to reducing the effect of the growing freight task on road safety, the environment and the amenity of our communities”.

They are words of wisdom. I could have told them that. There are no dramas; they only had to ask. But let us go back to what we did and the fears that Labor has in terms of the amendments not being picked up and not being legislated.

You see, in the round 3 criteria—which was under the Labor government—we said that projects that reduce accidents by targeting driver fatigue are of extreme importance. I want to share some examples of round 3 projects that we did do under Labor. Senator Johnston, let us go to your state and my state. Let us talk about WA, shall we? I can tell you, I know all these areas, as you probably do too. If I get it wrong, I am sure you may assist me. I also know that you will agree and I know that you will do everything that you would see fit to make sure that our roads are safe for all road users.

The government contributed $1.5 million to upgrading the Great Northern Highway road train assembly area in Wubin. You could spend another $1.5 million on that before you got it up to scratch, but at least that has been started under a Labor government. And $850,000 was spent in upgrading five rest areas on the Great Northern Highway north of Wubin. Let me tell you, that is only a drop in the ocean. I was in the Kimberley last week. I do that regularly; I am a regular visitor to the Kimberley and have been since 1980. I have to tell you, it is hard for the road train operators to get into a parking bay at this time of the year. Everything up there is big; they are either over width or have three trailers. But you have the grey nomads in
there, who will not spend a dime in town but will go and park in a truck bay and camp there for a couple of days. We could do with a hell of a lot more truck bays up here.

But at least there were five of them done at $850,000 under the previous Labor government. The layover bays on the Great Northern Highway between Port Hedland and Newman were done. That is only one project. You should see the other fine work that was delivered under a Labor government in Port Hedland, which I had an opportunity to look at last Tuesday. There was an upgrade to the existing rest area on SLK 526 on the Eyre Highway and a number of other initiatives.

The wording is the problem that we have with the government at the moment on this bill, because—as I have said—our criteria said that projects that reduce accidents by targeting driver fatigue are our cause. But under the Liberals’ round 4 criteria, they have changed the wording to:

... improve the safety environment for heavy vehicles.

What the hell does that mean? This is the fear we have and I want to share this with the chamber. I heard Senator Williams going on to the backbenches, saying, 'Do not be fooled by Labor,' and all that sort of stuff.

The truth of the matter is—and I am not going to be a shrinking violet on this; I have made this very, very clear—I do not trust the other side of the chamber when it comes to weaselling out of road safety programs. I absolutely do not trust the ministers to uphold what they should be upholding in terms of delivering road safety. We have seen that with some fellow who has never had a real job in his life but who claims to be an expert in road transport. He tells people he will water down road safety—he sees it as red tape. But I also do not trust Minister Truss to stick by his commitment to road safety, unless it is legislated in this chamber.

I want to send a message out to Senator Muir. I have had the opportunity to speak to Senator Muir. I am privileged to have had the opportunity to speak with Senator Muir's chief of staff, who, like me and Senator Gallacher, is an ex-truckie and actually gets the importance of road safety. This may not come up again. Senator Muir has six years in this building at this stage; he may get another six years—I hope he does. But, Senator Muir, you have to understand that you may not have the opportunity to correct the ship. Along with other crossbench senators, this is now the time to support Labor's amendments, as I know the Greens will. I want the Palmer United Party to understand this. Why should the minister have the final say? We should trust the parliament; we should not trust individual ministers with road safety.

Here is another reason why—and I am going to make this very, very clear: one of the major pushes for the abolition of the Road Safety Remuneration Tribunal has come from none other than Coles, the supermarket. Surprise, surprise, Coles have got a problem. Coles do not want transport operators to be safe. Coles have problems because our drivers have to have fatigue management breaks. Coles have problems—they will not say it, but why else would they want to kill off the Road Safety Remuneration Tribunal?—because truckies have to be paid properly. If truckies are paid properly, truckies will not have the incentive to speed, to break speed limits to make a dollar or, even worse, just to meet their basic commitments in fuel payments, insurance payments, truck payments, maintenance and tyres. Coles have a problem with the Road Safety Remuneration Tribunal because it also takes away the incentive for truck drivers to seek to use illicit drugs. I did not say Coles were supporting or promoting
illicit drugs, but why in hell would a major user of transport have a problem with truck drivers being remunerated properly? Why would they have a problem with truck drivers carting legal limits, legal loads? Why would they have a problem with other road users making sure that they are absolutely protected due to our truckies being protected when they are paid properly and they are rested? I rest my case. I do not see the reason for this.

There is this bulldust about red tape. Call it what you like, but when my kids and my wife are out on the road I want the truck coming towards them to be driven by a truck driver who is remunerated properly, who is carting legal load limits, who is not using illicit drugs and who does not have to speed or shortcut on repairs, maintenance and tyres. You can call it what you like—I do not care what you call it—but to hide behind red tape is an insult to the transport industry and an insult to the road safety industry. Every person in this chamber and in the other place should condemn the ridiculous statements made by people who have no idea but who are getting paid a nice little wage because they are a parliamentary secretary or an Assistant Treasurer. It really irks me.

If Mr Briggs has a problem, I welcome the opportunity to tour the country with Mr Briggs. There is the offer, if he is listening. Let's debate it. He and I can get into a debate, but we are not going to hide behind the apron strings of Coles, behind the apron strings of major transport companies who do not want to pay their drivers properly or behind the apron strings of other users. Debate me, but debate me with community people. You name the place, Mr Briggs, and you name the time—I will be there debating with you. You put forward your case and I will put forward my case as to why we should have a Road Safety Remuneration Tribunal, why we should make sure that every Australian has an opportunity to go to work or to go visiting or whatever and know that Australia's truckies are rested properly and paid properly and that the use of illicit drugs is stamped out. There is the challenge.

We have heard a number of statements about how great the government is and, yes, we all support these things and we all want to work together, but we have to put it in context. If all sides of the chamber—the crossbenchers, the Greens, Labor and the Liberal-National coalition—agree, what do they have to fear about letting the parliament be the judge? What is there to fear about amending this piece of legislation by taking this decision out of the hands of the minister? We have seen other examples. Minister Truss may have some problem with this, but I also remember in 2004-05—I was not a senator in 2004—that there was a fair bit of pork-barrelling going on. The Australian National Audit Office found 17 shocking examples of pork-barrelling. I am not saying that that was all involving Minister Truss; other ministers were in that portfolio before him. But Minister Truss picked up the last six or eight months in the portfolio. This is the sad part. If it is not controlled by the parliament and it is the hands of one minister, it could be twisted, it could be moved aside, and certain elements could be de-prioritised. When I see the wording of the coalition's round 4 criteria state in brackets that they want to improve the safety environment for heavy vehicles, that does not give me any comfort at all.

I say to all those out there listening: put on the hat of your parents or your brothers or sisters. My son is a truckie. He is out there every night on the North West Coastal Highway or the Brand Highway or the Great Northern Highway. I know that he works for a reputable firm. He works for Western Australia's largest transport company, where the truck drivers are paid on their fatigue management book. They cannot diddle their hours. They also have
cameras in the cabs and they have GPS. If they—the largest transport company in Western Australia, which is privately owned—do not have grief with paying their truck drivers properly, if they do not have grief with making their truck drivers have fatigue management breaks and telling their clients, 'If you want us to provide your transport services, these are the laws and regulations that you must work in,' why the hell are the likes of Coles, ably abetted by junior ministers who have no idea, pushing to get rid of or water down Australia's road safety legislation? We will not be supporting the bill.

Senator RHIANNON (New South Wales) (11:52): I congratulate Senator Janet Rice on taking over the transport portfolio, and I look forward to working with her in this area. She has set out the Greens' very clear case on the Land Transport Infrastructure Amendment Bill. I reiterate the Greens' support for Roads to Recovery and black spot funding to improve safety and access on our roads. Some of my work in the portfolio of local government crosses over into this area. When I was in the New South Wales parliament, I saw how important road maintenance and road safety issues are to local government. It is an area of politics where some very important work is undertaken.

Constitutional recognition of local government is relevant to this discussion. Constitutional recognition is needed for many reasons, but one reason is to ensure that funding for local roads continues to flow. I again put on the record how disappointing it is that the issue of constitutional recognition of local government seems to have fallen off the political agenda of this government; it did appear when they were in opposition that they were not really committed to it. It is something that we need to continue to raise. If you want surety of roads funding for local government, it is most definitely relevant.

Over the past few months since the introduction of this bill, the coalition government—particularly the National Party, I have noticed—have been running some ugly politics, trying to accuse the Greens and Labor of undermining road safety because we would not simply wave the legislation through. That really is low, insulting and cheap politics. We have just heard Senator Glenn Sterle set out very clearly how important it is to have safety on our roads and how relevant this issue is not only for truck drivers but for all road users. For any members who did not hear all of the senator's speech, I would recommend it, because he set out the need for good rest breaks and decent pay for truck drivers and how important it is to stamp out illicit drug use. These are critical issues that serve as a real reminder of why we need decent regulations. This government is trying to run down these regulations, which then becomes a real safety issue. So if we are talking about safety, those factors also need to be taken into consideration.

While we are talking about road safety and local councils, it is also relevant to remember what happened in the government's first budget brought down in May this year. There we saw $1 billion ripped out of local government funding. Regional councillors and communities from many country areas have contacted me about this. They are really concerned about the way the government is handling local councils. Often within those messages there were comments about what this would mean for road safety, for road maintenance and for jobs in those country areas. Often the area with the biggest job allocation in local councils is road maintenance. That has been spelled out to me time and time again. The Municipal Association of Victoria have estimated that regional and rural communities could be hardest hit by the
cuts. Again, Senator Rice pointed this out very clearly in her contribution. The President of the Municipal Association of Victoria, Bill McArthur, stated:

Commonwealth financial assistance grants are a core revenue stream for local government. The grants provide up to 27 per cent of rural councils’ total funding so rural communities will suffer a massive impact.

The local government associations of Queensland and South Australia have also detailed how regional and rural councils will be hit hard by this massive budget cut. The President of the Australian Local Government Association really nailed the impact on local roads in regional and rural areas, when she said:

These grants are used to maintain a great range of infrastructure including local roads, bridges …

There you have the importance of that government money for roads and bridges—$1 billion of that now ripped out—identified by these peak organisations that bring together our local councils and shires.

When we come to the debate about transport, the role of councils and the money that they are losing are very relevant issues. While the government is slashing vital support to regional councils, it is delivering billions of dollars to private motorway projects that will not improve congestion but will boost the profits of private developers. This is very relevant to this debate. It is essential that the money flows for road upgrades where they are needed because of safety issues. Meanwhile, we have a much greater flow of money into the hands of private motorway developers—clearly a section of the business community that is very close to the Nationals and the Liberals at both federal and state levels. The Abbott government have announced $3.5 billion in funding to the WestConnex, a private tollway in Sydney. They have done that despite the New South Wales government—their own Liberal-National colleagues at the state level—refusing to release the business case. The government are handing over that money while the community cannot find the details of who is going to benefit or whether there is any benefit at all.

Questioning in Senate estimates exposed the lack of confidence Infrastructure Australia has in the WestConnex project. This is largely because details and costs have been kept hidden. This is becoming a real theme with the development of urban motorways in this country. So it is not surprising that the Cross City Tunnel and the Lane Cove Tunnel, two big urban motorway projects in Sydney, have gone belly-up and into receivership. There have been similar problems with Brisbane tollways as well. So the evidence is in that there is a major problem with how these business cases play out. What do we see here? We do not see the government being transparent, being open with the public about the problems they are confronting. Even if they go ahead with their motorways, how are they going to make them work financially? You would have to assume that the reason they are being secretive is that they cannot argue the case.

I have set out the amount of money, coming in at $3.5 billion, for WestConnex. The secretive way they are handling the business case is a repeat of what happened with the east-west tollway in Melbourne. The federal Liberal-National government has committed $3 billion. What do we see? Another project with a secret business case and another project that has been rejected by the local community. I very much congratulate the communities around the proposed WestConnex project and the proposed east-west tollway for getting out there and informing people about the reality of what these projects will do to their communities.
They are letting people know how these projects will create more congestion and more pollution and how these sorts of motorways often divide communities—sometimes you cannot even cross the road in your own area anymore.

There you have it—$6.5 billion in total for private tollway projects that are completely lacking in transparency. That is very relevant to this debate. When we are talking about the need for money for roads, we need to look at what the government is doing across the board in this area and to explore why they are being so secretive and who is benefiting from allocations out of the transport budget. The government has committed less than a third of that $6.5 billion to the Roads to Recovery program in the 2014 budget. Roads to Recovery comes in at $2.1 billion—money that we have always said is needed and should be allocated. As other senators have said, however, there need to be standards and we need to get it right.

When it comes to infrastructure and roads spending, this government is full of rhetoric about how it is going to benefit the majority of people, but in reality they are delivering it in a way that works for the big motorway developers. The government accuses the Greens of opposing road safety while at the same time it prioritises billions for the private sector through projects like WestConnex and the east-west tollway. What the Liberals and Nationals need to realise is that people are cottoning on to that. The government might try to slag us off by saying we are not interested in safety and they might sprout those words for their media grabs, but that is insulting. Saying that a person does not dare about the lives and safety of others is, I think, one of the worst things you can say about someone. But I am finding that the community can see through the government’s media grabs. They can see that it is just a cheap way for the Liberals and Nationals to try to deflect criticism and divert attention away from the very important analysis the Greens bring to this debate about where the money is being spent and why these urban motorways continue to be pushed by government—when the evidence is in that they represent a failed model. They represent a failed model from the perspective of delivering transport solutions and they are certainly a failed model from the perspective of business success.

If this government were serious about improving productivity and safety, it would take off its blinkers when it comes to infrastructure investment and take public transport seriously. People often say, ‘You bang on about public transport, Lee, but seriously people want to get in their cars.’ Of course we know that people want to get in their cars. You need trucks. In a country the size of Australia, trucks will always be part of the transport mix. But the key way to reduce congestion on our roads is by having better public transport. That is how we can get traffic on our roads to move more efficiently—by giving more people access to reliable, fast, safe public transport. If they have that access, they will use it. Then the people who need to use our roads will be able to do so with less congestion.

We need good quality safe roads to connect our communities, and that particularly applies—and I will emphasise this again because the continual distortion of the Greens position gets a bit tiresome—in our regional and rural areas. But decades of bias towards roads funding has created bottlenecks in our economy. We are far from world’s best practice when it comes to freight and passenger transport. We are back in the 20th century. I was doing some work on the South Coast of New South Wales, along the Princess Highway. It is one of those areas where there have been huge upgrades—in parts, not in all parts. Many of those upgrades have been done for safety reasons, although not just for safety. But there have
been huge upgrades with lots of flyovers. In one place, I was able to look down on both the railway line and parts of the motorway. The contrast was extraordinary. You could see a one-line rail track which I doubt has been significantly upgraded in a hundred years—seriously, any upgrades would have been minimal. In stark contrast, you could see this incredibly fancy motorway that has had all the kinks straightened out and is now a very fast road for users. That speaks volumes about how governments—and I am talking about successive governments here, Labor as well as Liberal-National—have approached transport infrastructure.

We need to ensure that rail and bus services keep up with the demand in our cities. I am giving emphasis to the cities because clearly that is where there is considerable congestion, but these services need to be addressed in our regional areas as well. We need to continue to invest in our regional rail network and freight lines to build on the incredible transport legacy created by our forebears. They had vision and they put in the hard work. I often use the extensive rail network that spans our country and I often address community groups who are very passionate about our rail lines.

Sometimes you wonder whether it had been up to the governments of today to come forward with a transport plan they would have had the vision of our forebears to put in such an extensive rail network. Our forebears knew that what they were building then was for the future; it was not just short term, with a couple of rail lines linking up a few communities. They had that vision, and that is what we as a society need to return to today. The planners, the engineers and the public officials who delivered such a comprehensive national rail system had the common sense, vision and understanding of the importance of public transport when it came to connecting our cities with our regions and our regions across this huge land.

The pattern of investment in roads at the expense of rail in recent years has shifted the balance. We now see huge problems across the country, with gaps in the rail network, the dangerous growth of B-double and B-triple trucks on our roads and the ailing public transport system in our major cities. There is not the vision or the coordination needed for safe roads and also for roads that will help boost the productivity of this nation while, at the same time, being a wonderful transport system that allows grandparents to pick up their children in the next suburb after preschool, people to catch public transport to do some volunteer work, students to go to a university a couple of suburbs away and people to get to work efficiently. All this should be fundamental to how a government approaches transport policies, not just one that looks at 'How do we do some favours for some mates?' who happen to be big motorway developers.

The government has refused to spend a dollar on new rail projects. We heard the Prime Minister say those extraordinary words: 'rail is a matter for the states'. How has he really belittled public transport! The proposed legislation makes it clear that land transport is an infrastructure issue that needs to involve all levels of government—federal, state and local. It provides a framework within which the federal government can fund particularly road projects. There is absolutely no reason why such a framework could not be established for important public transport projects. When the minister comes in, he will clearly be dealing with the details of the legislation, but it will also be very relevant to hear from the minister why such a framework—the minister will have the opportunity to set this out—could not be established for important public transport projects. The very name of the bill, 'land transport',
would suggest that the funding allocated through this legislation would go beyond roads and perhaps into rail. Unfortunately, we know that is not the case. This is why, when I read the title and then the details of the bill, I felt that it was actually another one of those situations where the title of a bill is being used in such a way as to be misleading.

So, yes, the Greens will support this bill because the Roads to Recovery funding is important to ensure road safety, but it will be contingent on two amendments. My colleague Senator Janet Rice, who has carriage of this legislation, has set this work out very clearly. We believe it is entirely reasonable to hold this government to its election promise, which was:

To ensure more rigorous and transparent assessments of taxpayer-funded projects—

These are the words of the government—and they went on:

So what could be the problem here? Surely those amendments should pass. We will support amendments to that effect to ensure the government are held to their word. In fact, we will move for the lower threshold of $50 million to ensure even greater transparency in terms of the allocation of public funding.

Additionally, we will support amendments to enshrine in legislation guidelines relating to the Heavy Vehicle Safety and Productivity Program. However, as we believe this program should be focused on truck driver safety, we will move to prioritise projects that improve the productivity of road freight. The primary goal of government when it comes to road freight infrastructure should be to make sure that truck drivers are safe—this should be the starting point: truck drivers are safe—and then we can have safe roads. You cannot do one without the other, and this is where I become very disturbed with how the government plays out this issue. We are talking about the lives of people—people with families, people who are on the roads with such a huge responsibility driving the big trucks that we regularly pass. They should be able to go home to their families, and everybody they pass should equally always know that the roads are safe.

One of the best ways to ensure that our roads are safe and our productivity is enhanced is by starting the transition to freight on rail. This is not about taking work away from truck drivers; it is about increasing the productivity of our nation. We can all benefit from safe roads, greater productivity and a transport system that works effectively for all.

**Senator LUDWIG** (Queensland) (12:12): I also rise to speak in this debate on the Land Transport Infrastructure Amendment Bill 2014. Can I add to Senator Rhiannon's comments that I do not think she will get an answer from the minister—but it is worth holding out for that, in any event. This government does not want to engage in debate. Quite clearly, in this instance, they have been cruel and particularly unfair. They said that they would be an infrastructure government, but they did not tell the Australian people that it would be done on the back of the lowest and middle-income earners, with savage cuts and higher taxes. They did not say that they would do it by re-announcing all of Labor's infrastructure projects.

To be fair to the Treasurer—something he is not used to—he does not think this is an unfair budget. In his mind, poor people do not drive cars anyway. He could take the ice bucket challenge, but I think this challenge would be better. I would like him to stand on the
M1, with a billboard that has his photo on it—he could also maybe do this on the M5 in peak hour traffic in Sydney or on the Gateway Motorway or the M1 in Brisbane—and tell those hardworking people that they do not need to worry because they do not drive cars anyway. I would ask him to try that challenge and see how he fares. It might be easier to do the bucket of cold water, and that could wake him up to the fact that he is so wrong about these issues.

The bill amends Labor’s Nation Building Program legislation. Labor’s Nation Building Program saved the country from the worst of the GFC but, in particular, it did this: it modernised Australia’s land transport infrastructure. The government is now determined to tear it up and in its place put only pain and incompetence. This government is really two halves: on one side, they are cruel, mean and heartless, determined to inflict pain on the lowest income earners in the community; on the other side, they are simply incompetent, bumbling around like clowns, a three-ring circus, falling over their own words and tripping themselves up on a budget of broken promises. When you put them together, they make a whole of incompetence and cruel cuts.

Let us look at the incompetence in the budget strategy. First it was a ‘budget crisis’. Senator Williams—in this debate—changed the words again; he did not use the words ‘budget crisis’. So the government are not clear about what it is. Then it was an emergency. Then it was a problem. But, when 97 per cent of the budget had already passed, they said, ‘No problem at all; nothing to see here.’ Then, all of a sudden, Mr Barnaby Joyce shot out of the gate and said hospitals and schools would close down if the budget were not passed. Everybody on that side forgot to tell him; again, they forgot to give him the script so that he would get it right! They belatedly wheeled consultants and party hacks into the cabinet room to tell them to tone it down: ‘Tone it down. Don’t get people excited about your budget crisis,’ or your budget emergency or your budget problem, whichever it might be. I am not sure if they got around to discussing it in the party room yesterday. It would have been hard to get a word in, with Senator Macdonald’s tirade against Mr Tony Abbott. But I digress, and this is a serious issue.

But I wanted to make sure we understood the frame of this debate, where the coalition are at with this debate and, more importantly, how incompetent they are when it comes to reform or following through on reform.

Much of the debate on this bill has centred on the fact that everyone here, I think, believes that we need to continue to improve our roads to have good infrastructure and that that should continue. I think the coalition started out with that premise but lost their way, through being either mean or incompetent—take your pick. The bill relates to roads, rail and intermodal funding by the Commonwealth, and the minister’s second reading speech mentioned a dozen major projects that were announced and funded by the previous, federal Labor government. They included the $6.7 billion to upgrade the Bruce Highway—I will say that again: $6.7 billion to upgrade the Bruce Highway—one of the important links across Queensland; $5.6 billion to finish the duplication of the Pacific Highway, which is absolutely necessary; and $1 billion to continue the Gateway Motorway North upgrade in Brisbane. All those projects are about supporting Queensland, Queensland jobs and Queensland infrastructure. In one sense, it is pleasing to see that the coalition did not rip the heart out of that when they got into government; they just re-announced our programs.

What worries me most of all is whether the government will pick up the cost of changing the name of this funding program from the Nation Building Program. The opposition have
sought an assurance from Mr Truss that additional Commonwealth expenditure will not be incurred as a result of the name change.

But one of the most difficult issues, and I think Senator Rhiannon picked up on this earlier, is whether, if the government continue with all those funding commitments—including finishing the Gateway WA project in Perth, which I know you, Acting Deputy President Sterle, would be interested in finalising, as well as the $615 million to build the Swan Valley bypass on the Perth to Darwin highway—it is going to be a case of, ‘We'll continue this funding but we're going to have to drag money away from somewhere else,' such as the Federal Assistance Grants to local councils and other areas. So is it true that they are going to provide this funding, ultimately?

The government deem it necessary to extend Roads to Recovery. This is, as we know, a very popular program when you go out and talk to local councils; they find it fits their bill. This is a program that Labor funded out to 2018—a total of $1.75 billion fully funded in Labor's budget. The coalition say they support the program. However, if you look at their savage cuts to Financial Assistance Grants in the 2014 budget, the total cut being nearly $1 billion over four years, they appear to have taken with one hand and allowed the remainder to be there. So it is of no comfort to local councils in Queensland. In six years, the indexation freeze on these grants will overwhelm the $350 million allocation made under Roads to Recovery, making support for local government roads a complete mockery. That is where we have ended up with this coalition. 'Tricky and mean' is all you can say about them when it comes to the way they have structured their budget for roads.

On the other hand, if you look at Labor's record—Senator Williams tried to decry what we have done—we doubled the budget to $46.5 billion, upgraded 7,500 kilometres of roads and lifted local government roads grants by 20 per cent. So we have put our bona fides on the table. The local councils out there recognise the hard work that Mr Albanese, from the other place, did as roads minister. They still talk about him reasonably fondly for the work that he did in those regions. He remains committed to assisting local councils to improve their roads and infrastructure.

Let us compare that with the coalition's position. The coalition has committed to the Melbourne East West Link and Sydney's WestConnex projects without cost-benefit analyses in defiance of its own election promises; has shamelessly, as I have said, re-announced Labor's projects, such as the Gateway North in Brisbane and the Bruce and Pacific highway upgrades, claiming they are coalition projects; and has tried to welsh on $500 million on roads spending in WA for the Great Northern Highway and the North West Coastal Highway. They backflipped, and I suspect it was a backflip with half pike. We could give some of the credit for that spending to Senator Sterle, but I think Mr Albanese can take the credit for pushing very hard to secure that backflip with half pike from the coalition. All of this points to the coalition being very tricky and mean when it comes to roads and infrastructure funding.

There are two amendments that we want to make to this bill. I know Senator Sterle has a very deep interest in one, which is the heavy vehicle program. The first amendment seeks to formalise an initiative taken under the former Labor government, a program targeting infrastructure around heavy vehicle driver fatigue and productivity. This program is about ensuring that there are properly funded rest stops along highways to provide more options for drivers to take their break. This highly popular program has funded many initiatives across
rural and regional Australia. I ask Senator Williams to support this amendment. If he has an ounce of rural or regional blood in his veins, he will support a program that supports regional truck drivers. I doubt he will, but I will make the bold assertion that he should.

Infrastructure Australia also needs transparency. This government shrouds itself in secrecy. It loves the dark. That is about all you can say about it. It does not want any light on or transparency about what it does. I did not think that I would find a lack of transparency here in road infrastructure. I knew I could find it in the Attorney-General's portfolio and in border command and border protection. They are up-front about it, at least—they simply said, 'I am not going to tell you at all. We will keep it to ourselves. You can go and figure it out yourself.' At least they were up-front about it. At least they told us. I do not agree with their secrecy, I believe that they should have transparency and openness, but in this case who would have thought that you would have secrecy surrounding road infrastructure? But secrecy has found its way in.

Labor wants to ensure that there is full and transparent scrutiny of major project spending. It happened under Labor; why can it not happen under the coalition? They do not want it to. It makes you suspicious instantly, quite frankly. Many stakeholders in the infrastructure debate have called for greater transparency and accountability in how the Commonwealth spends its funds in infrastructure. It makes sense, because people want to have confidence that these billions of dollars being spent on roads are being spent wisely on the areas that require them and in the order that they should be.

Transparency and accountability are anathema to this coalition government. I think they do not like the words. If you were playing word games with them, they would never make those two words no matter how many letters they had to support them. In this instance, this government should take on board this recommendation. This will ensure proper scrutiny before projects are approved. It is about ensuring that we ask the minister to seek the views of the government's expert adviser on infrastructure, Infrastructure Australia. It makes sense. If you are going to spend in this area, why would you not get the expert's evaluation? I think the coalition will not support this amendment, because they love the black. They do not want to have transparency and accountability.

The Land Transport Infrastructure Amendment Bill enables the continuation of the Roads to Recovery program after 30 June 2014. It seeks to unify the scheme for funding national land transport network projects. It also seeks to enlarge the scope of the power to fund research, investigation, studies and analysis. Ultimately, the policy area by the coalition is not new—and I think that is the main point we should note in this debate. They have not come up with any new policy position in this debate. They have simply renamed it and exaggerated the impression of a major shift for the media's consumption. They bang the tambourine drum, as you say, but ultimately it is the same tune. Nothing has changed—except the areas I highlighted where I think they are being tricky and mean, and are seeking to rip funding out from this area. Why they hate local councils so much, I am not sure. In opposition, the coalition would praise local councils. They would talk to them continuously. But now when you travel around rural and regional Australia, local councils are feeling like they have been short-changed by the coalition—I think Senator Williams, particularly, has an affinity with rural Australia. I think the coalition have done themselves a huge disservice in this debate, particularly around roads. When you
understand that councils rely significantly on this funding stream to ensure that local communities can be well supported with roads, it really makes you reconsider the coalition's position on this—and appeal to local councils to reconsider their position, which has been to support this program under the now coalition government.

One of the areas I would like to go to briefly is that, whilst Labor was rebuilding the road infrastructure network, we also, through Natural Disaster Relief and Recovery Arrangements, rebuilt many roads and other infrastructure out in the community. Like Senator Rhiannon, I would also like some assurances from the coalition that, as part of the way forward, they will not also—as they have done with Roads to Recovery and with the federal grants to local councils—short-change local councils on NDRRA spending. We are a country which suffers from floods. We are a country which has cyclones. These events decimate local areas, particularly roads and infrastructure. They need to be rebuilt; rebuilt quickly and rebuilt well. When Labor was in government, we did just that. I worked with the Attorney-General and I worked with Mr Albanese, to do just that. What I worry about—and the government could put this beyond doubt—is whether the coalition will continue that hard work to make sure that they do not push the cost onto councils like they have done under FAGs. (Time expired)

Senator GALLACHER (South Australia) (12:32): I am pleased to make a contribution to this debate on the Land Transport Infrastructure Amendment Bill 2014. As alluded to by Senator Ludwig, the bill seeks to amend the Nation Building Program (National Land Transport) Act in the following areas: continued funding for the Roads to Recovery program, which expired on 30 June 2014—the program will be made ongoing indefinitely, rather than having a set expiry date in the act; the minister will acquire an ongoing power to determine a Roads to Recovery list which is not a disallowable instrument; the distinction between the national network and the off-road projects will be eliminated, and all will be retitled as investment projects; transport research funding criteria will be widened to include research into front-end projects; partnerships and non-corporate Commonwealth entities will be made eligible to apply for research funding; the act will be renamed and 'nation building' references will be taken out; and some spent acts will be repealed.

What does all this mean? We have councils that are saying, 'Roads to Recovery funding needs to come through or we are going to stop important, urgent works', and 'we may have to lay people off'. What this is really all about, in my humble view, is that we have a new government—which in earlier contributions has been labelled 'tricky', 'mean', and 'lacking clarity and transparency'.

If we take, for example, the minister requiring an ongoing power to determine a Roads to Recovery list: previously, the situation was that Infrastructure Australia would have had an open and full consultation. There would have been a complete and transparent economic evaluation of the project. It would have been ranked in the national scheme of projects; it would have had a priority, clear and transparent for all to see. And the nation would have been built to a better and higher standard. But they are not doing that. They are determining what gets funding. They are not doing a clear and transparent economic precis of the requirement for a project, the cost-benefit analysis, what it is going to bring to the nation, or to the economy—they are simply going to do it politically. And there is plenty of evidence of that going on around the country.
Importantly for the coalition, they had to take 'nation building' out of it—because they are not building the nation; they are building where they want to build. They are not building in a coherent, cohesive manner, in accordance with the nation's priorities; they are doing it in accordance with their—dare I say it—electoral priorities. The simple fact that they are taking all funding of rail out of the equation is a very clear indicator that they are not looking at the nation as a whole, or at its needs as a whole.

What I really wanted to do, Mr Acting Deputy President, is go to yours and my—very heartfelt—clear area of some expertise. I think it is really important to have on the record that heavy vehicles are involved in many serious accidents across this country annually; in fact, almost daily. During the 12 months to September 2011—and these are old figures—230 people died from 204 fatal crashes involving heavy vehicles or buses. There is significant evidence linking such accidents with fatigue. Drivers are required to comply with heavy vehicle driver fatigue related legislation which ensures that regular and effective rest breaks are taken during long journeys. According to the National Transport Commission, the size of the heavy vehicle road transport freight task in 2008 was 503 billion tonne-kilometres. This is expected to reach 1,540 billion tonne-kilometres by 2050.

If there is not a clearer indication that we need nation building in our roads, then I do not know where you would look for more compelling evidence. And we have not even talked about the passenger vehicles. We have not talked about the commuters and the millions and millions—probably billions—of kilometres that are done by the travelling public. The whole purpose of investing in our infrastructure is to make the economy work, but it has to work in a safe way. Along with the Hon. Darren Chester, I co-convened the Parliamentary Friends of Road Safety, and there is no clearer indication of the need for investment in rest areas, technology trial projects, parking bays and road enhancement projects than a quick look at the road toll.

Interestingly enough, we have had a very, very successful period—particularly in South Australia, I might say, and a great credit to some very influential and important people like Sir Eric Neal, Roger Cook and the like, who have been involved for many years in reducing the road toll. But we know that there will be improvements in vehicles and, importantly, that there will be improvements in roads. Let us hope that this government does not fall for pork barrelling and make those improvements in roads away from where they can best meet needs—where they can deliver the best result in terms of safety and economic benefit to this nation. We know that these things happen, and they happen with due planning and process. We know very clearly that you cannot portray economic benefit and improvement in safety as red tape, as some in this government are attempting to portray it, like the Hon. Jamie Briggs: 'We'll get rid of red tape; that'll save us.' But it will not save anybody if you get rid of the absolute prudent requirement to plan tasks carefully, to follow them in accordance with the appropriate safeguards, thereby affording every road user the ability to get up and down the road safely, not just the truck drivers but other people. We have had some awful examples in very recent times in Adelaide, such as a continual stretch of road that seems to attract significant road safety catastrophes, with a number of people being killed in recent times.

I note in that debate that the Hon. James Briggs was immediately out there saying: 'We'll spend some money on that; we'll be out there. Whatever you need, we can do something there.' But I do not think that is how the government should run. The government should run
on the basis of proper evaluation through the auspices of Infrastructure Australia or the department, do a proper cost-benefit analysis and get the matter addressed that way, not wait for a burning issue and then throw a pot of money at that in an ad hoc matter. We had a nation-building strategy. They are even seeking to remove the name ‘nation building’. They do not even like the fact that it had ‘nation building’ under it. Why that is so offensive to them, I am not sure. But it will not be sufficient for this economy to function effectively and for people to get their right to safe roads—it will not be fair dinkum, if you like—for a government to lack transparency, to put things in the dark. It is very clear that there needs to be investments in rural Australia, and it is very clear that if you live in rural Australia you do not have the many large centres that they have in the city. The argument could be that unless we can weight a bit of funding to regional Australia then all the money will be spent in and around the cities, where the masses of population are, and you can probably do a better business case analysis.

I am not sure that any Australian government has ever been guilty of that. We have built where the need has been demonstrated. If it has been a safety criterion, where there has been a stretch of road that has not been sealed or a stretch of road that has had soft shoulders and has not been upgraded, then all governments have invested that way. So I have the view that getting rid of Infrastructure Australia—getting rid of the independent economic analysis, the measuring of the effect on the productivity of the country and the awareness of safety—is a very retrograde step. And I am not sure—in fact, I will be as blunt as Senator Sterle: I have no confidence that the Hon. James Briggs is a person with enough experience to make some of the judgements he may be called upon to make on a daily basis. Let us hope his department is sufficiently skilled, qualified and able to give him good advice and is able to make sure that that advice sticks, because if we are in the hands of the Hon. James Briggs in terms of economic benefit in the road infrastructure network and in safety in the road infrastructure network, then I would have some concerns. I would think that he may well be taking on a job that is a little beyond him. That is why he should endorse and accept a structure like Infrastructure Australia that does the cost-benefit analysis, does the research, is contestable and stands up on its own. It can be put out there, you can pull it to pieces, you can argue the toss, but experts have come up with a robust model that will, in my view, deliver the right outcome for this nation.

The Hon. Anthony Albanese has been very clear and straightforward on all of this. He saw his task as the transport minister to build infrastructure for the nation. He did not rule in anything and he did not rule out anything. He got the advice, set up the institutions and took action where the evidence was clear and unequivocal to put in place the best thing for the nation. And this government has had to come in and say, ‘That doesn’t quite suit our priorities.’ Our priorities may be different, and I suppose that is fair enough, but you should be able to point to the logic of your argument, the fairness of your argument, the transparency of the argument, the wholeness of it. The first thing this government did was rule out investment in rail. I am sure the founding fathers would have thought that was a bit strange, because I think their first thought was that rail was the way to go. I am no open advocate of—

Debate interrupted.
MATTERS OF PUBLIC INTEREST

The ACTING DEPUTY PRESIDENT (Senator Sterle) (12:45): Order! It being 12.45 pm, I call on matters of public interest.

Road Safety

Senator CANAVAN (Queensland) (12:45): I would like to speak this morning about the trucking industry and its safety. I do so with some familiarity with the industry. My father-in-law is a truck driver. My uncle is a truck driver. I have seen firsthand how important safety is in that industry. It has a much higher fatality rate than most industries. The trucking industry has about 10 times the average fatality rate of any other industry. It is something that families always live with when they have members of their family in that industry driving long distances. Right now, my father-in-law is somewhere between Wagga Wagga and Lightning Ridge on another long-haul drive.

In the 12 months to March this year, 207 people were unfortunately killed in 180 heavy vehicle accidents. It is a very serious issue. Two years ago this place established a Road Safety Remuneration Tribunal to help try to deal with these issues—the so-called safe rates legislation. At the time I remember thinking, 'I do not exactly know how this is going to deal with safety.' I remember it going through. It was something that was pushed by the Transport Workers Union at the time. They were able to get that up through the then government.

We heard last week at the royal commission how the president of that union, Mr Tony Sheldon, had used money in the McLean Forum and that he had been able to control and leverage those funds to help him control other unions—such as the Health Services Union, the Flight Attendants' Association of Australia and also the Electrical Trades Union—by funding campaigns. That obviously gives him a fair amount of influence over unions in this country. The evidence at the royal commission did seem to say that. But it is not just unions, of course, because when he has control of those unions he also has control of preselection to the Australian Labor Party. If he has control over preselection for the Australian Labor Party, he has control of the leadership of the Australian Labor Party. Unions were able to leverage that influence to get a lot of things out of the former government. We saw a lot of those things go through parliament last year.

One of the things that went through was this safe rates legislation in 2012. We know that they did use that influence because there was a meeting at Kirribilli House in November 2011 between Julia Gillard and union bosses. We know that Mr Ferguson said of that time:

"It was another Kirribilli agreement … It was the deathknell for her government. She gave the unions everything they wanted … It was 'lock in behind me and I will deliver for you'."

And she did deliver. She delivered this safe rates legislation, which was simply a sop to the Transport Workers Union. It has not delivered any real benefits for the trucking industry or truckers themselves.

There is no evidence that higher rates of pay lead to more safety. There was an OECD report in 2011 which broke down the causes of heavy vehicle collisions. It reported on the results of an International Road Transport Union study. It showed that about 85 per cent of accidents involving heavy vehicles do not involve driver fault. Only for a quarter of those cases was the heavy vehicle driver at fault. A similar conclusion was reached in the Australian
context in a 2003 study, which found that in 82 per cent of motor vehicle accidents involving heavy vehicles the driver of that vehicle was not at fault.

I am not a truck driver; I am an economist. I always felt that, when you increase hourly wages or pay, you increase the supply of labour. You actually encourage people to drive more, not less. The whole reason for the legislation was to try to encourage people to drive less and therefore be safer on the roads. It was an admirable goal. But I did not quite see how those two things were linked, and neither did the regulatory impact statement of the government of the time. The government of the time had to do a regulatory impact statement on this legislation. The regulatory impact statement itself found no link between higher rates of pay and safety. It evaluated two options and they came at a net cost of $44 million in one case and $228.4 million in the other case. There was no evidence for the legislation’s establishment.

But establishing the Road Safety Remuneration Tribunal has been very good for one group. It has been very good for those people connected to the Transport Workers Union, because there have been seven members appointed to the tribunal and they have done quite well. There is the president, who is the Hon. Jennifer Acton. Her husband was Bill Shorten’s office manager.

**Senator Jacinta Collins:** Acton.

**Senator CANAVAN:** Jennifer Acton, sorry. I correct the record, thank you. A former senator of this place and former TWU boss as well, Steve Hutchins, is also on the tribunal. Paul Ryan, who represents an employer body, is also reportedly close to the Transport Workers Union. All of these people are being paid in the order of $95,000 to sit on that tribunal. That is very good. It is good for them. Good on them. But we have had this tribunal in place for two years and, so far, there has not been one remuneration order made by the tribunal that has increased pay for truck drivers.

I know my uncle and father-in-law would love to have increased pay. They would love it. But they have not got any benefits from this remuneration tribunal. The only order the tribunal has made duplicates state based safety regimes—another layer of red tape for employers which makes it harder for them to employ people in the trucking industry. It has not been so much ‘safe rates’ legislation as ‘mate rates’ legislation. That is what has happened here. The mates of the union have been able to come in and get lots of largesse from this new body.

I remember when the legislation went through. I remember, Mr Acting Deputy President Sterle, that you gave a very passionate speech on the night about safety in the trucking industry. I was genuinely moved by it. There were a bunch of people up in the gallery who applauded when the legislation went through. But nothing has changed. What has this body been charged with doing? What is it doing, other than providing jobs for former union members and former Labor senators?

I would like to conclude on a couple of issues from that royal commission. Mr Tony Sheldon made some comments around that royal commission last week about the safe rates legislation, including reporting on a tragic accident that occurred last week when a runaway garbage truck had an accident and unfortunately killed somebody. He said at the time that we need the Road Safety Remuneration Tribunal because it is ‘one of the few mechanisms
available to help enforce safe working conditions for drivers.' He used that tragic accident to try to call for the tribunal to stay. As a matter of fact, the Road Safety Remuneration Tribunal does not apply to waste collection services, including garbage trucks. It has nothing to do with that industry. Comcare is the national safety regulator that regulates road safety. It has issued a prohibition notice, but the Road Safety Remuneration Tribunal has done nothing in response to this accident. The Road Safety Remuneration Tribunal is not about safety. It is not about remuneration. It is purely about promoting TWU bosses and securing their influence in the Labor Party.

China

Senator DASTYARI (New South Wales) (12:53): Let me begin by saying 'da jia hao'. Recent remarks about China by our friends on the cross benches and in the government compel me to reiterate to parliament that the strong and enduring relationship and friendship between the governments of China and Australia is something that, rightfully, we can be very proud of. As I have said publicly on several occasions, provocative and prejudicial slurs about the Chinese people are needless and offensive. I wrote in the Australian Financial Review in January, on the eve of Chinese New Year, challenging the foreign minister for asserting that Australia should prioritise our relationships with the United States and Japan at the expense of our relationship with China, for publicly ranking our diplomatic partners and for placing a misguided sense of Australian identity over our future national interests. I joined members of the Australian Chinese community in Sydney last month to remind the Prime Minister that his comments praising the sense of honour of Japanese soldiers in the Second World War were needless and hurtful to many people. They were perhaps also prompted by that same misguided sense of Australian identity.

I rise today to condemn publicly the comments made by Clive Palmer on Q&A last week, for which he has rightly privately apologised. Hopefully, there will be an increasing and more public apology from him in the coming days. I condemn also the comments made by a senator from the Palmer United Party, Jacqui Lambie. The comments of both demonstrate needless, provocative and unnecessary prejudice and have been prompted by misunderstanding of the deep and enduring China-Australia relationship.

Friends, I do not need to remind any of you that serving in this place is a great privilege. Our words and actions resonate beyond this chamber into our vibrant multicultural communities and among our diplomatic friends and shape both the challenges and opportunities facing Australia on the world stage. Successive Australian political leaders have worked very hard to cultivate enduring relationships that are profitable—economically, culturally and politically—for both countries. Let me be clear, the rise of China as an economic, social, cultural and political power in our region presents Australia with a unique opportunity. Few countries are better placed than Australia, both geographically and politically, to capitalise on this rise to achieve our own economic and social objectives.

While there are those who try to divide us by stoking the embers of fear and division, the relationship will endure, because the bond between the people of these two great nations is deep and will continue to grow stronger. The statistics speak for themselves, but the story is deeper than just a few statistics. China is now Australia's largest trading partner and is twice the size of our second-largest trading partner. There are now well over one million people in our country who identify as being Chinese-Australian, who have brought their culture, their
identity and their sense of community to help grow this vibrant multicultural nation. But, again, the relationship is deeper than just statistics. We must recognise that the relationship will continue to be strong and continue to strengthen, provided we understand that we do not want a relationship with our largest trading partner that is based simply on transaction, on trade or on our being the cheapest place to purchase a particular commodity. We want an enduring relationship that is based on the principles of trust and respect. It is when those principles are being applied that the relationship is at its strongest.

For over 40 years the relationship has gone from strength to strength, and all major political parties have played a role in this. As everyone in this chamber knows, it was Gough Whitlam who famously began the modern relationship between Australia and China. In April 1971 the federal secretary of the ALP, Mick Young, suggested that a delegation visit China. Whitlam telegraphed Zhou Enlai, and was openly mocked by members of the McMahon government. As we all know, Whitlam was on the right side of history and he arrived in Beijing in July 1971, days before Henry Kissinger arrived to prepare President Nixon's historic 1972 visit. This was over a generation ago, but the relationship has continued to grow. Bob Hawke and Paul Keating played an important role in bringing the relationship forward in the modern era by bringing in institutions and playing a key role in the creation of institutions such as APEC and by understanding the changes that China was undergoing at an economic level following the rise of Deng Xiaoping and the rise of the modern era of Chinese economic progression. While he is not someone I have often praised in this place, former Prime Minister John Howard played a very important role in building our relationship with China. While his relationship began with a rocky start, there is no doubt that over time Prime Minister Howard understood and recognised the importance of the Australia-China relationship. In more recent years, Julia Gillard and Kevin Rudd both played a role in elevating the relationship and recognising that the increasing growth of China in this region is an economic, social and political opportunity. It is a relationship that has been reciprocated.

It is worth noting the significance the Chinese government has placed on its relationship with Australia. That is best highlighted by the quality of the people and the delegates they have sent to represent them here. I want to note the outstanding work done by Ambassador Ma and the team at the Chinese embassy, who have played a very important role in maintaining and building our friendship and our relationship.

In recent times, though, a serious of unhelpful comments and statements have been made that are hurting this relationship. As I have said in different places, I think the comment made by Foreign Minister Julie Bishop that she had a responsibility to be 'tougher' on the Chinese than the previous Labor administration was an unhelpful remark. I think it demonstrates a failure to understand what the relationship really needs to be about. She said that we need to be tougher, but I think the hurtful part was when she said that the Chinese government does not respect weakness. With all due respect, I think the Chinese have stared down far more formidable diplomatic opponents. But it is not about weakness. It should be about respect. I urge the Minister for Foreign Affairs to keep this in mind as she prepares for the visit of President Xi Jinping and for the G20.

The Australian/Chinese diaspora are rightly proud of the achievements of their country. They are proud of the transformation they have achieved in the space of a few short generations. They are proud of the economic and social transformation of China. All
Australians are proud of, and continue to benefit from, the important role that China and Chinese Australians play in the transformation of our own society. Friends, we have a responsibility in this chamber, as senators and as representatives, to ensure that our words and our language about not only our largest trading partner but a country that is playing such an important role in the future of this nation are respectful, considerate and show an understanding that this is a relationship that presents Australia with a very unique opportunity.

Xie xie.

**Op Shop Week**

**Hearing Awareness Week**

Fraser Anning (Victoria—United Australia Party) (13:02): I rise today to talk about two celebratory events this week. One is Op Shop Week and the other is to do with hearing.

This week, from 24 August to 31 August, is Op Shop Week. The aim of Op Shop Week this year is to boost donations to charity op shops. More and more Australians are turning to charity op shops to buy clothes, and good quality donations are always in demand, but never more so. I would encourage all my parliamentary colleagues and the Australian community to donate good quality clothes and items they no longer use. The outfit I am wearing today is my op shop outfit. I purchased it on the weekend from one of our top-quality op shops in Perth. In Perth, also, we in fact make a whole month for op shops. We have re-styled 2014 and in fact the whole month is addressed to op shops. You are supposed to buy and dress in a different theme every day. Today's theme is fringe, but unfortunately I could not find a fringe outfit to wear.

Op shops have been an important part of the Australian community for a long time. I remember my mother saying during that school holidays that we were going 'opportunity shopping'. We would go down to the local op shops and have a great time. Just around the corner from where my sister lived there was a white store she used to visit to dress her three children.

Australians donate two billion items a year to op shops. There are more than 3,000 op shops across Australia and more than 70,000 Australians volunteer their time to support charity op shops. Some people shop in op shops because they know there are good bargains there. Others shop there for sustainability reasons and some shop there because they have no choice other than to buy clothes and other necessities in op shops.

This year op shop week comes as the need for them and the importance of the work they do is thrown even further into the spotlight because of the impact the budget may have on the most disadvantaged in our community. Charities and op shops are going to be relied upon more than ever if those budget measures are passed by this place. The budget makes great holes in the safety net for the most disadvantaged Australians. Government has been waging an ideological war—I can find no other term for it—against the most disadvantaged.

So it is even more important that we consider the most disadvantaged in our country. It is very important that we make sure we support organisations that provide support for the most disadvantaged and that we remember that charities also provide very important emergency relief. That is why we need to be conscious of giving supports to op shops. Please support op shops every week of the year but particularly focus on them during op shop week.
As we look at the unemployment figures we see that a number of people are going to be adversely impacted by the government's budget. Last week when we were looking at the figures in the Community Affairs Committee's inquiry into the social security bills we saw that in that week there were nearly 150,000 job vacancies advertised. But, looking at the number of people on Newstart, youth allowance and DSP, who the government are more and more going to be pushing onto Newstart, there were 1.5 million people applying for just over 150,000 jobs. Clearly, people are going to be in very difficult circumstances. I think that the community is outraged at the way the most disadvantaged in our country are being treated and they are expressing that to the government.

This week is also Hearing Awareness Week. The theme is, 'How Loud is Too Loud?' I attended a breakfast this morning that the Hearing Care Industry Association has every year in this place to focus attention on those with hearing loss and hearing impairment. Already, one in six Australians is affected by hearing loss. As our population ages, we are anticipating that there will be an even greater proportion of Australians affected by hearing loss or hearing impairment. In fact, it is projected to increase to one in four Australians by 2050. Hearing loss is one of the most commonly reported long-term conditions in the Australian population: 13.7 per cent of males and 7.4 per cent of females reported hearing loss in the last National Health Survey.

Hearing loss costs Australia $11.75 billion annually in lost productivity and other impacts. Clearly, this is a very, very important issue. Only one in four people who could benefit from a hearing aid have one. There is an average of seven years between a person needing help with hearing and actually seeking help. Hearing impaired adults are often unable to afford hearing health services. This can seriously impact on their lives and seriously disadvantage them in their life outcomes. Their ability to participate in training, education and employment can be limited and their family and social life can be very severely disrupted. This places them at a higher risk of developing health and interpersonal issues arising from communication difficulties and social isolation. Those impacts obviously then affect their life outcomes.

There is a large number of people who have hearing impairment or hearing loss who are unemployed or underemployed. Without hearing rehabilitation, hearing impaired Australians can be expected to suffer losses in remuneration due to underemployment or, as I said, not being able to find a job. They can experience discrimination at work and find it harder to engage with work. We know what the impacts of being kept out of the labour market are.

We know that there are a large number of Australians who, as I said, are suffering hearing loss or hearing impairment who are of working age. The employment rates for hearing impaired people between the ages of 45 and 65 are lower than comparable people in the broader population. It is 20.5 per cent lower for men and 16.5 per cent lower for women. These figures show that we have a significant issue here with employment and engagement with employment for people who have a hearing impairment. These are the sorts of people who are going to get caught up in the government's push to dump, for example, younger people off income support altogether and to force people to work for the dole and those sorts of measures without actually addressing their hearing impairment.

There is no doubt that the Commonwealth Hearing Services Program is an outstanding program. We have found that in our Community Affairs References Committee inquiry into hearing in Australia, with the *Hear us* report that we did. It does absolutely provide a world-
class service to eligible clients, who are now young people under the age of 26. I am very proud to have chaired the inquiry that actually recommended that the Commonwealth Hearing Services Program be extended to people beyond the age of 21. It was only a couple of years ago that only people up to the age of 21 could get access to those services—now, it is up to 26.

Unfortunately, this leaves a whole group of adults who are not able to access hearing services. I have just explained how people are isolated from employment, so they do not have the capacity to buy hearing aids. Hearing aids have really improved with technology. It is absolutely amazing what they can do with hearing aids now, but that technology means that they are very expensive. So people, particularly people on low incomes, are not able to access these programs and are not able to do so if they are underemployed. If they do not have the resources to access the hearing aids, it is almost a self-fulfilling prophecy. That is because then their hearing is keeping them out of the workforce or keeping them underemployed. Without being able to earn the money to get the hearing aids, they cannot get additional training or get the jobs that they are qualified for.

This morning, we heard two very good examples from two women who presented to the breakfast and told us of their experiences with their hearing loss and hearing impairment. It definitely has affected people's ability to find work and stay connected to the workforce. We desperately need further investment in hearing health and, in particular, helping those people who cannot access hearing aids. The government is talking about wanting to improve connections to employment and getting people into the workforce. For someone who has hearing loss or hearing impairment, do you know what you do? You fund the hearing aids and then you will see people blossom and be able to connect with the workforce. Instead of penalising people, those are the sorts of things that help people gain employment.

I cannot talk about hearing and hearing loss without talking about Aboriginal and Torres Strait Islander peoples. I have spoken a lot in this chamber about the impact of otitis media on the hearing health of Aboriginal and Torres Strait Islander peoples. Otitis media is at pandemic levels in Aboriginal and Torres Strait Islander communities. This impacts on the rest of their lives. It impacts on their early learning and it impacts on their school experience, which connects through to their life outcomes. If it is not dealt with, there is social isolation.

I have also highlighted in this place the impact that it has on people's connection to the justice system and the fact that a large number of Aboriginal and Torres Strait Islander people in the justice system have hearing loss or hearing impairment. We need to actually deal with that hearing loss and hearing impairment when children are small with early intervention and deal with OM, which obviously needs to be dealt with. But when somebody has already suffered that impact, we need to be making sure they have support for their early learning and early access to numeracy and literacy programs. All the evidence shows that you can have the most significant impact by making sure they catch up before they go to school. The average Aboriginal and Torres Strait Islander child who is exposed to OM has spent the first 32 months of their 60 months of life with an ear infection. We definitely need to address otitis media, and some very good programs and very good research are being carried out. We also need to invest in specially focused early learning and early intervention with literacy and numeracy programs. If we are to improve a child's life outcome, this is a key area in which to
make that investment. It is not just about ticking a box in terms of a child having access to an early childhood centre; they need specially targeted programs.

As we found out during our Senate inquiry, the hearing and language section of the brain is formed by the time a child is around six months old. So, if a child develops a hearing loss or a hearing impairment very early, which is what happens with otitis media, the brain has already allocated that space to other things. In other words, we need to retrain that part of the brain for literacy and numeracy.

Otitis media is a pandemic. It is a massive public health problem. We need to focus on adequately resourcing Aboriginal health. We must understand that, if we are to close the gap, we need to make it a national priority to invest critical resources in childhood health and in early literacy and numeracy programs so that when children attend the first day of school they can hear and are ready to learn, just as their colleagues who have not had otitis media and who do not have a hearing impairment are able to do.

**Budget**

**Senator GALLACHER** (South Australia) (13:17): In the short time allotted to me I would like to make a contribution on the budget. On 6 September 2013 Tony Abbott said, 'no cuts to education, no cuts to health, no changes to pensions, no changes to the GST, no cuts to the ABC or the SBS'. That is on the public record. Whenever that has been raised in this chamber or anywhere else, there has not been an answer saying, 'We changed our mind.' The answer is always, 'But there is a budget emergency.'

Let us follow that through. If there were a budget emergency, what action would you take? At Senate estimates it became very clear that the first action the Treasurer and others would take would be to reduce the Australian Taxation Office staff numbers from 21,390 to 19,068 in the next 12 months. 'We have a revenue problem,' in the words of the Treasurer and those opposite, so the first thing they do is take 1,000 or thereabouts tax collectors out of the system. The Second Commissioner of the Australian Taxation Office, Mr Geoff Leeper, said during a committee hearing that 96 per cent of tax comes to the agency voluntarily and that it is the compliance team that spends its time chasing the other four per cent. Here is the rub: Mr Leeper states, 'that is largely where our new policy effort is focused, on high-risk areas', and that is where you are going to get a $6 return for every dollar invested. The rate of return is one to six.

If I were to accept that there is a budget emergency, why would the Treasurer be cutting 1,000 tax collectors? Why would he make it more difficult to collect in the high-risk area where people are not doing the right thing, where people are not declaring and paying? According to Mr Leeper, 96 per cent of Australians pay their tax voluntarily. There is an area where you need to chase the dollars. If there is a budget emergency, why on earth would you cut 1,000 people who have the potential, for every dollar invested in them, to raise $6? Andrew Leigh, the shadow Assistant Treasurer, said in a media release on 15 July 2014: The Abbott Government’s deep staff cuts at the Australian Tax Office (ATO) will result in a hit to the federal budget, with new evidence revealing every dollar cut from spending on staff will sacrifice up to $6 in unpaid tax.

My office has had considerable interaction with people—probably up to 15,000 phone calls made proactively and reactively—about the budget. So we do have an understanding of the
depth of feeling out there in a lot of regional and metropolitan areas about these unfair and unpromised attacks on ordinary Australians. The government say we are sacrificing our children's and grandchildren's future. If that were even remotely the case, why would you cut tax collectors? Why would you sacrifice the ability to get $6 for every dollar invested? That is not new tax; that is the existing tax regime, which is not being complied with by about four per cent of the population.

Contrast that with the GP tax, a $7 co-payment that would cost Australians $3.5 billion. The most vulnerable Australians would be the ones who would suffer. My office has had countless conversations with ordinary working class Australians who simply see this as a kick in the guts. They know the Hon. Tony Abbott, the Prime Minister of this country, lied when he said 'no new taxes'. At the same time, Tony Abbott is not even collecting the taxes that are out there to collect, because he is cutting 1,000 tax collectors.

If that was not bad enough, he is putting his Paid Parental Leave scheme in place. Do not take my criticism of the Paid Parental Leave scheme; do not rely on this side of the chamber's criticism. You do not have to go far to find the other side of the chamber criticising the Paid Parental Leave scheme. They have put their name to their criticism. Among the names bandied around of those who are not only critical of the scheme but feel so strongly about it that they are willing to cross the floor are Senator Bernardi, Senator Williams, Senator Smith and Senator Ian Macdonald. They join Alex Hawke and others in the lower house who are in open revolt about a $5 billion spend on a PPL scheme in this area of alleged budget emergency. Hang on though, Joe said, 'We'll do that. That's our signature policy. We're going to do that over the top of our own side's opposition. We're going to cut 1,000 tax collectors, forgo the chance of getting $6 in for every $1 spent, and we are going to whack a co-payment on the most vulnerable Australians.' That is fair? Goodness gracious!

We do not have to go too far to find some interesting media commentary. I was intrigued by the contribution from Niki Savva on Insiders on 24 August 2014. I do not know the journalist. I have no doubt that she does a startlingly good job in her field. She has certainly been around a fair while. She said in reference to Senator Cormann:

Mathias I think is doing a very good job, but he's doing 2 and a half jobs at the moment …. He's doing as you say Arthur Sinodinos' job, doing his own job as finance minister and half of Joe Hockey's job as treasurer.

She went on to say:

But it's not a very tenable situation, either Joe has to come good and everyone is keeping their fingers crossed on that hoping because if Hockey doesn't come good then they are in all sorts of trouble again and plus they need an assistant treasurer before too long.

We all know that Senator Sinodinos has parked himself on the bench. That has left a bit of a hole, no two ways about that. Here is a commentator that says that Mathias is doing a good job, he's doing 2½ jobs, keep your fingers crossed for the Hon. Joe Hockey to come good. If he can get his gaffe-prone performance back on line, they might be able to prosecute their budget. Someone in this place who has been here a very long time once said to me, 'I can't remember a budget that people were still talking about three weeks after it happened'. This is different. This is 100 days after it has happened and it is red-hot out there in the electorates. People are not going to stop talking about this budget. This is red-hot. It has managed to touch everybody.
Arthur Sinodinos is on the sideline; he has parked himself on the bench. The Hon. Joe Hockey, the Treasurer, has put his foot in his mouth a couple of times and had to withdraw from the front line—he cannot sell his budget and he complains that no-one wants to talk to him and no-one likes him. Senator Cormann has had to step to the front and take up the running. And what do we get from the Prime Minister of this country? The Prime Minister, a man who ceaselessly criticised former Prime Minister Kevin Rudd for travelling, in this time of budget emergency has managed to make as many international trips as were undertaken by the person he decried in the first place. So you have a budget emergency and a leadership emergency on the other side. They have one person paddling, one person dragging the boat back and another person flying around in circles. The reality is that you cannot cut tax collectors and punish pensioners and then expect the Australian electorate to say, 'Yep, that sounds fair.'

Amongst all of this debacle there is an issue we have discussed in a number of Senate committees—transfer pricing. This is about the fact that Apple, Google and other global corporations work the world system to their advantage—quite properly and legally at the moment—and avoid paying taxes in countries where they make lots of sales. What have the Taxation Office done in respect of that? I presume we will have to wait till the next round of Senate estimates to confirm this, but my information is that they have made redundant the people they charged with investigating that issue. These are the people that they were asking to give them a policy about getting some tax off these global corporations. Because there is no research and development tax in California in the United States, Apple do their design, research and development there—fair enough; that is legal. There is a 15 per cent company tax rate in Ireland, so Apple have a company over there. They sell their stuff in Australia but whack the proceeds off through the Cayman Islands, so we pay full tote odds and more for our Apple products and they make no tax contribution to Australia. The people at the ATO who were charged with investigating that issue have been made redundant. That is what I have been told by someone close to the issue. So in a budget emergency, the response of those opposite is to get rid of some tax collectors. What on earth is going on?

To go a little bit further into the things that are really driving the electorate, in education the Hon. Tony Abbott is cutting $30 billion out of schools, scrapping the Gonski reforms and abandoning needs-based funding. This is after he said before the election that there would be no cuts to health and no cuts to education. That is not what teachers and educators are saying these changes will mean. What they are saying is that these changes are going to mean that disadvantaged kids in school classrooms will not get the appropriate amount of attention to enable them to have a fulfilling education and contribute properly in their lives. They are saying that these changes that are being brought in are not conducive to good educational outcomes.

As to the co-payment, I spoke to a doctor last Saturday night who runs a very successful GP clinic. He said that the most common question he gets asked is: 'Do I have to pay the seven dollars?' He is reassuring people, as are all of his doctors in that clinic: 'No, you don't have to pay that.' But people are very concerned about it. Senator Macdonald, on the other side, has made it very clear, in print and publicly, that coalition voters are concerned about it.

Let us take this for a comment: Mr Abbott was told yesterday that the budget changes were 'unreasonable, unfair and unacceptable'. Now guess who that came from? The Premier of
Victoria, Denis Napthine. That is not from our side; that is from their side. The New South Wales Liberal Premier described the federal budget as ‘a kick in the guts’. There is no ambiguity in that comment. The Queensland LNP Premier, Campbell Newman, said: ‘We’re all in agreement that what the government is up to in relation to health and education is not acceptable.’ At least he was polite!

So this goes on and on and on, and when we raise simple issues, like, ‘Why are you putting off tax collectors if we are to accept that we need to have some more revenue?’ there is no answer. It is, ‘It's your fault; you left us a great big pile of debt; you’ve mortgaged our grandchildren's future’—which we do not accept. We accept that you have to run the country in a proper, prudent fiscal manner. But you do not have to do that by whacking the pensioners, or by hitting the unemployed. Six months with no dole? What are they going to do—starve? (Time expired)

Renewable Energy Target

Senator LEYONHJELM (New South Wales) (13:32): Today I would like to address an area of public policy that has a far-reaching and pernicious effect on the cost of living for many Australians—a policy that is making households poorer and industries less competitive, is stifling jobs and is imposing a $29 billion burden on the Australian economy. The policy to which I refer is the renewable energy target, or RET.

The RET is a generous industry-assistance policy that rivals the largesse of the motor-industry gravy-train, and has the inevitable consequence of driving up power prices through government-mandated customer subsidies. The policy and its continuation are, unsurprisingly, promoted vigorously in the renewable sector, at the expense of ordinary Australians.

In June 2009, then Minister Assisting the Minister for Climate Change, Greg Combet, in his speech introducing the Renewable Energy (Electricity) Amendment Bill 2009 said:

The Renewable Energy Target Scheme is part of the government’s economically responsible approach to tackling climate change.

Surely using the words 'economically responsible' and 'renewable energy target' in the same sentence must be an oxymoron! A report from the accounting firm Deloitte issued in July, entitled Assessing the impact of the renewable energy target, is unequivocal in its conclusions. It notes that completely abolishing the RET is projected to increase real GDP by $29 billion in net present terms relative to the RET continuation. It also said:

Households are projected to gain the most given the two-fold impact of higher real wages and the relatively larger reduction in residential retail electricity prices …

Over the last decade, since the introduction of the RET, Australia has gone from being historically one of the cheapest energy nations to now having four of our states in the top six internationally for expensive household electricity. Only Denmark and Germany, both heavily reliant on wind energy, are more expensive.

Australia's residential electricity prices in 2007 were much the same as in the US, but now are more than 120 per cent higher than those of many Americans. No green energy is free, or even the same price as electricity generated by coal or gas. It is beyond doubt that electricity produced by wind turbines is more than twice as expensive to produce. The more wind energy we encourage, the more we will pay for power.
Under the RET, electricity retailers are forced by the government to spend millions of dollars buying renewable energy certificates from wind energy companies. The electricity retailers, of course, do not wear this cost; it is passed straight on to consumers, via their bills.

It is this last point that highlights a fundamental misunderstanding as to who pays the cost of renewable energy. It is clear from the public commentary on this issue that many believe the government is paying the subsidies to energy companies, and they are happy for the government to support renewable energy as long as they themselves do not have to pay for it. Apart from the fact that, on any issue, government money is taxpayer money, the costs of renewable energy subsidies are passed directly to customers but are not shown separately on their bills, so the subsidies are hidden from scrutiny.

Household energy poverty—defined as when 10 per cent or more of disposable household income is used for energy needs—has become entrenched in Australia, creating a new underclass whose daily choices are now dominated by electricity price signals from a government-manipulated energy market. Politicians are quick to claim the moral high ground in defending the position of working families, battlers and the disadvantaged, and these are certainly the groups most affected by high electricity prices. The hypocrisy of Labor, the Greens and Clive Palmer is exposed when they each claim that these groups are their core constituency while vigorously opposing any suggestion of changes to the RET.

Clive Palmer claims to be a friend of the battlers but at the same time he insists that they continue to be compelled to subsidise the wind industry—by far the largest and noisiest beneficiary of the RET subsidies that line their pockets while emptying the pockets of the battlers. We cannot produce ever-increasing amounts of expensive wind power and not expect electricity bills to keep increasing. It is as simple as that. To pretend otherwise is duplicitous. Our nation was built on the gold boom, agricultural exports and cheap energy. Sure the world has changed, but the fundamentals have not and energy use drives the economy even more so in this modern age.

The Liberal Democrats are opposed to industry assistance that favours one type of generation over another, and we are opposed to the perverse outcome that sees the least well off in society subsidising the solar panels of the affluent. And we are opposed to the massive transfer of wealth—$17 billion over 15 years—from Australian electricity consumers to multinational energy companies via subsidies. Those who support the idea of expensive electricity for minuscule environmental benefit need to face the reality that the RET is very inefficient. According to the Productivity Commission, the scheme abates greenhouse gas emissions at four times the cost of the now defunct carbon tax. There is no doubt that abolition or very serious reform of the RET is required.

Energy market demand is falling, according to the latest report of the Australian Energy Market Operator, and new generation will not be required to be built for over 10 years, but the RET requires at least $10 billion of investment in renewables in the next six years to meet the mandated target. Either the renewables industry invests $10 billion into a declining market to produce a greater quantity of expensive electricity to meet the government decreed target or penalties in excess of 50 per cent greater than the current renewable energy certificates will be applied, which inevitably will flow through to electricity bills. In either case, further substantial increases in retail electricity prices will result from additional subsidies for new wind energy or consumer funding of penalties imposed on electricity retailers because the
target was not met. This is self-imposed madness. Like the carbon tax, the RET is a tax on jobs. Analysis by Deloitte shows that continuation of the RET reduces full time employment by over 5,000 jobs compared to abolition. This is self-evident given the costs imposed on industry from higher electricity bills.

Some people suggest that present renewables subsidy arrangements should be grandfathered, with no new agreements entered into, as a means of quarantining the escalating costs of energy. While this would draw a line under the cost of the RET, it would still see a $7 billion cost to consumers for years to come. The unchallengeable economic reality is that to restore a key advantage to the Australian economy the RET should be abolished. The only other course of action to extricate ourselves from the policy black hole that is the RET is to make it a scheme that truly recognises all renewables in the energy market and cap the scheme at a true 20 per cent of generation.

Currently around 12,000 gigawatt hours of existing hydrogeneration that pre-dated the RET scheme is excluded from receiving renewable energy certificates, with a large portion of this hydrogeneration capacity located in Tasmania. Recognising the obvious, this hydro capacity is the bulk of renewable energy currently generated and including it in the scheme with the ability to generate renewable energy certificates would give a badly needed economic fillip to Tasmania to the tune of around $120 million per year.

It is beyond dispute that retaining a RET scheme in whatever form will be a continuing serious economic drain on the country and the wealth of households and therefore should be abolished; however, if a revised scheme is to be retained it should be more equitable. It is not in the best interests of households and business to continue propping up an inefficient and expensive renewable energy target via our electricity bills.

National Marriage Day

Senator MADIGAN (Victoria) (13:42): Today is National Marriage Day. To mark this, the Australian Family Association, the Knights of the Southern Cross and the Australian Christian Lobby, among others, are holding a variety of parliamentary briefings. These are focussing on marriage and family policy. These are core issues. I encourage all my colleagues and their staff to attend sessions if they can.

Often any debate or commentary on marriage is reduced to the one about traditional marriage versus same-sex unions. My views on this, and those of the DLP, are well known and will not change. Strong marriages, and therefore strong families, are imperative to the health of our nation. The DLP believes the family is the fundamental building block of our society. All policies, all legislation and all actions need to be taken with this in mind. A strong, healthy marriage is the foundation for a strong, healthy family. Families make communities and communities form our country. When people have strong family and community support, the entire country benefits. There is less depression, fewer social problems and fewer suicides. Less money is spent on mental health problems. Less money is spent on picking up the pieces of broken marriages.

In 2012 there were 49,917 divorces. That is almost 50,000 men and women put through the emotional and financial wringer. Even the most amicable divorce has an impact on the children of those marriages. But it is the government's responsibility to formulate policies that can help ease the external pressures put on marriages and families around the country.
Financial pressure can play a huge part in relationship breakdowns. Adjusting the taxation system to recognise the financial cost of raising children would reap enormous benefits.

A policy of income-splitting would recognise that one wage provides for more than just one person and that children are future financial contributors to the taxation system. Income-splitting would allow families with dependants to pay less tax therefore decreasing the amount families need for taxpayer funded assistance. In years past, governments recognised the costs and benefits of raising children. But this is being slowly stripped away.

The family tax benefits of today had their origins as a voluntary redistribution of income by workers. Family tax benefits have never been welfare—the name explains the original purpose. The goal was to even-up tax burdens between those with dependent children and those without. For the system to be fair, a portion of the parents' income should be allocated and treated as the income of the child. Income tests are then applied accordingly to the income in the child's hands.

Allowing families to keep more of their income to support their family strengthens the communities in which they live. It means money can be spent on school uniforms and school supplies. It means money will be leftover to pay for children to join sporting clubs and be involved with their community. Strengthening and supporting marriages, and strengthening and supporting families must be a priority of all governments of all persuasions. Our future and the health of our nation depends on it.

**Budget**

**Tasmanian Freight Equalisation Scheme**

Senator LAMBIE (Tasmania—Deputy Leader and Deputy Whip of the Palmer United Party in the Senate) (13:46): This is not my first speech; this is however a speech which I need to make today in order to highlight a number of matters of public importance to the Australian people and my Tasmanian people. During the last five weeks, I have met with Treasurer Joe Hockey and government ministers Peter Dutton, Ian Macfarlane and Greg Hunt. I would like to thank those ministers and their staff for their kind personal efforts during our talks. While politically we will not always see eye to eye, I do appreciate their good humour and respectful attempts to explain their government's position on a number of important matters. However, I do not want anyone to think I am going soft. I still believe the Liberal Party are delusional and hell-bent on waging a class war, and they must stop because their policies are harming poor Australians.

I am ready to negotiate on $30 billion worth of budget savings, but first the Liberal-National parties of Australia must come clean and admit their budget is not a legitimate budget; it is illegitimate. They do not have a mandate to impose on the Australian people the budget cuts outlined in this budget. Before the election, no-one was told about the Liberals' cuts to pensioners' entitlements, public health, education, family bonuses, university fees and student entitlements. And to make matters worse, the sales job on the budget almost talked us into a recession—business phones stopped ringing and customers disappeared the moment the Treasurer and the PM started talking.

After my budget briefings with Treasury officials last week, it is clear that $30 billion of new budget savings could easily be available to our government. The $30 billion of new savings can simply be redirected from the Liberals' unfair budget cuts and deregulation to
budget measures which protect low-income earners, parents with school-age children, university students, seniors and sick people. The $30 billion of new budget savings over the forward estimates could easily be obtained by abolishing the $5 billion bribe that the federal government want to pay to state governments in an effort to force them to sell assets; by reducing Mr Abbott's planned $50 billion infrastructure budget by $10 billion, so that it is brought back to a normal level of around $40 billion—most of which will be spent on roads in Western Sydney and Melbourne; Tasmanians, indeed most regional Australians, will miss out on the benefits of the Liberals' increased infrastructure spend; and by halving Australia's record foreign aid budget by $15 billion, so it is reduced to $15 billion from $30 billion.

Why should billions of taxpayers' dollars be given to overseas countries—Indonesia, $565 million—some of which have militaries that are 10 times the size of ours and in one case, Pakistan, $75 million, which is nuclear armed? The needs of the average Australian family should be put before the back pockets of corrupt foreign aid officials, because, quite simply, charity begins at home. And I have not even included the billions of dollars worth of budget savings that could be achieved by scrapping Mr Abbott's unfair Paid Parental Leave scheme or Clive Palmer's publicly announced budget cuts. Mr Hockey and Mr Abbott need to start budget negotiations again with a different attitude and certainly different priorities.

I have spoken in this place previously about the need for the federal government to dramatically boost the funds available for the Tasmania Freight Equalisation Scheme. I have also written to the PM and I am still waiting for a reply. Whatever it costs in fuel to transport a shipping container 420 kilometres by road should be the price Tasmanians pay to transport all goods—foods, building products, manufactured products et cetera—across the waters of the Bass Strait. No other state has to incur the extra cost of shipping goods 420 kilometres across the ocean from Tasmania to Victoria, so why should we? Why should we be punished for that?

The transport of all goods to and from Tasmania, including fuel, should be the same as transport on any of Australia's highways. I, like all other Tasmanian politicians and business leaders, support a national sea highway policy once and for all for the people of my Tasmania.

Sitting suspended from 13:51 to 14:00

QUESTIONS WITHOUT NOTICE

Defence Procurement

 Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:00): My question is to the Minister for Defence, Senator Johnston. I refer to the minister's pre-election promise that:

The coalition is committed to building 12 new submarines here in Adelaide.

Is this still the government's position?

 Senator JOHNSTON (Western Australia—Minister for Defence) (14:00): I thank the senator for what is a very, very important and crucial question for Australia's future strategic defence capacity. Submarines are our most significant and important strategic deterrent. Since the Labor Party gave us the Collins class submarine on the basis that it would be very cheap to maintain and very reliable, we have done nothing more than spend $1 billion a year for one or two submarines being available every year. The point about this is that we do not want to make the same mistakes that the Labor Party has bequeathed to us with submarines.
Submarines are, as I said, extremely important to us and a vital strategic deterrent. For a country like Australia, where a very large percentage of our economic exports are on the water—which must go through three choke points—sea denial is essential. Submarines are absolutely fundamental to our defence capability. We have said, firstly—and these are our promises—that there will be no capability gap between the transition out of the very troubled Collins class—

Senator Moore: Mr President, I rise on a point of order. My point of order is on direct relevance. It was a very specific question. It was about the promise of building 12 new submarines in Adelaide. We would like to have a response to that question.

The PRESIDENT: The minister has been addressing a portion of the question, and I remind the minister of the question. He has 30 seconds to answer the question.

Senator JOHNSTON: We have promised for this vital strategic capability that there will be no capability gap. We will have new—

Opposition senators interjecting—

The PRESIDENT: Order! Pause the clock.

Senator Cameron: How about South Australia and South Australian jobs? You are pathetic.

The PRESIDENT: Order, Senator Cameron!

Senator Wong: Mr President, I rise on a point of order. The minister has avoided the question for almost the entire time. There was one question only: is the commitment to build 12 new submarines in Adelaide still the government's position? That is the only question that was asked. He should answer the question and tell South Australians the truth.

The PRESIDENT: Senator Wong, there was a point of order just a short while ago and the minister was barely on his feet when there was a second point of order. The minister has been reminded of the question. The minister has 14 seconds left.

Senator JOHNSTON: This government takes defence seriously. This government has guaranteed no capability gap between the Collins class and— (Time expired)

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:03): Mr President, I ask a supplementary question. I refer the minister to reports in today's Adelaide Advertiser that a secret delegation of Japanese submarine experts has toured the shipbuilder ASC in Adelaide without the knowledge of the South Australian government.

Government senators interjecting—

The PRESIDENT: Order on my right—

Senator Conroy interjecting—

The PRESIDENT: and my left.

Senator WONG: Mr President, I ask if the clock could be stopped while this—

Government senators interjecting—

The PRESIDENT: Order on my right. Senator Wong, you will be given ample time to ask your question. I will be ignoring the clock.
Senator WONG: Will the minister rule out purchasing Japanese submarines for Australia's new submarine fleet?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:04): We were bequeathed two options: son of Collins and a whole new design. When we opened the lid on submarines, as a new government must do, you know what we found in the box? Zero—a round number before one. They had done nothing.

Senator Moore: Mr President, again my point of order is on direct relevance. There was a single question about whether the minister will rule out purchasing Japanese submarines for Australia's new submarine fleet. That was the only question that was asked.

The PRESIDENT: Thank you, Senator Moore. The minister has 25 seconds left to answer the question, and I remind the minister of the question.

Senator JOHNSTON: Not only had they done nothing about submarines; in the forward estimates out to 2030 they had taken $20 billion out of the future submarine program.

Senator Wong: Mr President, my point of order is on direct relevance. The question was very simple: will the minister rule out purchasing Japanese submarines for Australia's new submarine fleet? Yes or no?

The PRESIDENT: Senator Wong, your question had a longer preamble than just that simple statement. The minister has been reminded of the question, and I invite the minister to continue with his answer.

Senator JOHNSTON: There are many options for diesel electric submarine operators: DCNS at Cherbourg in France, TKMS at Kiel in Germany and—(Time expired)

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:06): Mr President, I ask a further supplementary question. With the Japanese delegation visiting ASC, the foreign minister confirming that the government is in discussions about purchasing submarines from Japan and the minister's refusal today to commit to his pre-election promise, is the government preparing to break its promise to the people of South Australia?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:06): May I say that that promise was broken in 2009 by the Labor Party when they did nothing for submarines.

Senator Wong interjecting—

The PRESIDENT: Order, Senator Wong! Minister, you have the call.

Senator JOHNSTON: We have had the pleasure—

Government senators interjecting—

The PRESIDENT: Pause the clock. Order on my right!

Senator JOHNSTON: We have had the honour and privilege of some 14 Japanese technicians visiting South Australia. They will visit Perth, Canberra and Sydney. We recently signed a defence science technology exchange agreement. We have had people from Germany, France, the United States and the UK visit Adelaide, all to exchange technical information with Australia. (Time expired)

National Security

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (14:08): My question is to the Attorney-General, Senator Brandis. Can the Attorney-General advise the
Senate why it is important to support the work of ASIO and other national security agencies in their efforts to keep Australia safe from the threat of terrorism?

**Senator BRANDIS** (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:09): The reason it is important that all of us support the work of ASIO and the other national security agencies is that the threat of terrorism to the Australian homeland is more serious today than it has been for many years. Honourable senators may have seen, during the luncheon adjournment, the address by the Director-General of Security David Irvine to the National Press Club. Mr Irvine said:

In the past two years, however, the situation in Syria and now Iraq has radically complicated the threat, adding energy and allure to the extremist Islamic narrative.

For that reason the government is determined to give ASIO and the national security agencies the resources, the governmental structures and the legislation they need to enable them to do their work effectively. What Mr Irvine referred to in particular is the threat to the domestic security posed by the problem of foreign fighters in the Middle Eastern theatre. As honourable senators may know, ASIO has assessed that there are now 60 Australian nationals engaged in war fighting in Syria and northern Iraq. Those 60 are supported by a facilitation network operating within Australia, numbering some 100. That facilitation network includes a number who have come back from engagement in war fighting in the Middle East. There is a very high correlation between people engaging in war fighting under Islamist extremist groups like ISIL and Jabhat al-Nusra and a propensity to engage in terrorist activities on the Australian mainland. ASIO is determined to ensure that that they do not succeed. *(Time expired)*

**Senator BUSHBY** (Tasmania—Chief Government Whip in the Senate) (14:11): Mr President, I ask a supplementary question. Will the Attorney-General advise the Senate how recent decisions by the government will enhance the capacity of ASIO to do its work?

**Senator BRANDIS** (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:11): Yes I can, Senator Bushby. Yesterday, in answer to a question from Senator Fawcett, I told the Senate about the additional resources the government has decided to make available to the national security agencies. The government's legislative response is a threefold response. First of all in the last sitting fortnight of the previous parliamentary sittings, I introduced the National Security Legislation Amendment Bill to strengthen the ability of the Australian intelligence community to counter threat, such as terrorism. That bill is the subject of report by the Joint Parliamentary Committee on Intelligence and Security due next week. In the event of a favourable report, as we anticipate, we will proceed with that legislation. I will be shortly introducing the legislation which I announced with the Prime Minister on 5 August to deal with the threat of foreign fighters and, later in the sittings, I will be introducing legislation to give effect to a mandatory data retention regime.

**Senator BUSHBY** (Tasmania—Chief Government Whip in the Senate) (14:12): Mr President, I ask a further supplementary question. Will the Attorney-General inform the Senate whether existing safeguards and oversight mechanisms are sufficient to ensure that ASIO carries out its functions appropriately?
Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:12): Australians can have a very high level of confidence in the oversight mechanisms that govern the national security agencies. Those oversight mechanisms of course begin with parliament itself through its committees. I have already mentioned the Parliamentary Joint Committee on Intelligence and Security, which operates in a bipartisan fashion. There is also the relevant committee of this Senate that oversees the intelligence agencies. There is a statutory officer, the Inspector-General of Intelligence and Security, whose remit is to oversee the operation of the intelligence agencies. There is a strict mechanism of accountability to the executive government and in particular to the Attorney-General. As honourable Senators may be aware, the government recently announced, when the Prime Minister and I made a statement on the 5 August, that we had decided to retain the Independent National Security Legislation Monitor to ensure that further legislative reforms were proportionate.

Defence Procurement

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:13): My question is to the Minister for Defence. Does the minister recall that, in 2011, the then head of the Future Submarine program, Rear-Admiral Moffitt, told him that to acquire the capability required by the Future Submarine project, Australia would have to 'undertake a new design'. Rear-Admiral Moffitt also stated that the Japanese Soryu Class submarine did not match Australia's future submarine requirements. Given that the Soryu Class submarine will not meet the strategic needs of the ADF, why is the minister refusing to rule out buying Japanese submarines or is he prepared to reduce the capability available to our defence forces?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:14): I thank the Senator for his question because it is a very important one. Indeed, it is a very expensive question. We are not ruling in or ruling out anything here. As I said, when we opened the lid on the box entitled 'future submarines' there was nothing in it. There was nothing in the box. No proper detailed work had been done that would provide a feasible, cost-effective solution to the future submarine problem. That is what we inherited. I will not start on the air warfare destroyer, but in this particular space we have a tremendously difficult and complex requirement. What the Labor Party had done for six years was run around making a huge political splash while doing nothing but take money out of the program.

There are really only three places we can go for the design of a new submarine: the French, the Germans and the Japanese. We are engaging all of those—

Senator Conroy: What about Australia? You have let the cat out of the bag.

Senator JOHNSTON: Let me explain to you, Senator Conroy, why you are completely dripping in ignorance on this subject. TKMS have 700 design engineers. DCNS has about a thousand design engineers. General Dynamics Electric Boat has a thousand design engineers. How many do we have? About 37. You want us to design our submarine with 37 when we know a thousand are required. This is what the Labor Party is all about—bulltwang! That is what it is—ripping off the taxpayer. (Time expired)

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:16): Mr President, I ask a supplementary question. Is the minister aware of concerns that the
Japanese Soryu class submarine has a reserve buoyancy that is much greater than comparable submarines, which indicates that it is not designed to meet Australia's unique strategic needs for range, endurance and capability? Why is the minister planning to impose submarines that do not meet our requirements on the Australian Defence Force?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:17): It is a bit like the NBN. He is an expert—but he really isn't. The Japanese submarine has a reserve buoyancy of 21 per cent. It is double hulled and has three extensive watertight compartments. The Collins class submarine has a reserve buoyancy of about nine per cent—it is right on the edge of safety. The Japanese submarine is a deep-diving submarine. The Japanese submarine travels faster than a Collins. The Japanese submarine is a very good submarine, as is the German submarine, the 214, and as is the Scorpene, the French submarine. Enhanced buoyancy is actually a very positive thing when you are 300 metres below the surface.

Opposition senators interjecting—

Senator JOHNSTON: Look at the track record of Senator Conroy on the NBN. We have just solved that today. How is he looking now? He is an expert—but he really isn't. (Time expired)

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:18): Mr President, I ask a further supplementary question. Is the minister aware that the through-life cost of submarines can be as much as five times their purchase price? What guarantees can the minister provide to ensure that Australia will not pay through the nose for every spare part required to maintain the submarines that he plans to purchase from overseas? Is it not time that the minister just dumped the Prime Minister's thought bubble and recommitted to his election promise to build Australia's submarines— (Time expired)

Senator JOHNSTON (Western Australia—Minister for Defence) (14:19): I am very pleased the senator has raised the issue of cost, because we paid about $1.2 billion per Collins class submarine—and in 2009 we did not have any in the water! The French Scorpene comes in at about A$1.1 billion. The TKMS 214 comes in at about A$600 million. The French Soryu is produced in Japan for US$550 million. Those are the costs. Our project, under your guidance, has been costed at more than $40 billion for 12 submarines. That is what the Labor Party want to deliver to the Australian taxpayer—one great big mess, as usual—in this space.

National Security

Senator LUDLAM (Western Australia) (14:20): My question is to the Attorney-General. Is it seriously government policy to introduce a mandatory data retention regime covering every man, woman and child in the country? If so, when? Does the government have any idea what it will cost and does the government expect the crime rate to fall as a result?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:20): Thank you, Senator Ludlam. As I said in my answer to the question from Senator Bushby, it is the government's intention to introduce a mandatory data retention regime. That was the in-principle decision that the Prime Minister, the Minister for Foreign Affairs and I announced on 5 August. It arises from the deliberations of the Joint Parliamentary Committee on Intelligence and Security during the course of the last parliament—the report of which, I might point out to you, Senator Ludlam, was unanimous and bipartisan. I should also point
out that the nature of the mandatory data retention regime will not give the national security agencies any more powers than they currently have, nor will it require the telecommunications providers to do anything more than they currently do—but it will mandate the continuation of that practice.

Senator Ludlam, because I know that you are somebody who is quite knowledgeable in this field, you would be aware that mandatory data retention regimes have existed for some time now in Europe. You are probably aware, Senator Ludlam, that as recently as last month the British parliament moved to enact a mandatory data retention regime. At the moment, ASIO, the national security agencies and the government are in communication with the telecommunications providers in the development of this proposal. As I said in answer to Senator Bushby’s question, it is the intention of the government to legislate in this regard later in this sittings.

Lastly, you asked whether such a regime will have an impact on crime. I can only refer you to the words of the Director-General of Security that it is absolutely crucial in the fight against terrorism. (Time expired)

Senator LUDLAM (Western Australia) (14:23): Mr President, I ask a supplementary question. Can the Attorney inform the Senate of his understanding of the term ‘metadata’, preferably without reference to ‘envelopes’?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:23): Yes, Senator Ludlam, I am delighted to, though I might point out to you, as my colleague the Minister for Communications, Mr Turnbull, observed, this is a term that does not have a precise definition. It is a description rather than a definition. The essential concept, Senator Ludlam, as I am sure you are aware, is that metadata is information about a communication, not the content or substance of the communication. That is the core concept. The specific definition, which will be a statutory definition, the technical specifications will be included in the legislation. And you, Senator Ludlam, will be able to turn your mind to it when the bill is presented to the parliament.

Senator LUDLAM (Western Australia) (14:24): Mr President, I ask a further supplementary question. Given the minister's description, will he agree to publish his own metadata for a period of one week, since, after all, if you have nothing to hide, you have nothing to fear?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:24): Senator Ludlam, if I may say so, I thought your principal question and your first supplementary question were quite serious questions, which I attempted to treat seriously. I am disappointed, Senator Ludlam, because I know you take this area of policy seriously, that you would have concluded your question with such a flippant observation. I, like you, Senator Ludlam, will comply with my legal obligations.

Asylum Seekers

Senator SMITH (Western Australia) (14:24): My question is to the Assistant Minister for Immigration and Border Protection, Senator Cash. Can the minister outline to the Senate the
details of the government's new bridging visa arrangements, which will see more children
who arrived in Australia by boat removed from detention facilities?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border
Protection and Minister Assisting the Prime Minister for Women) (14:25): I thank Senator
Smith for his question. I am pleased to advise the Senate that the government has finalised
new bridging visa arrangements that provide greater protection and support for young
children aged under 10 and their families and that will enable them to now be released from
detention into the community on bridging visas if they arrived prior to 19 July last year. This
initiative builds on the success that this government has already had on reducing the number
of children in detention. Releasing these young children and their families had not to date
been an option for the government, because the previous government's arrangements for
bridging visas were insufficient to protect these young children and their families. This lack
of support arrangements would have put young children at risk if released into the community
on these visas.

This government has now approved new support arrangements for families with children
on bridging visas that address the fundamental weaknesses of the former government. The
arrangements extend to the care and support that is provided in community based residential
detention to those released on bridging visas. These arrangements are estimated to deliver
savings to the taxpayer of $50 million over the forward estimates. Restoring integrity to our
borders, which is exactly what this government is doing, is not only saving lives; it is now
enabling us to release into the community young children, 10 and under, and their families in
an orderly and proper manner.

Senator SMITH (Western Australia) (14:26): Mr President, I ask a supplementary
question. Will the minister inform the Senate of the number of children in detention when
Labor won office, the number of children in detention when Labor lost office and the number
of children in detention now?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border
Protection and Minister Assisting the Prime Minister for Women) (14:27): I think all of us in
the Senate would be aware that statistics often tell a very stark story. In relation to the
senator's first question, 'How many children were in detention when Labor won office in
2007?', colleagues, does anybody remember?

Government senators: None!

Senator CASH: 'None' is the correct answer. In September 2013, when the Labor
government lost office, who would like to hazard a guess as to how many were in detention?
100? 500? 1,000? How about 1,392 when Labor lost office. Though, 8,469 children had
arrived on boats during their six years in office. This reached a record high in July 2013 of
1,992. It is this government that is taking genuine steps to clean up Labor's mess and put
children into the community. (Time expired)

Senator Hanson-Young: What are you doing with the 800?

Senator SMITH (Western Australia) (14:28): Mr President, I ask a further supplementary
question. Will the minister explain to the Senate how the government's strong border
protection policies have enabled children to be removed from detention? And why is it
important to ensure these policies remain in place?
Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:28): I am not going to help myself, I have to refer to Senator Sea Patrol's—I mean, Senator Hanson-Young's—interjection: 'What are you going to do with the 800?' I can tell you, Senator Hanson-Young, we are doing a lot more with them than you ever did. Zero children in detention when you and the Labor government assumed office in 2007. Because of the policies that you implemented, in excess of 8,000 children were put behind bars. And you come into this place and have the audacity to try and tell the community that you have suddenly found your moral compass! Well, Mr President, I am very sorry: statistics do tell a story. In this regard, the story is boat after boat after boat, child after child after child, and it is this government that is cleaning up that mess.

Defence Procurement

Senator KIM CARR (Victoria) (14:29): My question is to the Minister for Defence, Senator Johnston. I remind the minister that he justified his decision to exclude Australian shipbuilders from tendering to build Australia's new supply ships by saying, 'Construction of these ships is simply beyond Australian industry.' Is the minister aware that the Senate committee inquiry into the future of the naval shipbuilding industry has heard evidence that shipyards in Brisbane and Adelaide could handle the build and fit-out of the ships, with minimal new investment? Will the minister now apologise to the Australian shipbuilding industry and the thousands of workers employed in it for his incorrect, outrageous and derogatory statement?

Honourable senators interjecting—

Senator JOHNSTON (Western Australia—Minister for Defence) (14:30): Unlike the learned senator, I have actually read the submissions—

Honourable senators interjecting—

Senator JOHNSTON: I cannot hear myself think.

Honourable senators interjecting—

The PRESIDENT: Yes, pause the clock. Senator Edwards and Senator Wong!

Senator Cameron interjecting—

The PRESIDENT: Senator Cameron, Senator Carr has asked a question and he is waiting for a response. Minister, you have the call.

Senator JOHNSTON: Having read the submissions, can I say Forgacs' statement to the Senate inquiry was that it had not previously as a company undertaken the construction of a ship of the size of 27,000 tonnes. The last time it built a ship was the Aurora Australis, 6,500 tonnes, a quarter of the size. Now, when they made their submission—if the senator was honest, and of course there is no honesty here—

Senator Wong: Certainly not from you.

Senator JOHNSTON: with, in the gallery, the people who control their preselections—Forgacs told the inquiry—

Senator Cameron: You just lie all the time.

The PRESIDENT: Order, Senator Cameron!
Senator Abetz: He has to withdraw that. Mr President—

The PRESIDENT: Yes, Senator Cameron, you will withdraw that, please.

A government senator: What about Senator Wong?

Senator Wong: Mr President, I—

The PRESIDENT: I did not hear Senator Wong. I will take Senator Wong first. I did not hear Senator Wong, but if she feels she needs to withdraw—

Senator Wong: Well, I have been asked to withdraw, so I withdraw.

The PRESIDENT: And Senator Cameron.

Senator Cameron: Mr President, I am not sure it is unparliamentary to say 'the Liberal Party lied'.

The PRESIDENT: You did not say that.

Senator Cameron: The Liberal Party lied.

The PRESIDENT: Senator Cameron, you are now repeating the miscarriage in the first place and you did say—

Senator Abetz: You did not say that. He did not say that. He said 'you lie'.

Senator Cameron: No, you don't tell me what I said.

The PRESIDENT: Order, Senator Abetz! Senator Cameron, I will determine who said what. I heard what you said and I would appreciate you withdrawing it.

Senator Cameron: The Liberal Party did lie.

The PRESIDENT: Senator Cameron!

Senator Cameron: I withdraw.

Senator JOHNSTON: Forgacs also built the HMAS Tohruk, at 5,791 tonnes. Their submission says that 'with appropriate site development' they could have, at their graving dock, built a 27,000-tonne vessel—four times larger, 'with appropriate site development' of several billion dollars. What we inherited with respect to the air warfare destroyer was a failed third attempt to remediate the program. Hundreds of millions of dollars over budget, it was two years late. With an international benchmark of 60 man-hours per tonne, we set the benchmark at 80 man-hours per tonne—and what were they doing? One hundred and fifty man-hours per tonne. Some of these blocks had to be reworked up to four times.

I owe it, we owe it, to the taxpayer to get this right. There are eight ships for Adelaide if we can get this right. So, instead of bleating, get onto your mates up there and tell them to lift their productivity. It is that simple.

Senator KIM CARR (Victoria) (14:33): Mr President, I ask a supplementary question. Given that the Australian industry was precluded from bidding, I refer the minister to his statement before the election to the ABC in Newcastle: 'I get really fired up when I find us giving away our manufacturing base in the Defence space to foreign manufacturers, it's just not on.' Will the minister now apologise to the hardworking men and women of the shipbuilding industry whose jobs will be sent to Spain and South Korea—(Time expired)

Senator JOHNSTON (Western Australia—Minister for Defence) (14:34): HMAS Success and HMAS Sirius are both very old and tired vessels. We are spending hundreds of
millions of dollars to sustain and maintain both of them. As Warren King, the head of the DMO, told the inquiry, the decision was there to be made in 2008—and guess what? They did not take it. They squibbed it. So we are in urgent need of being able to replenish our ships at sea, our major fleet units, with proper resupply ships. And what we have to do when Success is in maintenance? We have to sail our frigates back to Darwin to refuel them. This is because the Labor Party take no responsibility. Not only did they rip $16 billion out of the defence budget; they did not make any decisions with respect to shipbuilding. Even Martin Hamilton-Smith criticised his own Premier—(Time expired)

Senator Kim Carr (Victoria) (14:35): Mr President, I ask a further supplementary question. I remind the minister, once again, of his statement before the election, while standing in front of ASC in Adelaide:

We will deliver those submarines from right here at ASC in South Australia.

...  ...

The Coalition today is committed to building 12 new submarines here in Adelaide …

Will the minister resign if he breaks his pre-election promise to build the new submarines in Australia?

Honourable senators interjecting—

Senator Johnston (Western Australia—Minister for Defence) (14:36): What I can tell the senator is that we will deliver an orderly transition between Collins and SEA 1000 new submarines. We will do that. We will also—if we can remediate the program—deliver, to South Australia and shipbuilding around Australia, 11 vessels. That is what we are setting out to do and that is what the Minister for Finance and I are working at day in, day out to try and achieve.

Senator Kim Carr: Will you resign if you break your promise?

Senator Johnston: What we inherited from you was nothing more or less than an utter, disgraceful mess.

Indigenous Affairs

Senator Ruston (South Australia—Deputy Government Whip in the Senate) (14:37): My question is to the Minister for Indigenous Affairs, Senator Scullion. Will the minister inform the Senate about his recent visit to the APY Lands in South Australia and, in particular, how schools there act as a focal point for community engagement and activities?

Senator Scullion (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:37): I thank the senator for her question and her continued interest in this area. Two weeks ago I travelled to the APY Lands on the northern edge of South Australia and spent almost a week in that area. I wanted to spend as much time as I could in a number of communities, meeting with community members and key stakeholders to see how our initiatives were progressing in some of our key priority areas. Everyone would know in this place that getting kids to school is a key priority area in my portfolio, and this was certainly a big focus of my time in the lands. I wanted to talk with parents to see first hand the impacts on the lands of poor attendance and find out what local initiatives had increased attendance in some schools but had not been applied elsewhere or had not increased attendance to the same extent.
I had the privilege of visiting the community schools at Amata, Fregon, Ernabella, Mimili and Indulkana. I participated in many activities with the parents, students and teachers to gain an understanding of some of the local issues. As I am sure everyone would appreciate, each community has its own different challenges and that is why this strategy encourages communities to come up with their own particular initiatives. Almost all the schools, with a couple of exceptions, were able to demonstrate to me their particular local strategy for engaging with families and communities and encouraging them to support their children's education and participate in school activities. At most schools, breakfast is provided for the children while the parents and teachers get together at the same time. I think it is becoming very much a focal point. Originally it was just for the students, but now that breakfast time for the whole community provides an incredible focal point. (Time expired)

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (14:39): Mr President, I ask a supplementary question. Can the minister further explain how the government is working with the communities on the APY Lands to support school attendance?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:39): We believe that the focus point of a community should be the school itself. In Indulkana and Mimili, the new Taj Mahal is the school itself. The existing school grounds have now been turfed, and you cannot lean down and casually pick up a missile, as young men and women tend to do at school. These changes have made the most incredible difference not just to attendance at school—the school is something that the people want to go and see. The community want to be in that school and in that place. I would like to take this opportunity to commend those communities for that initiative. I was also there when the entire school—teachers and students—did a walk around the community to talk to anyone at home who had not quite been convinced. The entire school population of some 80 people went down the road to encourage people to make sure their children attended school. (Time expired)

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (14:40): Mr President, I ask a further supplementary question. Could the minister further advise on and extrapolate for the Senate any other initiatives that he has put in place to further increase school attendance in the APY Lands?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:41): This is an area where we cannot just set and forget. There have to be changes in those initiatives and strategies as time progresses, particularly in those areas where the statistics are showing that we are not getting the same sorts of results as we are in those places that are improving. I would like to thank the APY lands education advisory committee, who were kind enough to spend some time with me and provide some advice about the school attendance officers and the levels of support that they may need in a couple of areas. I listened to them and am going to consider what more can be done to improve school attendance throughout the lands. They have asked for heavier duty compliance over particular areas and this will be taken into consideration. We understand that it is now a small number of families that are involved, and I would take this opportunity to thank the committee for that advice. We will be making some announcements in that regard in the next coming months.
Taxation

Senator LEYONHJELM (New South Wales) (14:42): My question is directed to Senator Abetz representing the Minister for Agriculture. The government is proposing to permanently increase the levy on mangoes. A secret ballot of levy-paying growers was conducted on this proposal. Can the minister advise how many of the 793 mango growers eligible to vote in the secret ballot agreed with the proposed levy increase on mangoes and how many opposed it?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:42): Expert as I am on these matters, I am delighted to inform the honourable senator that the government itself does not propose any increase in levies. The industry and the industry body make the suggestion and conduct a ballot, and then the government seeks to facilitate the implementation of whatever decision is determined. So any change in the levy, as I understand it, is initiated by industry.

The ballot of which the senator speaks was undertaken by Boardroom Pty Ltd. As it happens, I have in my back pocket the numbers for this particular ballot, and I am advised that 69 voted in favour and 66 voted against. However, there is a twist. It seems as though the Greens must have had something to do with the way the vote was counted, because trees actually got a vote on this levy! The vote is weighted one vote for every 2,000 mango trees to a maximum of 20 votes. I just hope that Tony Sheldon from the Transport Workers Union did not do the count, because we know how he miscounts! In relation to the weighted vote, the ‘Yes’ vote was 269 and 112 were against out of a total potential vote of 793 that I understand Senator Leyonhjelm was referring to.

The issue of levies has been exercising the mind of the coalition, and we said at the last election that we would have a review of the process. I understand the honourable senator is interested in a Senate review, and that is something that we would be minded to join him in.

(Time expired)

Senator LEYONHJELM (New South Wales) (14:44): Mr President, I ask a supplementary question—bearing in mind the response to the first question: a regulation is proposed to permanently double the levy on onions. A secret ballot of the levy-paying growers was conducted on this proposal. Can the minister advise how many of the 244 onion growers eligible to vote in the secret ballot agreed with the proposed levy increase on onions, and how many opposed it?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:45): Thank you for that question—and yes, Senator Brown is absolutely right; I happen to have that in my back pocket as well!

Senator Cormann: Onions don't get a vote though!

Senator ABETZ: But the sad thing is that onions do not get a vote in this one—only the actual growers. I am advised that the Australian Electoral Commission conducted the ballot in relation to this particular onion levy. In relation to introducing a marketing levy, 20 voted in favour and 15 voted against. I understand there were 45 votes cast, which means that there must have been 10 informal votes cast.
Senator LEYONHJELM (New South Wales) (14:45): Mr President, I ask a further supplementary question. A regulation is also proposed to permanently double the levy on mushrooms. A secret ballot of the levy-paying growers was conducted on this proposal. Can the minister advise how many of the 68 mushroom growers eligible to vote in the secret ballot agreed with the proposed levy increase on mushrooms, and how many opposed it?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:46): Mr President, Senator Leyonhjelm will surprised to know that on this occasion, the Greens did not get the mushrooms to vote; usually they do—especially for themselves! In relation to this particular levy, there were 33 'yes' votes and 11 'no' votes, and there were 46 votes in total, meaning that there were two informal votes. Can I say to the senator that—the issue of levies is something that he clearly has an interest in—the coalition indicated that it believed there should be a review in the way that the levies are conducted and operated, for the benefit of the various sectors. If the Senate was so minded to have an inquiry, we as a coalition would be willing to join with Senator Leyonhjelm to co-sponsor such an inquiry, to work on the terms of reference, and to see what we can do for the benefit of these sectors in our country. (Time expired)

Family Violence Prevention Legal Services Program

Senator PERIS (Northern Territory) (14:47): My question is to the Attorney-General, Senator Brandis. I refer to the Family Violence Prevention Legal Services program, and I acknowledge some of the representatives who are here in the chamber today. This program is the only national front-line legal support service that specifically caters for Indigenous women and children escaping family violence, and it services Indigenous communities in 31 remote regional areas. Can the Attorney-General confirm that your government cut $3.66 million from this vital front-line service in December 2013?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:48): Thank you very much, Senator Peris, for that question. What I can tell you is that legal assistance in Australia is the subject of a current review. The three principal bases upon which the Commonwealth delivers legal assistance—through payments to the state and territory legal aid commissions, through payments to the community legal centres and through payments to the ATSILS—are all under review. I can also tell you, Senator Peris, that one of the first decisions that I made as Attorney-General in the access to justice area was to give an instruction that all of the Commonwealth's contribution to legal assistance should be concentrated on casework, so that that proportion of the Commonwealth's legal assistance that was spent on what is sometimes known as policy work or advocacy work—or the work of, for example, environmental defenders organisations, so-called—which was diverted from casework, should all be concentrated and focused on casework. That said—and I hope you might even agree with me about this, Senator Peris—it seems to me that in an arena where resources are limited, and where the demand for those resources outstrips the supply of those resources, the just thing to do is to concentrate 100 per cent of the expenditure of those resources on the people who need it most. And that is what I have done.

But that said, Senator Peris, you know—everybody in Australia should know—that when the Abbott government was elected nearly a year ago, we had to find savings because the
previous government had wasted so much public money. And unfortunately the legal aid assistance programs had to bear some of those savings— (Time expired)

Senator PERIS (Northern Territory) (14:50): Mr President, I ask a supplementary question: is the Attorney-General aware that in the Northern Territory an Indigenous woman is 80 times more likely to be hospitalised for assault than any other Territorian? What is the Attorney-General going to do about that?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:50): Senator Peris, what the government is going to do about that is what this government has always done—and that is to focus the Commonwealth's contribution—the Commonwealth's resources—on where they are needed most. That is always what it has been our intention to do.

Senator Peris, I am able to tell you, incidentally, that the four-year spend on the Family Violence Prevention Legal Services program to which you referred in your primary question will be $3.657 million. And—as I said in answer to the primary question—I of all people, who have throughout my professional career been a very strong advocate of access to justice, am very sorry that there is not more money in the system to spend. But if you ask yourself the question, Senator Peris, 'and who is at fault because there is not as much money available as we would wish there to be?'—don't look on this side of the chamber. Look among your own!

Senator PERIS (Northern Territory) (14:51): Mr President, I ask a further supplementary question. I refer to the claim by the Minister for Indigenous Affairs that government cuts to Indigenous programs would not have any impact on front-line services. Will the Attorney-General today commit to maintaining funding for the Family Violence Prevention Legal Services program in order to safeguard the important front-line services it provides for Indigenous women and children?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:51): In the answer I have just given you, I have given you the commitment and I have indicated to you the amount that the government will contribute to that particular program over the next four years. That is your answer. I know you care about this area, Senator Peris. In fact, during the recess—at your suggestion—I took some time to visit NAAJA in Darwin, and I spent a couple of hours with them. They do a very fine job. This is really an area in which there ought not to be so much party political division, because both sides of politics are committed to access to justice. But if you want to find the villain, do not look here; look right there at the person who was the finance minister in the Labor government which returned the six biggest budget deficits in Australian history, with which we were left to deal and to find the economies to bring the budget back on track. (Time expired)

Building and Construction Industry

Senator CANAVAN (Queensland) (14:53): My question is to the Minister for Employment, Senator Abetz. Will the minister inform the Senate of the importance for the building and construction industry of re-establishing the Australian Building and Construction Commission?
Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:53): The success of the building industry is important for jobs and our economy. It is unfortunate that this industry, which represents eight per cent of GDP, is being hampered by inefficient and unproductive practices and a culture in which certain elements flagrantly disregard the rule of law. This is why the government has committed itself to re-establishing the Australian Building and Construction Commission. When the commission first existed, it helped the building and construction sector to increase productivity by 10 per cent, providing an annual economic welfare gain to the Australian people of $5,500 million per year. It reduced inflation by 1.2 per cent, increased GDP by 1.5 per cent and caused a significant reduction in days lost through industrial action.

Senator Cameron: I raise a point of order, Mr President. Senator Abetz is misleading the Senate—absolutely misleading the Senate.

The PRESIDENT: That is a debating point. There is no point of order.

Senator ABETZ: Like Senator Cameron, the ETU is now promoting a research paper, surprisingly initiated by the ETU, paid for by the ETU and conducted by a former Labor staffer who worked for former Senator Nick Bolkus and Brian Howe under the banner of the Australian Institute. The Australian Building and Construction Commission existed from October 2005 to 2012, and in that time it brought confidence to workers, to contractors, to small business and to the industry generally. In court case after court case the courts have found that building unions simply ignored the law. Indeed, in the Grocon case they were so flagrantly in breach of a Supreme Court injunction that they were found guilty of criminal contempt and fined $1.25 million. That speaks for itself, and we need to restore the rule of law. (Time expired)

Senator CANAVAN (Queensland) (14:55): Mr President, I ask a supplementary question. Will the minister inform the Senate of the aims of the government's proposed fair and lawful building sites code and how it will operate?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:55): The building code promotes best-practice workplace relations. It is designed to bring back the rule of law to our building sites. It is designed to ensure safe, fair and cooperative workplaces in which workers are no longer intimidated, and that is why we need the Australian Building and Construction Commission.

Senator ABETZ: Central to the code is the requirement that those who want to do taxpayer-funded work must comply with the law—nothing too radical there—including industrial laws dealing with pay and entitlements and occupational health and safety. If an employer is guilty of underpaying their workers or of committing safety breaches, the company puts at risk its ability to do work funded by the Commonwealth.

Senator ABETZ: Another aim of the building code is to ensure that contractors are not hampered by rorts and rackets—the sorts of things that those opposite and the Leader of the Opposition in Victoria seek to champion. (Time expired)
Senator CANAVAN (Queensland) (14:56): Mr President, I ask a further supplementary question. I refer the minister to claims by the ETU that the building code bans rostered days off and also bans employing apprentices and mature-age workers. Are these claims true?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:57): The ETU is conducting a dishonest campaign opposing the building code because it allows employees the ability to decide to deal with their employers directly.

Senator Cameron: Mr President, a point of order on relevance: there is no building code in place under law as the minister is indicating, and he should be dealing with the current code and not a proposed code.

The PRESIDENT: That is not a point of order, and it certainly does not go to direct relevance to the question that was asked.

Senator ABETZ: The desperation of Senator Cameron speaks for itself. The ETU claims that the rostered days off are prohibited. This is simply false. What the ETU does not say is that, under its pattern EBA, a union delegate could veto an employee's agreement with their employer to take their RDO on another day where it suits the worker. The ETU also claims the building code bans agreements providing a day off on Christmas or Easter. This too is false. The ETU claims that industry wage rates will be banned. This, once again, is false. The ETU claims penalty rates will be lost. This, unsurprisingly, is also false. (Time expired)

Revenue

Senator CAROL BROWN (Tasmania) (14:58): My question is to the Minister representing the Minister for Infrastructure and Regional Development, Senator Johnston. I refer to the minister's comments on the GST earlier this month at the Western Australian Liberals' conference that:

… the destination of our hard-earned revenue to other states and territories is a scandal that only we really understand and are prepared to fight for.

Does the minister stand by his statement?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:59): I thank the senator for the question because, as usual, I need to put what I said into the context in which I said it. Our Premier had indicated earlier that day what our share of GST was broken up into in terms of percentages, which the beneficial states were and what the amounts were that they received. My response to that was to stand up and say to about 800 people at the Liberal Party of Western Australia state conference, 'If you are unhappy with Western Australia receiving 38c in the dollar as a return on your GST, what you need to do is make a detailed submission to the white paper inquiry on federalism and the white paper inquiry on tax reform.' That is what I said to the assembled forum of the Liberal Party in Western Australia.

I do not resile from the fact that I think 38c in the dollar for Western Australia is, firstly, not sustainable and, secondly, unfair. That is not to say that other states do not need more than 100 per cent of their GST revenue. But I must say from a Western Australian perspective that I think 38c in the dollar is very unfair. (Time expired)

Senator CAROL BROWN (Tasmania) (15:00): Mr President, I ask a supplementary question. I refer to the comments made by the Western Australian Treasurer, Dr Nahan, on 5 August this year. Does the minister agree with Dr Nahan that Tasmania's share of the federal
tax revenue allows Tasmanians to live in a state with 'no jobs and no prospects'? And does the minister support Dr Nahan's view that Tasmanians should be moving to states such as Western Australia?

Senator JOHNSTON (Western Australia—Minister for Defence) (15:01): I must say to the senator that we in Western Australia were extremely disappointed when we saw the state of Tasmania closed down and turned into a national park.

Opposition senators interjecting—

Government senators interjecting—

The PRESIDENT: Pause the clock. Order, on my right and my left!

Senator JOHNSTON: I must say that when Western Australians saw the election of Premier Will Hodgman we were greatly relieved that a decent, hardworking, properly focused, good public-administrating government had been elected. I do not expect the fortunes of Tasmania to turn around overnight given what has gone before, but it is an enormous relief to at last see some decent governing in Tasmania. (Time expired)

Senator CAROL BROWN (Tasmania) (15:03): Mr President, I ask a further supplementary question. I refer to the Prime Minister's pre-election promise that the coalition had no plans whatsoever to change the GST. In light of the minister's statement, when did the plan change?

Senator Bernardi interjecting—

Senator Carol Brown interjecting—

The PRESIDENT: Senator Brown, you have asked your question. Senator Bernardi, order!

Senator JOHNSTON (Western Australia—Minister for Defence) (15:03): We had no plan to change the rules regarding the distribution of the GST or to increase the GST. What I said to my fellow Liberals in Western Australia was: 'If you are unhappy, if you are outraged and if you think it is a scandal, have your say.'

Let's come back to the problem. The problem is that for so long—

Senator Abetz: Sixteen years.

Senator JOHNSTON: For 16 years Tasmania have been nothing more than a passenger. Tasmania have been a mendicant state. On their west coast, they have fabulous mineral reserves. Will they touch them? No! They want their state to be a national park. We do not agree with that, and we do not want to pay for it either.

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Defence Procurement

Senator WONG (South Australia—Leader of the Opposition in the Senate) (15:05): I move:

That the Senate take note of the answers given by the Minister for Defence (Senator Johnston) to questions without notice asked by Senators Wong, Conroy and Carr today relating to the Australian naval manufacturing industry.
We learnt two things in question time today. Firstly, no-one in this government appears capable of keeping a promise. The second thing we noticed is that the South Australian Liberals are the doormats in the Liberal party room. We know, of course, that the National Party have long been the doormats in the coalition party room. But let's be really clear: there is no advocate on that side of the chamber and on the frontbench prepared to stand up for South Australian jobs. We saw that when it came to Holden and we have seen it again today.

Minister Johnston had a number of occasions today when he could have backed in the promise he made to South Australia on behalf of the coalition prior to the election. I invite Senator Birmingham, who is in the chamber—and I hope he will speak—to reassert the promise that was made in Adelaide before the election. I invite him to say the words, 'We will honour our pre-election commitment.' He has his head down, and I guarantee that he will not recommit the coalition to an election promise that they want to break. That is because it was an election promise they made because of politics only.

The sad thing is that we know how important the shipbuilding industry is to South Australia. We know how important this industry is to Australia. We know how important it is for Australia's manufacturing and technology sector. We know how important it is for jobs, advanced technical engineering skills and cutting-edge manufacturing technologies. All of the coalition appear to have taken the Joe Hockey line on everything: it is always someone else's fault. We hear excuse after excuse from the coalition about this issue. Frankly, the excuses just do not stack up. Rather than go into that, I think it comes back to one simple issue: before the election the then shadow defence minister went down to Adelaide and said, 'The coalition is committed to building 12 new submarines here in Adelaide.' What have we heard since? What have we seen in this and other question times since? We have seen ducking and weaving, preparation for the breaking of yet another promise from a government that seems incapable of keeping any pre-election promise. I would say also that this comes on top of the way this government walked away from the auto industry across the country, which is going to have such devastating effects on the economy of South Australia.

Senator Abetz: Huh!

Senator WONG: Senator Abetz scoffs! Unlike him, we on this side of the chamber and I suspect across the chamber, apart from those opposite, do not believe that seeing thousands of workers lose their jobs is something simply to be laughed off. We saw the Treasurer on the floor of the House of Representatives goading Holden to leave. Where were the South Australian Liberals? They were all very quiet. In the past there have been some staunch advocates for South Australia on both sides of the parliament. Under the coalition we saw Senator Minchin back Sundowner. We saw Robert Hill. They were staunch advocates for South Australia. Under our government we had advocates for South Australia, ministers at the table who were prepared to stand up for South Australia. Where is Christopher Pyne? Where is Mr Briggs?

Senator Birmingham interjecting—

Senator WONG: Where are all the staunch advocates for South Australia? They are sitting quietly, simply allowing this coalition to destroy jobs in Adelaide and to break election promises which go directly to South Australian jobs. Senator Birmingham, if you get up to speak, recommit to the promise and show the people who sent you here that you are not going to break another promise. (Time expired)
Senator FIERRAVANTI-WELLS (New South Wales—Parliamentary Secretary to the Minister for Social Services) (15:10): What hypocrisy it is for Senator Wong to stand up here after she presided as Minister for Finance and Deregulation over one of the worst financial periods in Australia's history. Do not come in here with that hypocrisy and allege broken promises by this side. I refer Senator Wong to The Australian of 20 August 2007, when Mr Rudd promised:

Federal Labor has promised to extend South Australia's boom in defence work by building a new generation of submarines in Adelaide.

Senator Birmingham: Off she goes!

Senator FIERRAVANTI-WELLS: Senator Wong, you do not want to listen to this? In South Australia, opposition leader Kevin Rudd said—

Senator Birmingham interjecting—

Senator Wong: Mr Deputy President, I raise a point of order. As a matter of courtesy, I will let Senator Birmingham know, as I advised your leader, I do have an appointment now and I am seeking to attend it. If you wish to make a political point why don't you get up to speak.

The DEPUTY PRESIDENT: Senator Wong, that is not a point of order.

Senator FIERRAVANTI-WELLS: We were told that a Labor government would ensure that the submarines were built by ASC at the Port Adelaide site. We were told that production would begin in about 2017, at about the same time that work on the $6 billion air warfare destroyer in Adelaide would also be tapering off. Mr Rudd said:

Starting the process this year will guarantee continuity of work for South Australia's defence industry and those employed in the sector.

It will also provide a big boost to South Australia's growing knowledge and skills base and its reputation as the defence state.

What did you do? You did absolutely nothing, but you come in here with hypocrisy and making assertions of broken promises.

Honourable senators interjecting—

The DEPUTY PRESIDENT: Again I will call the Senate to order. I would ask senators from both sides of the chamber to cease interjecting. Senator Fierravanti-Wells, I also request that you direct your comments to the chair.

Senator FIERRAVANTI-WELLS: At the time, we were also informed that the Rudd Labor government would make it a priority to ensure that the necessary preliminary work on Australia's next generation of submarines was carried out in time for consideration and initial approval in 2011. 2011 came and went and nothing happened. Mr Rudd asserted at the time:

There is widespread agreement that the Collins Class boats built by ASC in Adelaide are the best conventionally powered submarines in the world and that they provide a vital military capability for Australia.

If that was the case, why did you do absolutely nothing?

Senator Birmingham: They must have run out of napkins after the NBN plan.

Senator FIERRAVANTI-WELLS: Yes, absolutely. They ran out of napkins. I remind the Senate, and Senator Carr, who came in and bleated today, that 140,000 manufacturing
jobs were lost during the time in which he was the minister. I also remind those opposite that Mitsubishi left South Australia under Labor's watch. So do not come in here as the party that gave us the biggest broken promise of all—that is, 'There will be no carbon tax under the government I lead'—and make these assertions.

As the Prime Minister indicated on the weekend—and he wanted to stress this, so I would like to repeat it to those opposite—we will make 'the right decisions for the right reasons'. He said:

Defence acquisitions have to be made on the basis of defence logic; not industry policy, not regional policy, but on the basis of sound defence policy.

He went on to say:

… we have not yet made a final decision on the design and build of the next generation of Australian submarines. But, there will be more of them. The bulk of the Australian work will be done here in Adelaide, and that means more jobs for South Australia … the best way to help South Australia, the best thing that any of us can do for any of the great states of this Commonwealth is to build a stronger economy.

I also refer to comments that Minister Johnston made at an address to the Australian defence industry group—(Time expired)

**Senator GALLACHER** (South Australia) (15:16): I rise to take note of the answers from Senator Johnston to questions from opposition senators. I think those who are listening to this debate should know that there are no South Australian coalition senators in the room. This is an issue about 12 new submarines that were promised, and now we have a complete reversal of the commitment given by successive governments to defence shipbuilding and submarine building.

I do not want to stand here and say that everything has been perfect, but if you have a glance at the report on the air warfare destroyer program you will see the comments in there going to the heart of Senator Wong's contribution. There have been people on both sides of the chamber committed to building naval hardware, submarines, warfare destroyers and the like. Successive governments accepted that there was a premium on that. There was a 30 per cent premium; it is quantified in the audit report. Successive governments quantified a premium on building this stuff in Australia, developing the capability and developing the workforce, because building your own submarines, your own hardware, to defend this nation is the sensible thing to do. Minchin, Hill and Downer were all great contributors in this space.

But what do we have now? We have a complete absence of anyone in the government articulating for the workforce. We had the minister saying that people in the gallery should have some influence and get people to be more productive. I was on the Joint Committee of Public Accounts and Audit. I asked the question: is this a case of people taking the wages and not doing the work? The answer came back, 'No, Senator, that is not the case. It is the fact that we have redrawn the work several times.' In some cases the work was redrawn up to six times, and the work had been done three times by the workforce. The productivity of the workforce is not in question. The productivity overall in the scheme is in question, because Spanish designers do not translate into Australian shipbuilders.

There are the same issues with the Collins class submarines. I have spoken to people who work in that area, and the redrawing of the drawings was compounding the cost blowout in every case. Yet these people have the gall to say it is the workforce. Senator Fawcett knows
very clearly that it is not the workforce. He is intimately involved with this and understands the issue very well. He is not in the chamber today. Senator Edwards is probably a bit bereft of knowledge in this area. Senator Birmingham and Senator Bernardi are both absent in defending what is a very critical part of the South Australian economy. We want to be the defence state. You can get bipartisan cooperation on this if you invest in it. It has been going on since Robert Hill, Nick Minchin and Downer. They understood that you need to invest.

I am not sure how confidential this is, but in a briefing this morning the Japanese ambassador said, 'We are looking forward to very close cooperation with Australia, particularly in respect of submarines.' What does that do for the workforce there, patiently waiting for someone to get their act together so that they can actually build and deliver 100 per cent on-time, first-class, excellent products? It terrifies those people. They are without a voice in the government. If you look around the other side of the chamber, there are people of independent mind and stature who have taken their own side on the PPL and whatever else they disagree with. Senator Macdonald has been toasting the finance minister at length in committee. He has repeatedly asked questions about the sense of the finance minister's arguments. What do we have here? Not one South Australian making a contribution, other than Senator Birmingham's snide remark about the Leader of the Opposition leaving for an important meeting. That is a shame. They need to be truly embarrassed for themselves. They need to stick up for South Australia and have a go.

Senator BACK (Western Australia) (15:21): All I can reflect is, 'Thank God the Labor Party didn't put a team into the World Cup soccer.' With three leaders like Senators Wong, Conroy and Carr, they just would have had three home goals. Imagine trying to take on Senator David Johnston when it comes to matters related to Defence, given his obvious knowledge of the answers to the questions. It is a shame that some of you in the gallery did not hear the pathetic questions and Senator Johnston kicking them away as expertly as he did. He was armed with the fact that the recent Minister for Defence under the Labor government—a Western Australian, Mr Stephen Smith—allowed some $23 billion of money to be lost out of the Defence budget under the last Labor government.

It might interest some people listening to this to know that in fact, as a proportion of GDP under Labor, Defence spending got down to figures equivalent to 1938, which was before the Second World War. And here is Senator Wong, who once was the minister for finance of this country, who was the South Australian minister at the time and who had the opportunity to actually set the South Australian shipbuilding industry up for the future. But what did Senator Johnston say about that? In 2008, the opportunity was there to secure this for the future and the then Labor government—led by its Minister for Finance and Deregulation, who was based in South Australia, Senator Wong, who did nothing. They lost the opportunity, they did not take it up and here they are whingeing.

We then come to the questions of Senator Conroy, the minister for the 'no bloody network'—the NBN! I remember in my first weeks in this place asking Senator Conroy where the business case was for the NBN. Of course, there was your usual cynicism and your usual derision, Senator Conroy, saying, 'We do not need a business case for a multi-billion dollar project.' There was no cost-benefit analysis and no risk analysis, because it was all done on the back of a napkin on a VIP flight from Adelaide up to Canberra. What a shame the flight
was not from Perth to Canberra, because it is a longer flight, so they might have actually got a few things right!

What Senator Johnston said in answer to Senator Conroy was: 'When they opened the bickie barrel, as a result of winning government from Labor, how much money was there?' What was in the bickie barrel? There was absolutely nothing. Should we be surprised at that from a minister who supposedly ran NBN Co and a minister who proudly came into this place and was able to tell us that he could do so without a business plan, without a cost-benefit analysis and without a risk analysis, when indeed the greatest risk to the NBN is sitting opposite me here: Senator Conroy?

We now come to Senator Kim Carr. I think it was Senator Fierravanti-Wells, in the last few minutes, who said that under his stewardship 140,000 manufacturing jobs were lost in this country. That was under the stewardship of Senator Kim Carr. We had bleating going on about the car industry. Indeed, if I am correct, Mitsubishi left South Australia as a manufacturer under the then federal and, indeed, state Labor governments. Senator Johnston, the minister, was able to give us those such telling figures when it came to the criteria for actual assessment of shipbuilding capacity and the fact that internationally the yardstick is some 60 man-hours per tonne of construction. The Australian government lifted that to 80 as our standard, but what was achieved was a figure of 150.

In the few minutes available to me, I will just quote from Senator Johnston's comments to the Australian Business Defence Industry group only in the last week. This is what he said:

Our local defence industry contributes significantly … for industry to be sustainable there needs to be significant and smart investment from both Government and industry… Under-investment in Defence by the previous Labor Government resulted in a breakdown in Australia’s long term defence planning.

- Labor’s 2013 plan out to around 2030 was underfunded by about $30 billion.
- … 119 key projects delayed, 43 severely degraded and eight cancelled.

There are the answers for the failures of the then Labor government. (Time expired)

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:27): I am pleased to be able to contribute to this debate today on answers to questions on Defence procurement. Today in question time, Senators Wong, Carr and Conroy asked questions of the Minister for Defence—the hapless and hopeless Senator Johnston—about the future of the Australian submarine project. Questions were asked with the intention of finding out from the minister whether or not he would stick by his commitment, made before the 2013 federal election, that those 12 submarines will be built in my home state of South Australia and by South Australian workers.

We wanted to find out from the minister whether he has changed his mind and is instead going to buy those submarines from Japan. Is he is going to buy those submarines from a foreign country? Will he rule out buying their submarines from Japan? Well, no. He clearly said, 'We will not rule it in and we will not rule it out.' That is no solace for the people of South Australia, who value so much our defence industries and in particular our defence shipbuilding industries.

We witnessed here today the birth of another broken promise from this terrible government. We have seen so many times that the government said one thing before the election—they deceived the people of Australia before the election—and immediately after
the election did something completely different. They said that there would be no cuts to health, no cuts to education and no cuts to pensions. What are we seeing? Cuts to all of those things. They said there would be no surprises, but there was a surprising new GP tax. Now, it looks like the defence industry is also going to be subject to another massive broken promise by this government.

I will remind you of exactly what the Minister the Defence said before the 2013 election. I printed this off today from his very own ministerial website. He said to the ASC, the Australian Submarine Corporation, in Adelaide on 8 May 2013:

The Coalition today is committed to building 12 new submarines here in Adelaide, we will get that task done, and it is a really important task, not just for the Navy but for the nation. And we are going to see the project through, and put it very close after force protection, as our number priority if we win the next Federal Election.

They did win the next federal election. And what are they doing? They are running away from that commitment to the Australian defence industry, to Australian shipbuilding, to South Australian jobs and to South Australians. When the minister made those statements back in May 2013, the people of South Australia thought quite rightly that the subs would be built in South Australia and that the hundreds of jobs at the Australian Submarine Corporation and the thousands of jobs in South Australia that depends on defence shipbuilding would be safe.

Well, the people of South Australia have been well and truly deceived by this minister and this government, because today we heard there are no guarantees about those jobs at all. It was a disgrace that the minister said that in front of workers from the Australian Submarine Corporation and their union representatives, who we are here today to hear what the minister would say. He said that he could not give them the guarantees of those jobs—even though his commitment before the federal election was quite clear.

Before the federal election Labor had a clear plan for Australia's naval shipbuilding industry. We were going to build the subs in South Australia and we were going to bring forward the build of the replenishment frigates. The new federal government have also walked away from ensuring that those new frigates are built in South Australia, and they even refuse to allow Australian companies to tender for that work. Those ships will also be built overseas. In that context the minister said that, in his view, it was beyond the capacity of Australia to build those ships. What a disgraceful, insulting thing to say to the workers of South Australia! What is even more insulting about this whole debate is that there is not one South Australian Liberal senator in the Senate chamber defending South Australian defence shipbuilding jobs—not one of them has got up to say anything to defend naval shipbuilding in South Australia. There is no-one here who will get up and say, 'We are going to do what we can to support jobs in South Australia.' They are as bad as their state Liberal colleagues. Where is Steven Marshall in this debate? He stood with David Johnston in May 2013 to say the ships would be built in South Australia and he is nowhere now. (Time expired)

Question agreed to.

**Family Violence Prevention Legal Services Program**

**Senator SIEWERT** (Western Australia—Australian Greens Whip) (15:32): I move:

That the Senate take note of the answer given by the Attorney-General (Senator Brandis) to a question without notice asked by Senator Peris today relating to the National Family Violence Prevention Legal Services Program.

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CHAMBER
This is an extremely serious issue and there is just no way this government can claim that cuts to legal aid and cuts to family violence programs will not have a direct impact on frontline services. The simple fact is that they are and they will. In August, the Community Affairs References Committee was in the Northern Territory for our inquiry into grandparent carers. While we were there, NAAJA, the very organisation that the Attorney-General said that he had visited, told us of the direct impact that the reduction in funds will have on their services. They will lose that funding and they will lose those officers that work on supporting people that have been affected by violence. They told us directly that they will no longer be able to offer the sorts of support services they have been offering to grandparent carers—those who, for a variety of reasons, have taken the responsibility to look after their grandchildren. And in fact no other organisation in the Northern Territory will be able to provide the sorts of supports, services, legal advice and legal representation that they have been providing. They provided evidence to us—it is all on the public record; it is in Hansard—that there are very limited other sources of funds available for that form of support.

I have also had representations from family legal centres in Western Australia that the cutting of these funds will have a direct impact on the ability to provide services to Aboriginal people that have been affected by family violence and need that sort of support. This government is using the excuse of the budget to directly cut funding to Aboriginal support services. They cannot run and hide from that. They cannot claim that it is not impacting on family law services. They say that they have to make priorities. What is more important than protecting families, women and their children from violence? I would say they have got their priorities completely twisted, as we were talking about yesterday, if they think that is an area where they need to cut funds.

This government are either not telling the truth or simply do not understand the impact their cuts are having on those programs. They are directly impacting people and services on the ground. This is from a Prime Minister who says he is the Prime Minister for Aboriginal affairs. I would like to know what exactly he thinks that means. In my book it does not mean cutting funds to some of the most vulnerable and disadvantaged members of our community. They should be ashamed of themselves. They should be ashamed to come in here and try and defend the policies that are indefensible. It is simply not defensible to say, 'We are cutting these funds and it is having no direct impact on frontline services.' That is clearly not true.

I do not know what the Attorney-General was doing when he was up in the Northern Territory, but he clearly either did not listen or did not ask the questions that needed to be asked about the support services that are being cut and that are required by vulnerable people in the Northern Territory. In the Territory we are seeing an escalation in the number of children that are being taken into out-of-home care. Instead of cutting funds, we actually need to invest more funds into support services for the most vulnerable members of our community—for the women and children who are affected by violence and who need support to get out of those circumstances and to get better outcomes for the children. That ties into the government's cuts in other areas of Aboriginal funding.

When I was out on the road travelling with a committee, an issue that was raised very strongly in the Kimberley in Western Australia was the concern communities had about the impacts of funding cuts on the delivery of services. Some of them have been given an extension of six months and some 12 months. They do not know whether those services are
going to continue. Yesterday Senator Sterle was talking about a family and early childhood centre. I also visited that centre when I was in Fitzroy Crossing not long ago. They are desperately concerned about the future of that centre. This government has no shame in the way it has cut services and then claims it has not. It is outrageous. *(Time expired)*

Question agreed to.

**NOTICES**

**Presentation**

**Senator Macdonald** to move:

That the Legal and Constitutional Affairs Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 28 August 2014, from 3.45 pm.

**Senator Wright** to move:

That the Legal and Constitutional Affairs References Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 28 August 2014, from 3.50 pm.

**Senator Waters** to move:

That the Senate—

(a) notes that:

(i) the World Congress of Families is responsible for spreading:

(a) homophobic and sexist prejudices around the world, including in Russia, the United States, and countries in Eastern Europe and Africa, and

(b) harmful myths, including linking abortion with breast cancer and contraception with domestic violence,

(ii) the World Congress of Families is holding a conference in Melbourne on Saturday, 30 August 2014,

(iii) the Minister for Social Services (Mr Andrews) is planning to attend the conference and give an opening address, and has been awarded the 2014 Natural Family Man of the Year award by the World Congress of Families, and

(iv) other state and federal Members of Parliament are also planning to attend the conference;

(b) reaffirms the:

(i) fundamental Australian values of equality, tolerance and non-discrimination, and

(ii) value and dignity of all persons regardless of their gender, sexuality, or family status; and

(c) calls on Members of Parliament not to attend the World Congress of Families conference.

**Senator Milne** and **Senators Singh and Bushby** to move:

That the Senate—

(a) notes:

(i) there are almost half a million Australians living with Hepatitis B or Hepatitis C, many undiagnosed,

(ii) the serious health risks associated with Hepatitis B and C, in particular the risk of developing serious liver disease, and

(iii) that 1 000 Australians die each year from advanced liver disease due to untreated Hepatitis B or C; and
calls for prioritisation of effective diagnosis and best available treatment of Hepatitis B and C in our health services.

Senator Ludlam to move:
That the Senate—
(a) notes that:
(i) on 31 January 2014, the Minister for Communications announced an efficiency review of both national broadcasters, the Australian Broadcasting Corporation (ABC) and the Special Broadcasting Service (SBS), to be conducted by Mr Peter Lewis, and
(ii) despite the potentially serious ramifications of the Lewis report for the ABC and SBS, the Government has to date failed to make the report available for public consideration; and
(b) orders that there be laid on the table, by the Minister representing the Minister for Communications, no later than 2 pm on Monday, 1 September 2014, a copy of Mr Lewis’s efficiency review of the ABC and SBS.

Senator Madigan to move:
That the Senate recognises that it is in Australia’s national interest to maintain liquid fuel refining capability.

Senator Rhiannon to move:
That the Senate—
(a) notes:
(i) specialist women-only services play a crucial role in providing specialist services for victims of domestic and family violence,
(ii) services to victims of domestic and family violence and their children should be provided by specialist services and not general homelessness shelters,
(iii) women-only refuges in New South Wales such as the Muslim Women’s Support Centre and Immigrant Women’s Speakout offer unique culturally sensitive in-house and outreach services for ethnic women, and
(iv) more than 25 women-only refuges in New South Wales have had their funding cut by the New South Wales State Government; and
(b) calls on state and federal governments to ensure funding is retained for specialist women-only services to allow them to offer independent, high quality and culturally appropriate services.

Senator Hanson-Young to move:
That the Senate—
(a) acknowledges that 29 August 2014 is Wear it Purple Day, when we show our support for lesbian, gay, bisexual, transgender and intersex (LGBTI) youth;
(b) notes that Wear it Purple Day seeks to raise awareness about the issues faced by LGBTI youth and the need to eradicate bullying based on sex, sexuality and gender diversity; and
(c) recognises that every young person has the right to be respected and treated equally, regardless of their sexuality or gender identity.

Senators Siewert and Ludlam to move:
That the Senate—
(a) notes:
(i) that the ‘2014 Great Cocky Count’ report by Birdlife Australia and Western Australia’s Department of Parks and Wildlife has estimated the rate of decline of the Carnaby’s cockatoo in the Perth and Peel region at 15 per cent per year,

(ii) that the Carnaby’s cockatoo is listed as an endangered species under the Federal Environment Protection and Biodiversity Conservation Act 1999 and in Western Australia under the state’s Wildlife Conservation Act, and

(iii) the specific threats to the Carnaby’s Cockatoo by ongoing clearing of the Gnangara pine plantation and clearing of native vegetation on the Swan Coastal Plain; and

(b) calls on the Minister for the Environment (Mr Hunt) to require a specific, detailed environmental assessment of the impacts of the clearing being undertaken of the Gnangara pine plantation and of native vegetation on the Swan Coastal Plain.

Postponement

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Dastyari for today, proposing the disallowance of items 1 to 27 inclusive and item 30 of the Corporations Amendment (Streamlining Future of Financial Advice) Regulation 2014, postponed till 28 August 2014.

General business notice of motion no. 383 standing in the name of Senator Lambie for today, proposing the introduction of the Land Transport Infrastructure Amendment (Continuing Roads to Recovery) Bill 2014, postponed till 28 August 2014.

General business notice of motion no. 384 standing in the name of Senator Xenophon for today, proposing an order for the production of documents by the Attorney-General, postponed till 2 September 2014.

Withdrawal

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:38): I withdraw general business notice of motion No. 376 standing in the name of Senator Dastyari authorising the Joint Standing Committee on Migration to meet.

COMMITTEES

Legal and Constitutional Affairs Legislation Committee

Reporting Date

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (15:39): At the request of Senator Macdonald, I move:

That the time for the presentation of the report of the Legal and Constitutional Affairs Legislation Committee on the Recognition of Foreign Marriages Bill 2014 be extended to 25 September 2014.

Question agreed to.

Environment and Communications Legislation Committee

Reporting Date

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (15:39): At the request of Senator Ruston, I move:

That the time for the presentation of the report of the Environment and Communications Legislation Committee on its inquiry into Australia Post be extended to 24 September 2014.

Question agreed to.
Corporations and Financial Services Committee
Meeting

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (15:39): At the request of Senator Fawcett, I move:

That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate from 11.30 am, as follows:
(a) Monday, 1 September 2014;
(b) Monday, 22 September 2014;
(c) Monday, 27 October 2014; and
(d) Monday, 24 November 2014.

Question agreed to.

Joint Standing Committee on Foreign Affairs, Defence and Trade
Meeting

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (15:39): At the request of Senator Fawcett, I move:

That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold public meetings during the sittings of the Senate, as follows:
(a) on Monday, 1 September 2014, from 5.30 pm to 6.30 pm;
(b) on Tuesday, 2 September 2014, from 12.45 pm to 2 pm;
(c) on Wednesday, 3 September 2014, from 11 am to noon, and from 1 pm to 2 pm;
(d) on Tuesday, 23 September 2014, from 12.45 pm to 2 pm; and
(e) on Tuesday, 30 September 2014, from 12.45 pm to 2 pm.

Question agreed to.

Environment and Communications References Committee
Reporting Date

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:39): At the request of Senator Urquhart, I move:

That the time for the presentation of the report of the Environment and Communications References Committee on its inquiry into Australia's environment be extended to the third last sitting day in June 2015.

Question agreed to.

Environment and Communications References Committee
Reporting Date

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:39): At the request of Senator Urquhart, I move:

That the time for the presentation of the report of the Environment and Communications References Committee on its inquiry into the Great Barrier Reef be extended to 3 September 2014.

Question agreed to.
Finance and Public Administration References Committee
Reporting Date

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:39): At the request of Senator Lundy, I move:
That the time for the presentation of the report of the Finance and Public Administration References Committee on its inquiry into violence against women be extended to 2 March 2015.

Question agreed to.

Foreign Affairs, Defence and Trade References Committee
Reporting Date

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:39): At the request of Senator Gallacher, I move:
That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on its inquiry into abuse in Defence be extended to 30 October 2014.

Question agreed to.

Select Committee on Health
Meeting

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:39): At the request of Senator O’Neill, I move:
That the Select Committee on Health be authorised to hold a public meeting during the sitting of the Senate on Thursday, 28 August 2014.

Question agreed to.

Constitutional Recognition of ATSIP
Meeting

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:39): At the request of Senator Peris, I move:
That the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate from 10.30 am, as follows:
(a) Wednesday, 3 September 2014;
(b) Wednesday, 1 October 2014;
(c) Wednesday, 29 October 2014; and
(d) Wednesday, 3 December 2014.

Question agreed to.

BILLS

Mining Subsidies Legislation Amendment (Raising Revenue) Bill 2014
First Reading

Senator MILNE (Tasmania—Leader of the Australian Greens) (15:40): I move:
That the following bill be introduced: A Bill for an Act to amend the law relating to taxation, and for related purposes. Mining Subsidies Legislation Amendment (Raising Revenue) Bill 2014.
Question agreed to.

**Senator MILNE**: I present the bill and move:
That this bill may proceed without formalities and be now read a first time.

Question agreed to.

Bill read a first time.

**Second Reading**

**Senator MILNE** (Tasmania—Leader of the Australian Greens) (15:40): I present the explanatory memorandum and I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

The Mining Subsidies Legislation Amendment (Raising Revenue) Bill 2014 seeks to remove a distortion in the tax system that favours some industries over others by abolishing fossil fuel subsidies (except those used for agricultural purposes) from 1 January 2015.

Supporting mining and fossil fuels puts them at a huge advantage compared to other sectors of the economy.

As a nation we should be investing in higher education, not cutting funding to universities and putting students under even greater pressure. We should be increasing Newstart, not condemning people to poverty, and we should be caring for single parents, not making their lives even more difficult.

We can do all these things and more, like bringing dental care into Medicare for everyone, by standing up to the big mining companies and big banks and demanding a fairer contribution to the whole community.

This Bill could counter Abbott’s cruel budget by saving the cuts made to ABC, SBS, and CSIRO, by freeing up billions of dollars from ending fossil fuel subsidies.

The government is exacerbating global warming by making it cheaper for big mining corporations to extract more coal, oil and gas via special tax treatment for exploration, depreciation and fuel rebates. If mining companies didn’t get so much government assistance, then renewable energy would be more competitive.

This Bill will abolish the following fossil fuel subsidies from 1 January 2015:

1. The diesel fuel rebate for the mining industry—since the carbon price repeal, mining companies no longer pay a cent in tax for their fuel, compared to ordinary Australians who pay 38 cents litre.

2. Accelerated asset depreciation for aircraft, the oil and gas industry and vehicles (excepting for those used for agricultural purposes)—instead of the usual practice of depreciating assets such as cars, planes and machinery over their useful life, the mining industry is allowed to claim depreciation over a shorter period.

3. Immediate deduction for exploration and prospecting expenses for the mining industry—expenditure on exploration and prospecting by the mining industry is immediately deductible for company tax rather than depreciated over time as is the usual practice for investments.

We know that the Abbott government’s first budget has not attempted to raise extra revenue in any real way. In fact they have deliberately chosen to reject revenue streams from the big polluters and mining companies, and subsidies continue to be paid to fossil fuel industries.
Costings from the Parliamentary Budget Office, requested by the Greens, show that removing tax concessions for the big miners would raise close to $13 billion in revenue.

As the Abbott Government dismantles universal healthcare, defunds access to quality public education, strips money from indigenous programs, pushes young people into poverty, saddles students with ever increasing higher education debt, and abandons action on global warming, they are ripping up a safety net and social contract that has been central to safeguarding egalitarianism in this country.

Along with ensuring that the funding for the above essential services and programs is maintained through the revenue that is raised through this Bill, the savings measures from removing fossil fuel subsidies could also be redirected to prevent the following cuts to research and development, the arts, and the environment:

- CSIRO—$111.4 million
- ABC—$232.2 over four years
- SBS—$8 million
- Landcare—$100 million
- Australia Council for the Arts—$28.4 million
- Screen Australia—$25.1 million
- Australian Research Council—$74.9 million
- Bureau of Meteorology—$10 million over four years
- Great Barrier Reef Marine Park Authority—$2.8 million

Revenue from a well-constructed mining tax, ending tax breaks to the mining corporations, a millionaires' tax, a public levy on the big banks, and taxing trusts as companies are all responsible measures that would ensure the slash and burn approach adopted by the Abbott government is not needed.

The Greens believe in a safety net that will prevent people from crashing into poverty and homelessness when they are facing difficult circumstances.

Taxpayers shouldn't fork out billions of dollars each year just so the likes of Gina Rinehart can buy cheap diesel, while everyone else is told to tighten their belts.

I commend the Mining Subsidies Legislation Amendment (Raising Revenue) Bill 2014 to the Senate.

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

Leave granted; debate adjourned.

MOTIONS

Suicide

Senator WRIGHT (South Australia) (15:41): I move:

That the Senate—

(a) notes that a disproportionately high number of completed suicides and suicide attempts involve men in rural areas; and

(b) calls on the Government to implement the key recommendations of the Community Affairs References Committee report The hidden toll: Suicide in Australia, including:

(i) funding a national suicide prevention and awareness campaign, to run for at least 5 years, and

(ii) targeted measures to help prevent the incidence of suicide among high-risk groups in regional Australia.
Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (15:41): Mr President, I seek leave to make a short statement.

The PRESIDENT: There being no objection, leave is granted for one minute.

Senator FIFIELD: The government is committed to building a world-class mental health system that delivers appropriate services to support people experiencing mental health issues and their families. The National Mental Health Commission is currently undertaking a review of mental health and suicide prevention programs across Australia. The review is looking at whether services are being properly targeted and ensuring that services are not being duplicated or unnecessarily burdened by red tape. As part of this process the commission will assess whether there are any gaps in mental health and suicide prevention and post intervention services, research and workforce development and training, along with considering the particular challenges of providing services in rural, regional and remote Australia.

The review is important to ensure that services are being properly targeted and that funding is going to programs that have proven the most effective. The report referred to in the motion, The hidden toll: suicide in Australia, was produced in mid 2010. The commission is considering a broad range of previous reports along with conducting consultations and receiving submissions as part of the review.

Question agreed to.

Environment

Senator WATERS (Queensland) (15:43): I move:

That the Senate—
(a) notes That the Minister for the Environment (Mr Hunt) has claimed on the Australian Broadcasting Corporation's program 4 Corners to have drawn a 'line in the sand' on offshore dumping from capital dredging in the Great Barrier Reef Marine Park; and
(b) calls on Minister to confirm his commitment applies to plans for offshore dumping in the Great Barrier Reef Marine Park from capital dredging which have been applied for but not yet approved.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (15:43): Mr President, I seek leave to make a short statement.

The PRESIDENT: There being no objection, leave is granted for one minute.

Senator FIFIELD: The government did not oppose the motion. We are committed to the long-term protection of the Great Barrier Reef. The greatest risks to the Great Barrier Reef have not changed since the first outlook report in 2009. Climate change, poor water quality from land based run-off, impacts from coastal development and some remaining impacts of fishing and illegal fishing remain the major threats to the reef. On coming to government, there were five major proposals for dredge spoil from capital port projects to be disposed of in the marine park which Labor and the Greens had on the drawing board. That has now been cut to one project at Abbot Point—and that has been reduced from 38 million cubic metres to three million. This includes a 150 per cent net benefit requirement for water quality. The Minister for the Environment's clear intention in making the Abbot Point decision was that the first priority for all future capital dredging projects within the Central Queensland and North
Queensland coastal zone will be for shoreline, near-to-shore or land reclamation disposal. Therefore, the preferred disposal option for capital dredging is onshore, in accordance with legislative requirements.

Question agreed to.

**Macquarie University**

**Senator RHIANNON** (New South Wales) (15:45): I move:

(a) notes:

(i) higher education is an important sector that allows for intellectual development and increased job opportunity,

(ii) independent student unions and organisations play a crucial role in the higher education sector particularly in supporting at-risk students and increasing student engagement,

(iii) independent student unions and organisations can play a crucial role in local economies in regional areas, through the provision of jobs and support frameworks for students and young people, and

(iv) Macquarie University currently receives more than $6 million in funding from student fees via the Student Services and Amenities Fee and none of this revenue is provided to independent student unions or directed toward services in democratic consultation with students; and

(b) calls on Macquarie University to:

(i) cease its legal action against the Macquarie University Postgraduate Representative Association and its board members,

(ii) remove any freeze on the Macquarie University Postgraduate Representative Association's bank accounts; and

(iii) support independent and democratically run student unions.

I seek leave to make a short statement.

**The PRESIDENT:** Leave is granted for one minute.

**Senator RHIANNON:** Student organisations provide important services for students across Australia, including child care, counselling, sports representation and advocacy. The Howard government's reforms were devastating for students, particularly those from disadvantaged backgrounds who relied on the provision of many of these services. While the student services and amenities fee went some way towards redressing the lack of service provision, its major weakness has always been the fact that independent student organisations have not been guaranteed funding. Macquarie University's legal attack on 'the Macquarie seven'—the board of the Macquarie University Postgraduate Representative Association—was unprecedented. As the Council of Australian Postgraduate Associations points out, the issue is an important test case. It is important for those of us who support independent, vibrant, democratic student organisations to stand up against attacks like this, otherwise they may start becoming a common occurrence.

**Senator MOORE** (Queensland) (15:46): I seek leave to make a short statement.

**The PRESIDENT:** Leave is granted for one minute.
Senator MOORE: Of course Labor supports the autonomy and independence of student associations. However, we believe that this motion could actually be counterproductive in resolving the important issues of the university. On this basis, we cannot support the motion. Question negatived.

**DOCUMENTS**

**Renewable Energy**

**Order for the Production of Documents**

Senator MILNE (Tasmania—Leader of the Australian Greens) (15:47): I move:

That there be laid on the table by the Minister representing the Prime Minister (Senator Abetz), no later than noon on 28 August 2014, the final report into the Renewable Energy Target prepared by the Government’s hand-picked review panel.

Question agreed to.

**Budget**

**Order for the Production of Documents**

Senator MILNE (Tasmania—Leader of the Australian Greens) (15:47): I move:

That there be laid on the table by the Minister representing the Treasurer (Senator Cormann), no later than noon on 28 August 2014, the distributional and cameo analysis of the impact of prospective policy measures contained in the 2014 15 Budget, and any other material prepared for the household budget breakdown that has appeared in the appendix of each Budget overview since 2004 05.

Question agreed to.

**National Security**

**Order for the Production of Documents**

Senator LUDLAM (Western Australia) (15:48): I move:

That the Senate—

(a) notes that:

(i) the Government has not yet provided a definition of ‘metadata’ to be retained under the proposed mandatory data retention scheme, and

(ii) media reports on 26 August 2014 suggested that the Attorney General's department has provided a definition in a document provided to the telecommunications industry; and

(b) orders that there be laid on the table, by the Attorney General, no later than noon on Wednesday, 3 September 2014:

(i) the definition of ‘metadata’ as defined by the Government's proposal on mandatory data retention, and

(ii) a copy of the document distributed to the telecommunications industry within the past week which discusses this policy.

The PRESIDENT: The question is that Senator Ludlam's motion be agreed to.
The Senate divided. [15:53]
(The President—Senator Parry)

Ayes ...................... 35
Noes ...................... 28
Majority ............... 7

AYES
Bilyk, CL
Brown, CL
Bullock, J.W.
Carr, KJ
Collins, JMA
Dastyari, S
Di Natale, R
Gallacher, AM
Hanson-Young, SC
Ketter, CR
Lambie, J
Lazarus, GP
Leyonhjelm, DE
Lines, S
Ludlam, S
Ludwig, JW
Lundy, KA
McEwen, A (teller)
Mclucas, J
Milne, C
Moore, CM
Muir, R
O’Neill, DM
Peris, N
Rhiannon, L
Rice, J
Siewert, R
Singh, LM
Sterle, G
Urqhart, AE
Wang, Z
Waters, LJ
Whish-Wilson, PS
Wright, PL
Xenophon, N

NOES
Back, CJ
Birmingham, SJ
Bushby, DC (teller)
Canavan, M.J.
Colbeck, R
Day, R.J.
Edwards, S
Fawcett, DJ
Fierravanti-Wells, C
Fifield, MP
Heffernan, W
Johnston, D
Macdonald, ID
Mason, B
McGrath, J
McKenzie, B
Nash, F
O’Sullivan, B
Parry, S
Payne, MA
Reynolds, L
Ronaldson, M
Ruston, A
Scullion, NG
Seselja, Z
Sinodinos, A
Smith, D
Williams, JR

Question agreed to.

MATTERS OF URGENCY
Racial Discrimination Act 1975

The PRESIDENT (15:55): I inform the Senate that I have received the following letter from Senator Moore:

Dear Mr President

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CHAMBER
Pursuant to standing order 75, I give notice that today I propose to move that, in the opinion of the Senate, the following is a matter of urgency:

"The need for the Senate to affirm its support for section 18C of the Racial Discrimination Act 1975 in its current form."

Is the proposal supported?

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

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

Senator Jacinta Collins (Victoria) (15:56): This motion calls on the Senate but particularly the government to show some leadership rather than the B-grade governance we have seen in recent months and, most especially, during the period of this new Senate. Last session, with respect to leadership, we saw, as we can all understand and still see today, the budget chaos. Indeed, we saw Senate chamber chaos over the two sitting weeks at the end of the last period. We saw evidence of this yesterday in the discussion about the budget. I suppose I am calling this lack of leadership along the path of the Bs. It seemed, yesterday, that we do not talk about the budget anymore. There are not the dorotheies about the budget that we saw in the past from government senators, and the government remains quite unclear about what it wants to do about the budget. In fact, some of the characterisations are practically in denial. We do not know whether we have a budget emergency or not. It depends on who you talk to and on what day.

Senator Johnston: You wouldn't know.

Senator Jacinta Collins: Senator Johnston says I would not know. Yesterday we saw ignorance from senior government ministers about the Parliamentary Budget Office and its statement related to the budget. We saw complete ignorance about the likely blow-out of the PPL—the Prime Minister’s champion program. We saw ignorance of that. At the last session, and most related to this motion, we saw concern from Senator Brandis for bigots' rights—not a broader concern that one might expect from a competent Attorney-General but a narrow concern with the issues of the rights of bigots. On another side, though, fortunately, we did see a backflip with respect to the National Security Legislation Monitor. This was a very good thing, because if we are going to act competently on national security then we need the provisions and the balance to secure the protections in that system as well.

During the break we saw some astounding stunts. We saw that Senator Brandis needs to lift his head out of his books for a while and understand exactly what metadata is—and that is probably highlighted by the vote we just saw a moment ago. There is an astounding, surprisingly strong level of support from the Senate for better action with respect to metadata, better transparency and a more competent response. And we saw, of course, Senator Abetz and his need to be more careful in his expressions about breast cancer.

These were the Bs: we saw the budget chaos; we saw the concerns for bigots' rights; we saw Senator Brandis's fetish with his books, rather than the important issues of the day; and we saw clumsy expressions around important issues to do with breast cancer. I could go on to the Cs; I could talk about Mr Hockey's understanding about who uses cars; or I could talk
about the commentary about who should be a future Senate leader. There have been suggestions, similar to my own musings, that Mathias Cormann is starting to show some signs of interest in Senate procedure. The leadership in this place, in recent times, has been astounding. But there are more serious matters for me to address. It is good to see that Senator Smith has arrived for his lengthy contribution to this debate, although I must say I am saddened that his will be the only government contribution to this debate. This government has chosen to hide yet again. They have put their full 20 minutes on to Senator Smith. I hope you are up to that burden—

Senator Smith: I am honoured.

Senator JACINTA COLLINS: The Australian people have lived with the threatened repeal of section 18C of the Racial Discrimination Act for far too long. It is time to bring this issue to a head once and for all. The Labor Party's position on 18C is crystal clear. The Labor Party introduced 18C and the Labor Party will fight to retain it. We have campaigned in the streets to protect 18C and we will vote in this parliament to oppose any attempt to weaken the vital protections it contains against the scourge of racist hate speech.

We in the Labor Party believe that 18C is a critical element of Australia's anti-discrimination framework, which has served this country well for 20 years. What does that tell us about our leadership today? This is an area where we had general community consensus for 20 years until we got the Abbott government. Section 18C strengthens the rich fabric of Australia's successful multicultural community, and we cannot afford to risk this. Section 18C appropriately balances freedom of speech with the right of all Australians to live in dignity and free from bigotry — no rights for bigots — and the destructive, divisive effects of racially motivated hate speech. This is our position, and we are proud of it. We have never wavered on it and we never will. Almost two decades of experience have unequivocally demonstrated that this is the right policy for Australia.

The Labor Party is not alone in its support for 18C. In recent months thousands of Australians have rallied behind 18C to affirm their support for tolerance and social cohesion and voiced their opposition to bigotry and hatred. These voices have been heard in the parliament and have powerfully resonated at the highest levels of government. Public opinion polls and, embarrassingly, even statistics released by Senator Brandis's own department clearly show that the vast majority of Australians strongly oppose any moves to water down protections against racist hate speech. The Labor Party's position, as I have said, is crystal clear and the mood of the Australian people is beyond doubt. But, unfortunately, the Liberal Party's position is much more questionable. It is murky, indeed. Senator Brandis and then Opposition Leader Tony Abbott promised Andrew Bolt they would repeal 18C in 2011, after he was found guilty of offending, insulting, humiliating and intimidating 'fair-skinned aborigines'.

After coming to government, Senator Brandis published an exposure draft of what I will call his 'bigots' charter'. But even at this early stage, the Liberal Party's position on 18C was in flux. Media reports revealed that Senator Brandis had been rolled by his cabinet colleagues, who had doubts about the wisdom of repealing 18C. These reports exposed Senator Brandis's original intentions. We learnt that he originally intended to ram legislation through the parliament without even a hint of public consultation. Embarrassingly, he was smacked down
by cabinet and forced to first publish an exposure draft to gauge the extent of community anger—and, boy, have we seen that.

The concern is, though, that Mr Abbott has now decided that that level of community anger cannot be borne at the same time as the level of community anger over the budget. He has described the issues around 18C as having become 'a complication', but the issues involved in 18C are much more than a complication. The Senate and the Australian public at large deserve more respect than that. Mr Abbott tries to close down one front while he deals with the issues around the budget—a weakened government could ill afford further conflict such as the furious reaction that has occurred to the budget. But the Prime Minister has not ruled out proceeding with plans to repeal 18C in the future, if the political environment becomes more favourable. Australians who hoped to have closure on this shameful episode in political history are set to be disappointed. That disappointment has transformed into renewed fear and anger after a group of senators, including the Attorney-General's Liberal Party colleague Senator Bernardi—who we are not hearing from today—announced that he would soon sponsor a private bill to resurrect plans to weaken 18C in favour of their belief in a right to be bigots. (Time expired)

Senator SMITH (Western Australia) (16:06): I am delighted to have the honour to speak to this particular motion, even though I disagree with it. At the outset I think that—and I think this is a test for future speakers—if the issue is as important to us as many think it is, irrespective of the various positions we come to, then it should be a debate about the issue and we should refrain from the temptation to weave into it a whole range of other issues that are just distractions.

I would have liked to have seen the government maintain its commitment to pursuing a public discussion around the merits of amending section 18C. That was not to be, but I think it demonstrates two things. The first is that, even though my opinion did not take hold or have sway, the government did listen to the opinions of others. I think, in the first instance, that deserves proper consideration. The second is that we should understand more accurately the word 'complication' in its proper context. If the government made a decision that national security interests were best advanced in the absence of other political debates then—even though I might disagree with it, with the limited knowledge that I might have about our national security threats at present—I accept that. The challenge in government is that sometimes you cannot do all the things you want to do at the same time. Sometimes some policies and issues have to take precedence over others.

We should be calm about the decision that was taken. It does not mean that the debate will go away; it does mean that perhaps people might frame the debate differently in the future. All I can talk about is the experience I had over the last few months speaking about this particular issue to a variety of groups across the community. I was surprised by the level and depth of conviction with which people who had a different view to me prosecuted that view. I thank those people who came to my office here in Canberra, in Perth and across Western Australia to express their point of view. In the debate, important elements of the government's compromise were not well understood. For example, the introduction of a Commonwealth racial vilification mechanism was not understood. I think the mechanism would have been a powerful and positive contribution to our laws, in the same way that I think the removal of some other elements of section 18C would also have been a positive development on our
nation's pathway to greater freedom of speech and expression. That was not to be. It does not mean that the debate has ended. It does not mean that we cannot continue to discuss the merits or otherwise of this particular law in the context of our changing community.

I am an Australian optimist. I am confident that Australians can be the best that they can be. It is good to see Senator Peris here. I remember an exchange we had during a take note of answers debate some months ago. Senator Peris talked personally about her experience, and I stood up in this place and I said, 'I don't understand. I don't have the experience that Senator Peris has. I have had my own experiences. But I want us to be the best that we can be.' Bringing unfortunate thoughts and ill-considered statements out of the darkness into the community provides a much better outcome over the longer term. But that was not to be. That is where we are up to. I think it is important that the community continue to debate the merits or otherwise of reform to section 18C. As I said, I am an Australian optimist. I think Australians can be the best they can be. I think when ill-considered, hurtful thoughts are brought out into the open, Australians respond well by challenging those ideas and thoughts.

Some senators may be familiar with the case of Nilson Dos Santos which came to prominence just last week. Mr Dos Santos, a Brazilian born gentleman seeking employment as a barista in Sydney, was refused a job at the Forbes and Burton cafe in Darlinghurst in Sydney's inner east. According to media reports, Mr Dos Santos was refused a job by the cafe owner, Mr Stephen Hu. Apparently the reason given to Mr Dos Santos was that the cafe's customers 'would not want coffee made by black people'. It was most interesting that, when Mr Hu was contacted by the media to investigate the claim, he did not deny making the remark. Unbelievably, he tried to justify it, at least initially, going on to claim:

… I think the clients here want local people, not African people.

Adding a further twist to this, to my mind, bizarre and unacceptable story, Mr Hu is himself an immigrant to Australia, so his claim is as illogical as it is offensive. But that is not the issue. Once the case was reported, the public reaction was swift and decisive. This was a case of out-and-out racism, pure and simple. It is a great pity that this kind of thing is still happening in contemporary Australia, but nonetheless it has happened and I do not doubt that it will happen again. The incident represents the very worst elements in our society. However, what happened next represents the very best and goes to my point about the need for ideas and commentary that we find ill-considered and offensive to be better put in light than kept in the darkness.

Media reports today indicate that the Forbes and Burton cafe in Darlinghurst is now closed—not open, not vibrant; it is now closed. Whether that is temporary or permanent is yet to emerge, but the appalling racial remarks of the business owner would appear to have cost him his business. I think that is an important point. The cafe doors are closed today, not because the government closed them—there are no police in the doorway; there was no ministerial directive; there was no court order. The Forbes and Burton cafe is closed this afternoon because when its customers—Australians—heard what had happened to Mr Dos Santos, they boycotted the cafe. When they heard about it, Australians made a judgement as to whether these things were acceptable or not—and changed their behaviour in a way that
penalised the action. When previously loyal, local customers heard about what had happened, they voted with their feet.

This is what I have said is the right way in which to engage the public discussion that has taken place this year around section 18C of the Racial Discrimination Act. This section of the act is not needed, to my mind, because its continued presence on the statute books suggests that we in this place have little faith—have no faith—in the fundamental decency of our fellow Australians. I come to this discussion from a simple starting position, which is that Australians are fundamentally decent and possessed of tremendous common sense which, when called upon and when required, they use with great grace and dignity. Australians know racism when they see it or hear it. They know bigotry, homophobia or hatred. But, as I said previously, if I am in a room with a racist, homophobe or bigot, I want to know about it; I do not want it to be hidden from me. And I hope that I, and others, when confronted with that, will rise to the challenge to call it out—not to accept it, not to excuse it, not to politely ignore it, but to call it out. I want those racists, homophobes and bigots to air their views so that their views can be exposed for the unenlightened, misguided, unthinking, hurtful objects that they are. The best way to move forward and have a prosperous free country is to trust Australians with their freedoms.

As we have seen in the case of Mr Dos Santos—who I understand has received more than 20 offers of employment in the past week—where racism and intolerance exist, the community can step up to the challenge. Those in our community can take action and censor the racists themselves—they can censor the racists with their own actions. Australians do not need the heavy hand of the state to tell them right from wrong. My problem with section 18C in its present form is that that is what it suggests they do. Part of living in a free and democratic society involves hearing things that we might disagree with, or that we might find offensive. For example, when I hear Labor MPs accuse the government of wanting to 'give the green light to racism'—which was the shadow Attorney-General's contribution to the earlier debate on section 18C—I was disappointed by that. I was offended by that. No government in this country would ever want to do that. And I challenge those people, both inside this place and outside it, who really think that the motivations of those people who support reform are because they are racist.

I hold some pretty fundamental disagreements with those opposite. But I do not ever for a moment believe that my opponents' views are evil. I just believe that, on many issues, they are wrong. And, like me, over time they might change their views on issues—as I, no doubt, will change my view on issues. It is pleasing, however, that one of the new Labor voices in this place, Senator Bullock, shares views similar to mine and others. In his first speech to the Senate last night, Senator Bullock said the following:

The politically correct place tolerance on a pedestal among virtues but hold that it requires that all sincerely held views—provided that they are not politically incorrect—be held to be equally valid with respect to the holder of them. This is not tolerance but rather a flawed doctrine of moral equivalence. To be tolerant of your views I do not need to pretend that you are just as right as I am but rather to accept that you have a perfect right to hold a view I believe to be wrong, even if I find your view offensive.

Senator Bullock has hit the nail on the head, in my opinion. It is a pity that those of his colleagues who brought this motion appear not to have listened to his contribution. I disagree with Senator Bullock on a great many issues—although I was pleased to hear his reference to
the constitutional monarchy in his maiden speech—but I also respect his right to hold his views—to hold them vigorously and to articulate them well; but nonetheless to hold them. And when I disagree with them, I will say so and point out why he is wrong—and I expect others to say so and point out why they think he might be wrong. That is the way this parliament is supposed to work, this is the way the parliament often works and it is the way that our society is supposed to work. Section 18C was a great test for our parliament. For me—who has been in this place only a short while—it was an early demonstration of how, sometimes, very important and necessary debates can find themselves unfortunately hijacked by the politics of the day. But the section 18C debate is not going to go away. To lock ourselves into this idea that there is no better way to deal with these issues is to limit us as a parliament, to limit us as a community and to limit Australian progress.

My great hope is that Australia will be free of scurrilous, unenlightened, misinformed comments—free not because people are scared to make those comments but because we as a community actively challenge them. How many times have people in this place seen or heard something and, rather than stand up and say, ‘Excuse me, I do not find that acceptable’—to challenge it in the light—have politely turned the other way or looked down? That is us failing ourselves; it is us failing our freedoms. We can do much better as a country. I do not think we need this type of legislation in its current form to guarantee that freedom. I do think that we can, instead, look beyond ourselves and have debates about these issues, knowing comfortably that Australians will, can and often do rise to the challenge of being a harmonious nation.

It is disappointing that the debate has gone. I accept the reasons for the debate having now passed us, but I have no doubt the debate will come back again in a different form. I do not doubt for a second that it might come back in a form in which it finds support because some of the rough edges of the original proposal will have been cut off and that we might find agreement and progress with some common ground around some amendments that reflect the country we want to be but also provide some of those protections to those who feel a little more vulnerable, who are not yet convinced that we can be the best we can be.

I am grateful for the opportunity to be able to speak on this bill. I do not agree with the motion; I think we can do better. We should always be open to the idea of reform, and I suspect that in coming months in this chamber, this Senate—and I hope in this parliament—the Australian community will again have an opportunity to debate this issue in another form.

Senator Di Natale (Victoria) (16:24): This issue has been characterised as a debate between freedom of speech on the one hand and the heavy hand of regulation and government censorship on the other. We hear a lot about freedom in this place. We hear constant references to ‘the nanny state’. We hear about the curtailment of individual liberties and freedoms. But it has become increasingly clear to me over time that the debate we have about freedom is often couched in very narrow terms. In fact, what we have just heard from the coalition is a very narrow interpretation of freedom, and indeed one that is not shared by the Australian community. This is not just about freedom of speech. It is about the freedom of a young Muslim family to travel on a train without being racially vilified. It is about the freedom of an Aboriginal boy to play football without being insulted on the grounds of race. Freedom is much, much broader than simply being able to express your opinion regardless of the circumstances. It is about freedom to flourish—to grow.
The government does not seem to be concerned about the freedom of individuals who do not want the communication they have with their friends, family, businesses and so on to be under surveillance by the government. The freedom for two people of the same sex to have their love recognised through marriage is an important freedom but one that is ignored. Indeed, what about the freedom of a person in tremendous suffering who wants to be able to choose the way in which they end their life? That is a freedom that does not seem to be important to this government. It appears that freedom is important only when it serves a political agenda. If you have made a promise to your mates at News Corp that you are going to try to kill section 18C of the Racial Discrimination Act then freedom is paramount.

The good news here is that the Australian community have made their views very, very clear. In some sense, I welcome the debate we have had. We have seen a response where people have marched, we have seen town hall meetings and we have seen councils right across the country express their views on these changes and on how they see people's freedoms that need to be protected. What it has really done for me is consolidate the view that Australians have a sophisticated view of what freedom is and that sometimes, in order to be able to protect freedom, we need to take collective action. Governments need to pass laws because we recognise that through that collective action we enable individuals to flourish and to grow. That is what freedom is.

The message to the government here is very loud. It has come through very clearly: you have to get out of the echo chamber you are currently in. It is convenient for you at the moment to be in an environment where you are listening to your mates at News Corp or you are listening to the big end of town, where you are getting a very narrow interpretation of what the Australian community believes and wants. And it is why you are in the trouble you are in with your budget at the moment. You have to get out into the community, you have to connect with people and you have to understand that freedom is a much broader, much more generous concept and one that the Australian community have very clearly expressed a view on. They do not want to be in an environment where their kids are going to be subject to racist taunts, to be vilified on the grounds of the countries of their origin, because they know that is a great threat to their kids' freedom to grow, to flourish and to develop. That is what this debate has done. It has consolidated that very clear view that government action collectively—when there is a consensus, as there is around section 18C of the racial vilification legislation—is the best protection against intrusions on freedom.

Senator PERIS (Northern Territory) (16:29): I also rise to speak in support of this motion. Thankfully, the proposed ill-conceived changes to section 18C of the Racial Discrimination Act now rest where they always truly belonged—and that is on the scrap heap. This is a win for all Australians, regardless of background or culture. However, there is a very real concern that it is only a matter of time before the Abbott government will try once again to weaken protections against racism and bigotry.

That is why today we must affirm our support for section 18C of the Racial Discrimination Act in its current form. By doing so, we will send a clear message to all Australians that the attempt to water down the Racial Discrimination Act was a huge mistake and should not be repeated. This is about sending a clear message about standing up for what is right. This is about sending clear message to all who have been vilified that we in this house stand with
you, not against you. To do otherwise would only confirm that there is still life left in the watering down of the Racial Discrimination Act.

Let me be absolutely clear on this: the weakening of our discrimination laws was never a good idea. The changes should never have been proposed. This was an insult to all Australians. People around the country felt shocked, people were hurt and people were ashamed. These proposed changes were completely unacceptable to Australians the very moment George Brandis admitted right here in the Senate chamber—

The ACTING DEPUTY PRESIDENT (Senator Williams): Order, Senator Peris! You will refer to senators by their correct titles.

Senator PERIS: The Attorney-General admitted right here in the Senate that the government were about protecting the rights of bigots. Well, hundreds of thousands of Australians disagreed with that. I believe no-one has a right to be a bigot. I will also take this opportunity to congratulate the thousands of Australians and hundreds of organisations who rose up to speak against these changes. People power has worked. Your voices have been heard in this win for tolerance and respect.

We do ourselves a total disservice if we as elected senators do not take the time to reflect on what message this sent to young Australians at a time when we are trying to stop bullying. What lessons do our children learn when they hear our country's first law officer standing up for bigots? It is not a lesson I would have thought we in this house would be proud to promote. Once again, for the record, let me state that I am not against free speech—not at all. I am against promoting hate speech, which is what these proposed changes were about. As a new senator in this chamber, I am extremely disappointed that we even had to have the debate in the first place.

I remain concerned that the Prime Minister and the Attorney-General have not ruled out reintroducing these changes sometime in the future. Senator Smith also made the suggestion that these changes could be reintroduced. I thought about his comment when he talked about bringing racism into the light. The reality is that, when you have been vilified and attacked racially, you remain in the dark. It is very difficult to get out of the dark. This law protects those people.

You do not have to be Indigenous or from one of the many international cultures that make Australia so fantastic to be appalled by what has transpired in this house. You do not have to have been personally subjected to racial abuse to understand why the weakening of these laws signalled a green light to racism. You do not have to have been a victim of hate or have been persecuted based on your race to have been offended and hurt by the proposed changes to the Racial Discrimination Act of the Abbott government.

In contrast to this, I recall attempts from the Attorney-General at the time to defend his previous position when he said:

… we offend and, I dare say, we insult each other every day. That is part of the robustness of the discussion of public issues.

To use this example as a defence signalled that the Attorney-General was drastically incorrect about what these changes would entail. I stand to correct the Attorney-General and say that in this house we do not attack and insult each other every day based on race, religion or cultural heritage.
I implore all of my fellow senators to show their support for section 18C of the Racial Discrimination Act in its current form as a sign of standing up for all Australians and moving towards a progressive tomorrow. All Australians, especially young Australians, deserve no less, because we all have a right to be free from discrimination.

Senator WRIGHT (South Australia) (16:34): I rise to reaffirm the support of the Australian Greens for Australia's Racial Discrimination Act 1975 in its current form. Over the last year, we have seen this federal government intent on weakening the act and removing restrictions on the damaging things people can say and do to other people on the basis of race. But we have also seen a resolute, united response across the Australian community—in all its diversity—and this wonderful response has now convinced the government to back down for the time being. I see that as a fundamental victory for decency in Australia. The Australian Greens are committed to standing with most Australians to keep this crucial piece of legislation intact.

Practically speaking, the much-debated section 18C provides protection from racially motivated hate speech and action—but, of course, this legislation means a great deal more than that. It is really about the kind of community we want to be. Do we want to be a welcoming and inclusive place that accepts and even celebrates our differences or do we want to be a community that is bigoted and divided? The Greens are clear about the kind of country we want to live in, and racially motivated hate speech and action is simply not a part of it.

The Australian community has been very clear too. Having fought off the government's attempts to weaken the Racial Discrimination Act, the Australian community has sent a loud and clear message. The majority of Australians—in letters, emails, petitions and polling and at events and marches—have said, 'It is not okay to be a bigot in modern-day Australia.'

Over the last year, I have met with people from across Australia who have shown me that the Racial Discrimination Act is not just a matter of words on paper. For many people, it is a living law that protects them from degrading and humiliating hate speech and behaviour, from wounding words that attack the very core of who they are—their heritage and their identity—and sometimes on a regular basis. But as well as providing a means of righting a wrong it serves as an important signal from this parliament that this behaviour is not acceptable. Watering down our protections against racially motivated hate speech sends a damaging message to the community—and indeed to the world—that this kind of hate speech is acceptable in Australia. It is not.

While Attorney-General Brandis says we all have the right to be bigots, the rest of the community is making it clear that the Attorney-General does not speak for us. We do not appreciate the government's moves to support and protect conservative commentators like Andrew Bolt and his offensive, insulting, humiliating and intimidating remarks, as they were characterised by a Federal Court judge. I am not sure the Attorney-General expected such a significant public outcry. I am pretty sure he underestimated the way in which the Australian public values the Racial Discrimination Act and the protection it provides for all Australians—no matter who they are or where they have come from. But after receiving more than 5,000 submissions about the changes, most of which would have opposed them, I am sure the Attorney-General now has a better sense of how important this legislation is to so many Australians. I know I have been encouraged by the strength and depth of the community's response to the proposed changes. But we must remain vigilant.
Despite the government's backdown at this point, there are still those who will continue to push for a weakening of the Racial Discrimination Act, including Senator Cory Bernardi, Andrew Bolt, Tim Wilson, the Institute of Public Affairs and the hugely discredited, holocaust-denying Fredrick Toben. New ALP Senator Joe Bullock showed support for changes to the Racial Discrimination Act in his first speech, yesterday. According to media reports this morning, Senator Bullock would … support lifting the ban on offending, insulting or humiliating people on racial grounds—if given the opportunity.

He may have that opportunity. South Australian Family First Senator Bob Day has vowed to revive the plan in a private senator's bill.

Today I implore every member of this parliament to treat decisions about the Racial Discrimination Act with a great deal of care—for our constituents, for the broader community, for cohesion and inclusivity and for the kind of country we want to be. We must always be asking the question: what kind of country do we want to be? The vast majority of decent Australians have shown that they want to live in a country that is better than bigotry.

**Senator DAY** (South Australia) (16:40): Let me start with a quote:

… tolerance is displayed in upholding the right of people to express views with which I disagree. A tolerant society is one prepared to uphold the precious right of free speech, provided such speech does not intimidate or incite the injury of others.

No, it is not JFK, not LBJ, not even FDR but our very own senator from Western Australia JWB—Joseph Warrington Bullock. I could not have said it better myself. I agree that no-one should be obnoxious, that no-one should be rude or insulting or offensive, but should these things be outlawed?

The Australian people own our language, not us. A few moments ago, Senator Smith gave us a real-world example of how things should work, proving the Australian people are the umpires of what is and what is not acceptable. The Australian people have delegated to us the responsibility to protect them from harm, from intimidation and from incitement to hatred, which can cause others, mobs, to inflict harm—and rightly so. They have not, however, delegated to us the right to decide who should or should not be offended. Regulating for what is essentially the hurt feelings of a reader or a hearer is altogether different to racial vilification and incitement to hatred, which is not in contention. It is not our role to regulate free speech; it is society's.

Freedom of speech is not some niche issue; it is an essential foundation of democracy. I have noticed that Edmund Burke gets quoted a lot in this place. One of the things Mr Burke said was: 'It is the duty of parliamentarians to teach the public that which they do not know.' Removing words like 'offend' and 'insult' from the Racial Discrimination Act is not hate speech. It is not incitement to hatred. Those new Australians who have escaped tyranny and settled here should celebrate the freedom they have to express themselves without being hauled off to court. I would urge senators who have constituents who do not fully understand these things to explain it to them. Teach them that which they do not know. Tell them that they may have found themselves in court in their former country for insulting or offending someone but that that will not happen to them here.
Earlier this month we commemorated 100 years since the commencement of World War I—the Great War. We heard many times of the sacrifice of those who died in the cause of freedom. I did not come to Canberra to defend free speech. I came to help every family to get a job and own a home, but sometimes when you are on a journey something happens along the way that requires you to stop what you are doing and lend a hand. This is one of those occasions. The Racial Discrimination Act cannot be left as it is. It contains a flaw which must be corrected. The words 'offend' and 'insult' must be removed.

I started with a quote from a great Labor figure. Let me conclude with a quote from a great Liberal figure, none other than the founder of the Liberal Party himself, Robert Menzies:

… if truth is to emerge and in the long run be triumphant, the process of free debate - the untrammelled clash of opinion - must go on.

Senator SINGH (Tasmania) (16:44): I speak on this urgency motion in the hope that this whole sad and sorry saga of politicking race relations in Australia has come to an end. Earlier this month the Abbott government faced up to the reality of its own political incompetence when the Prime Minister, overruling his Attorney-General on the latter's signature policy—and one that Senator Brandis had promised to his backers in the Institute of Public Affairs that he would bring through if elected—backed away from introducing changes to the Racial Discrimination Act. This was an abandonment of a reckless and ill-conceived election promise to gut federal protections against racist hate speech that are contained in section 18C of the Racial Discrimination Act.

These protections have supported and underpinned Australia's multicultural society for more than two decades. The defence of these important protections, and the government backflip on their proposal, was a major victory for people power—for the communities that had organised and spoken up against this assault on the harmony of the nation's diverse cultures. Those community organisations were many and varied. There were groups such as the National Congress of Australia's First Peoples, the Arab Council Australia, the Executive Council of Australian Jewry, the Chinese Australian Forum, the Australian Hellenic Council, the Korean Society of Sydney, the Armenian National Committee of Australia, the Law Council, the Human Rights Commission—it goes on and on.

In announcing the policy backflip, and overruling the blundering Attorney-General, Senator Brandis, the Prime Minister indicated that his government was reversing course because its proposed green light to bigotry was a needless complication in the government's relationship with the Australian Muslim community. The question remains: has this arrogant government abandoned its promise to give the green light to racist hate speech in Australia because it has listened to the vast majority of Australians and now realises that its policy was very much recklessly irresponsible and destructive? Is it because of that, or has the government only reluctantly retreated for the time being from its ideologically blinkered promise because it realised its charter for bigots was exacting too high a political price on a government that is already the most unpopular in living memory?

Let us take a moment to reflect. On 24 March this year, the Attorney-General, Senator George Brandis, shocked the Australian public by stepping in to defend the rights of bigots, and backing this with major changes to our laws against racial hate speech. 'People do have the right to be bigots, you know,' he told the Senate. The opposition to such a radical tear in Australia's multicultural fabric came from all over Australia, but included rumblings from
within his own side, from his own backbenchers—the member for Hasluck, the member for Reid and even Senator Seselja as well—as from Liberal leaders, such as the then New South Wales Liberal Premier, Barry O'Farrell, and his successor, Premier Mike Baird.

To declare that the rights of bigots are more important than the rights of minorities—minorities who suffer race hate speech on a daily basis in this country—is simply wrong. While more than 150 community groups came out against the legislation, not one pledged their support for it. Instead, Senator Brandis had to look elsewhere to find support. He looked to fringe groups, like the Institute of Public Affairs, and to the man to whom he owed the greatest debt, and to whom he had promised a legislative change in the first place, the well-known right-wing commentator Andrew Bolt. Even further out was the support he received from the notorious holocaust denier Frederick Tobin and the Adelaide Institute.

Senator Brandis had gone so far to the right that even the Prime Minister had to intervene. And what did Senator Brandis say at that moment of backflip when the Prime Minister made a leadership call? He said, 'Well, you know what this business is like. You win a few, you lose a few.' Well, what has Senator Brandis won? He has won nothing in his entire time as Attorney-General. He has won nothing and lost a lot. He has lost a lot of respect. He has lost a lot of credibility, so much so that the Prime Minister himself had to rein him in.

Let's not forget the attempts that Senator Brandis made when he was trying to repeal section 18C of the Racial Discrimination Act. He made an attack on a very highly credible, highly regarded senior counsel in Arthur Moses when Mr Moses provided advice to then Premier Barry O'Farrell on these proposed changes—advising that they certainly were not something the premier should support. Then, there was Senator Brandis's phone call appointment of the new 'Freedom Commissioner', Tim Wilson, who was appointed to help him with his cause to repeal section 18C. Then, of course, there was Senator Brandis's attempt during Senate estimates to silence entirely the Race Discrimination Commissioner, Tim Soutphommasane, from being able to speak on this issue. Well, now what we have seen is Prime Minister Abbott outlining:

I don't want to do anything that puts our national unity at risk at this time and so those proposals are now off the table.

That was his remark, because of his new counter-terrorism proposals that he wanted support for from the Muslim community. It was okay for the Prime Minister to put our national unity at risk before. It was okay before to divide Australians, to give freedom to bigots and to take away the rights of victims of racial abuse. But now that he wants to get his counter-terrorism proposals through, he wants national unity. Now national unity is all of a sudden important to him. When all of a sudden the Prime Minister wants the Muslim community onside, the government backflips on these draconian racial discrimination laws.

What does this mean, then, for the future? The question still remains, and I put it to Senator Brandis: what is it that you want to say to people that you cannot say now under the current legislation? That is really the fundamental question here when it comes to the attempts by this government to make these changes. What is it that you want to say to Aboriginal people in this country that you cannot say under the freedom provisions currently in section 18D of the Racial Discrimination Act? What is it that you want to say to me that you cannot say now under our current racial discrimination laws and the freedom provisions provided within them? Why have you seen it to be so necessary to politicise race relations in this country?
There has been a flawed consultation process in the government trying to make these changes and bring them forward. Nevertheless, that did not stop the community from putting in 5,000 submissions or more, the majority of which were against the changes. The people have won out here with this backflip. The people have won out and our laws remain, which is a good thing for Australia. (*Time expired*)

Question agreed to.

**COMMITTEES**

**Regulations and Ordinances Committee**

*Delegated Legislation Monitor*

**Senator O’SULLIVAN** (Queensland—Nationals Whip in the Senate) (16:55): On behalf of the Chair of the Standing Committee on Regulations and Ordinances, I present the Delegated Legislation Monitor No.10 for 2014.

**Scrutiny of Bills Committee**

*Report*

**Senator URQUHART** (Tasmania—Deputy Opposition Whip in the Senate) (16:55): On behalf of the Chair of the Standing Committee for the Scrutiny of Bills, I present the report and alert digest No. 10 of 2014.

Ordered that the report be printed.

**Community Affairs References Committee**

*Report*

**Senator URQUHART** (Tasmania—Deputy Opposition Whip in the Senate) (16:55): On behalf of the Chair of the Community Affairs References Committee, I present a corrigendum to the report of the committee on Australia’s healthcare system.

Ordered that the report be printed.

The PRESIDENT: We will just pause until 5 pm, in fairness to senators who have scheduled 5 pm to listen to a very important speech.

**Sitting suspended from 16:56 to 16:59**

**FIRST SPEECH**

The PRESIDENT (16:59): Order! Before I call Senator Rice to give her first speech, I remind honourable senators of the custom of allowing the speech to be given without interruption.

**Senator RICE** (Victoria) (16:59): Thank you Mr President. What a privilege to be here.

I honour and give my respects to the Indigenous peoples of Australia, their elders past and present, particularly the Ngunawal and Ngambri peoples, who are the traditional owners of the land we are gathered on today, and the people of the Wurundjeri tribe from my home in Melbourne.

The biggest injustices done in our short history since colonisation have been done to the Indigenous peoples of Australia. Their land was brutally taken, without treaty or consent. People, cultures and languages were decimated, children stolen. In the words of the Australian Declaration Towards Reconciliation, which hangs on my wall at home:
Our nation must have the courage to own the truth, to heal the wounds of its past so that we can move on together at peace with ourselves.

I am grateful to know so many inspirational Indigenous people who work so hard to improve the lives of their communities. They are a testament to the strength and endurance of one of the longest living cultures in the world. I pledge myself to work for self-determination for Indigenous Australians and for a treaty, enshrined in our Constitution, that recognises the prior occupation and sovereignty of Aboriginal and Torres Strait Islander peoples.

I clearly remember the moment when my journey to being here today began. It was 1980. I was studying science at Melbourne University. I had just left a climatology lecture given by Dr Barrie Pittcock, and the implications of what I had learnt were still spinning in my brain. Barrie had just explained the emerging understanding of the greenhouse effect and the likely impact it was going to have on our climate and our planet. I walked out of the lecture into warm spring sunshine, past other students who were having lunch. All I could think was, 'This is serious! The world needs to be doing something about this!'

Learning about global warming politicised me. I completed my science degree and had to act on my scientific knowledge. I had to help create change, to stop the damage being done. I had not had much awareness of things that needed changing in the world up until then. I had led a happy life with a loving family, a quality education, good health and wonderful friends. I grew up in Altona in the western suburbs of Melbourne, in the shadow of the oil refineries and in a street full of families, many of them post-war migrants.

My mother, Margaret, is here today, and so are all my siblings. I was the middle child of five, so I learnt early on how to negotiate and how being cooperative brought its own rewards. Thanks for everything, Mum, and Jenni, Kathy, Diana and Peter, for all your love and support. Mum was a kindergarten teacher and has been active in the Altona community for over 60 years. I am so inspired by my mother and by people like her all over the country who are the glue in our communities. Mum at 82 is still a church organist, still running playgroups and trying her hardest to hand over the organising of the local carols by candlelight to someone a bit younger!

My father, Bill, was an engineer with the defence department. Dad grew up on a farm in the Mallee during the Depression. He could fix anything and did not throw anything away in case it came in handy one day. Our world growing up was one where the tops of toothpaste tubes became knobs on the black-and-white TV that Dad had built. Dad had the creativity, the technical skills and the ingenuity Australians are renowned for.

These are the skills we need to tackle the huge challenges we face as a country—the skills our education system needs the resources to support. For me, a good education meant the world was open to me. High-quality education available to all, from preschool to postgrad, is fundamental to our success as a society.

As a girl, I knew I could do anything. I was a feminist from an early age, long before I realised it. And expect me to continue championing the rights of women in my time here! My upbringing was one where you had a responsibility to contribute if you could and to follow the golden rule of doing unto others what you would have them do unto you. They are the values of a caring society.
I grew up believing in a just society. I believed that if people were law abiding and hardworking then they would have the opportunities to live successful lives. And I believed that government decisions—in Australia at least—were evidence based and in the best interests of society as a whole. Other countries had cruel and corrupt despots, but not Australia.

Global warming made me realise that justice was not always done, that governments ignored things they did not want to confront because of powerful vested interests or because the problems were hard and the benefits of taking action took longer than an election cycle to be realised. So I became an environment campaigner, beginning with the Franklin blockade. I worked with the Conservation Council of Victoria, now Environment Victoria, and fell in love with the forests of East Gippsland. I experienced their beauty and learnt everything I could about their ecology; their wildlife; their values for tourism, for water and as carbon stores; and about the impacts and economics of the forest industries.

I remember the first time I visited a forest that had been recently clear-felled and burnt. It was on the Errinundra Plateau. I can still vividly picture the smouldering stumps of trees hundreds of years old. These trees would have needed a dozen people arm to arm to encircle them. The forest was destroyed, and I was appalled—not just because of the loss of the forest, the potoroos and spotted quolls, but because it was all so unnecessary. The forests were being logged not because we needed the sawn timber but for export woodchips, with minimal employment in their processing. And we the taxpayers were—still are—subsidising every log removed, every animal killed, every silted-up stream.

I became a leader of the East Gippsland forests campaign, working with thousands of supporters. We built the campaign in the community, and we got political. And we had some big successes. The wonderful rainforest and huge eucalypts of the Errinundra National Park and the catchment of the Rodger River are protected because of our campaigns. But, despite the support of over 80 per cent of the population, despite the significance and value of these forests, neither Labor nor the coalition were willing to commit to protecting more of them.

And then came the 1990 federal election. In the lead-up, we were promised a process that would have led to the protection of further forest areas if there were 'prudent and feasible alternatives' to logging them. After the election, the definition of 'prudent and feasible' changed. We were sold out. It was a life-changing moment for me. I realised that we needed people in our parliaments who were as committed as we were to social and environmental goals. We needed the Greens. I threw myself into forming the Greens in Victoria and have seen it grow into the strong party it is today.

My six years as a councillor with the City of Maribyrnong, including a year as mayor, serving an amazingly diverse community, were a privilege. I gained precious insights into the extraordinary lives of ordinary people and the injustices they face. I realised how important it was for people to be involved in decisions which affect their lives. I learnt about the benefits of building community and caring for people and about how government can improve their lives.

In this place, we must never forget who we are here for. I am here in parliament for Footscray small business owner Lidia and her disabled adult son, Stephen. Lidia constantly struggles to get respite care for Stephen. The National Disability Insurance Scheme is long overdue for them. I am here for Laura, who I met in Frankston last year. Laura, which is not
her real name, had a drug habit and was just out of jail. She also had a 13-year-old daughter. She wanted to get clean for her daughter's sake and wanted to retrain as a drug and alcohol counsellor. She had tried to get herself admitted into rehab, but there was a three-month wait. I think about how $7 co-payments and cuts to welfare, education, and drug and alcohol services affect Laura and her daughter. They affect us all. Our lives are better when Laura's life is better. I look at the measures in this year's brutal budget and despair for the impact they will have on the sick, the poor, the young, the elderly and my neighbours struggling on a disability pension—people whom we have a duty of care for.

Our connection with each other and with all of nature underpins my politics. Australia is an incredibly wealthy country. We are extremely fortunate to live here. We have a duty of care to use our wealth responsibly, and to share our wealth with others not so fortunate. We can afford to increase our foreign aid to the Millennium Development Goal aim of 0.7 per cent of GDP. We can afford to care for many more refugees. Last year Jordan took in as many refugees every fortnight as Australia accepted in the entire year. We can help set up a genuine regional approach, accepting refugees in an orderly way and not fobbing them off to countries that are desperately poor.

I am here for my friend Ali, a Hazara asylum seeker who is here today, and the 80 Hazara refugees from Afghanistan and Pakistan who I met two months ago in Shepparton while I was on my journey to Canberra on my bike, listening to people and collecting their stories to bring here with me. Most of these people are not allowed to work or study and do not know if they will be allowed to stay. They worry about their families; Ali's wife remains in Iran and is not able to join him here. Many suffer from depression. One of them told me he had worked on vaccination programs in Afghanistan. He was targeted by the Taliban because he was an adviser to NATO Special Forces. He would be dead if he had not fled. What an asset to Australia he would be if he could work in community health here. All of these people want to contribute to Australia, like so many refugees before them. These are the lucky ones; they are not locked up on Christmas Island, Manus Island or Nauru. Our cruelty to these innocent people, to the children we have imprisoned, is a stain on our country's soul. We have a duty of care to them.

We have a duty of care to people and nature suffering and under threat from global warming. We do not have the right to turn a blind eye to the consequences of our dirty economy. Our pollution from the burning of fossil fuels is amongst the highest in the world per person and we are reaping huge economic benefits from our coal and gas exports.

We are major contributors to the world being on track to being four degrees hotter in my children's lifetime. Without urgent and meaningful action, it will not be possible to grow food crops across vast swathes of the world. In Australia, the climate of current wheat growing areas like Dubbo will become like the Central Australian desert. Extreme heatwaves will occur every 10 years instead of every 100—more extreme than the heatwave southern Australia experienced in 2009, that resulted in the Black Saturday bushfires and the deaths of hundreds of people. Land that is home to hundreds of millions of people, including Australian suburbs and beaches, will be swept away by the sea. The Great Barrier Reef will be but a memory. And Antarctica, which I was very privileged to visit last summer, will be on its way to being irretrievably ice free. Goodbye gorgeous Adelie penguins.
We cannot just sleepwalk our way into this dystopia. I think of the young women students from Castlemaine Secondary College I met while I was on my bike ride here. They deserve a healthy future. They are the leaders of tomorrow. They need us to play our part today. We know that it is not a matter of environment versus jobs. Destroying the basis of life on earth is bad economics. We are living on the global credit card, building up massive debts of increasing damage from polluting, resource-intensive, habitat-destructive industries.

The Stern review, *The Economics of Climate Change*, says global warming is 'the greatest and widest-ranging market failure ever seen'. The World Bank advises we have more to gain economically by acting on climate change now than delaying action. We need economic activity to be a vehicle to build social and natural capital rather than destroy it. My trip to Canberra through regional Victoria gave tangible evidence of how this model can evolve if supported. We can shift from a throwaway society and create jobs and wealth in a clean energy economy in which goods are built to last—an economy with local jobs and services, networked together through faster better telecommunications, an economy based on working collaboratively and cooperatively, supporting local businesses and communities.

We must invest in our innovators, our researchers and our scientists who are developing the technologies that our future depends on. As part of this shift, businesses like Goulburn Valley Community Energy based in Murchison—a tiny town in regional Victoria—will thrive. They have evolved from a small community group to a business that has installed thousands of solar energy systems in their region. On my ride to Canberra, I asked the waitress in the local Murchison cafe what she would like me to do for her and her community. She replied immediately: 'Anything to get renewable energy back on track. It was going really well but now seems to be going off the rails.' I am here for her, for Goulburn Valley Community Energy and for other innovating businesses like them. I am here, too, for every household in Australia with solar panels on their roofs, LED lights on their ceilings and draught-stoppers at the door. We are reducing our electricity bills in the most effective way possible, and reducing the cost of power for everyone else too.

When Australia implemented the clean energy future legislation, I was proud that we had positioned ourselves as a world leader in acting on climate change and proud of the pivotal role of the Greens in bringing this about. And the policy worked—carbon pollution from power production reduced by almost two per cent in just one year because of the price on pollution. At the same time, we added $4 billion to the budget's bottom line and protected the vast majority of Australians from any increases in power prices.

But now we are left with a policy pit. If we do not act now, we will fall behind when China and India no longer want our dirty coal. And the longer we delay, the harder it will become for our country.

My agenda for my time here is clear. I want to be able to look my grandchildren in the eye and tell them that it was during my time in the Senate that Australia turned the corner and legislated to begin the shift to a zero-carbon safe climate economy. I suggest some simple steps to start us off: set pollution reduction targets based on science; stop subsidising fossil fuels; create more jobs by boosting clean energy production and energy conservation; start closing coal-fired power stations; say no to new coal and gas exports; and make the big polluters pay for the damage they are doing.
There are a few other things I want to tackle while I am here too. I have got a passion for transport. I am here for the residents I met when I was a transport planner in the City of Hume. They want efficient bus services and upgrades to country roads that are now serving whole suburbs. I am here for the residents of Shepparton, Wangaratta and Albury-Wodonga who want a reliable train service to Melbourne—surely not too much to ask for. I am here for young people who would cycle to school if only there were bike paths.

A transport mix that would serve the interests of people, the economy and the environment would be, I reckon, where one-third of passenger trips were being made by public transport—including high-speed rail—one-third by walking and cycling, and one-third by clean-energy-powered cars. I want to see much more freight on rail and deliveries of goods by electric vans organised through intelligent logistics systems. I will be working for legislation that requires decisions about transport investments to be publicly accountable and evidence based, using the criteria of economic efficiency, social wellbeing and ecological health. It is only fair to the residents of Melton, Point Cook and Geelong who are stuck in traffic right now on the Westgate Bridge. They deserve the choice of fast, efficient public transport over a congestion-creating East West tollway that will cost us $1 billion per kilometre.

I am also hoping to deal with unfinished business and see our forest heritage protected. This means getting timber and woodchips from plantations, not native forests, and no burning of native forests in furnaces for energy. It means creating the Great Forest National Park just to the east of Melbourne. I am here in this parliament for the Leadbeater's possums that live there.

I am excited to be here, alongside my 10 Greens colleagues in the federal parliament, and with my fellow parliamentarians across the chamber. We have much work to do.

There have been so many people in my life who have made my political journey possible. To all my Greens family: thank you. And it is a big family! But there are some special people who have been with me for a long part of the journey who I do want to single out for special thanks: Margaret Blakers, who is with us here today; Liz Ingham; Trevor Coon; Mark Riley; Andrea Millsom; Linda Parlane; John Stone; Philip Sutton; and so many other campaigners, staff, Greens members, supporters and voters who have put their trust in me. Thank you! Thanks to my fellow Victorian members of parliament, Richard and Adam, and state MPs Greg, Colleen and Sue, local government councillors, and the rest of my Greens colleagues here, who have welcomed me so warmly—especially Christine, an inspirational leader and friend. And thanks to Bob Brown for his friendship, his extraordinary contribution and his wisdom.

I also want to pay tribute to some very special people who would have been cheering me on today who, sadly, are no longer with us. I have lost some great friends and colleagues in the past year. I want to acknowledge Paul Mees, Janet Powell, Linden Salter Duke, Glen Ochre, Karin Geradts and Chris Mardon.

My children John and Leon, up there in the gallery, have grown up with my Green politics, passions and commitments threaded through their lives. They are such wonderful young adults, sharing those passions—what greater inspiration could a mother have.

And Penny—my wonderful partner—has been absolutely critical in my life achievements. We have shared 28 years of married life—a partnership of love and support. We are proud of
our status as a same-sex couple who were legally married in Australia, and I am resolute that all couples should be able to share this right. The time for marriage equality in Australia has come. I am here for all lesbian, gay, bisexual, transgender and intersex people and their families. We deserve recognition and respect in all aspects of our lives: at school, in workplaces and in communities. Penny's and my partnership shows that love is love and is to be celebrated. Thanks, Penny. And thanks, everyone. I am looking forward to journeying with you all and the rest of the Australian community over the years ahead. Thank you.

COMMITTEES

Legal and Constitutional Affairs References Committee

Report

Senator LUDLAM (Western Australia) (17:25): I present the interim report of the Legal and Constitutional Affairs References Committee on the comprehensive revision of the Telecommunications (Interception and Access) Act 1979 and I move:

That the time for the presentation of the final report of the Legal and Constitutional Affairs References Committee be extended to 29 October 2014.

I took up one of these issues with the Attorney-General during question time earlier this afternoon. Senators will be aware that this is an area that I have had a strong degree of interest in for quite some time. With the support the Labor Party and the crossbenchers last December, we moved a referral to the Legal and Constitutional Affairs References Committee on the comprehensive revision of telecommunications interception legislation in Australia—principally the Telecommunications (Interception and Access) Act 1979.

We are not the first ones to have traversed this ground. The Australian Law Reform Commission and, indeed, the Parliamentary Joint Committee on Intelligence and Security—which canvassed issues that go very strongly to the surveillance regime that prevails in Australia—canvassed the issue in quite detailed studies by people with specialised interest and expertise and recommended that the TIA Act be effectively burnt down and rebuilt from scratch—that it not be amended or tinkered with as it has been on so many occasions since 1979.

In tabling this interim report I want to thank the committee secretariat for their work and I thank all senators who have taken the time to participate. I particularly want to thank the witnesses from ASIO, the Australian Federal Police and the Australian Crime Commission—who gave detailed evidence and some private briefings to committee members that we all found immensely valuable. I also thank those from civil society: the Media, Entertainment and Arts Alliance and others who brought some very different perspectives to the issue of the difficult balance that Australians are having to strike. There are conversations and debates going on right around the world at the moment about exactly where you find the balance between the ability for law enforcement agencies, intelligence agencies and anticorruption agencies to do their job—which on some occasions involves interception and really extreme breaches of privacy of particular people for good reason—and, on the other hand, protecting the privacy of ordinary citizens.

In democracies we are, I think, entitled to expect that we will not be arbitrarily surveilled by government agencies speaking for national security, law enforcement or anything else. The way that this balance has been struck in the past in democracies—in a model that has
prevailed for decades and is moderately uncontroversial to this day—is that you go to a judicial authority and get a warrant to chase serious criminal activity or genuine national security threats, targeting individual suspects or devices. In other words, it is not indiscriminate; it is discriminating, it is necessary and it is proportionate. There is that check and balance that is provided in the Australian context by the judiciary or by certain authorised members of the AAT.

I think we have discovered, in particular in evidence that we have taken from the law enforcement and intelligence community, that—to mangle a metaphor—the hurdles are high. The procedural hurdles to get a warrant are moderately high. There is paperwork involved, there is back and forth involved, and there is also transparency involved. The system allows for reporting once a year in the Telecommunications (Interception and Access) Act annual report that is tabled by the Attorney-General. We can go back and see in aggregate—not in a way that compromises investigations—exactly how many of these things are being applied for, the purpose and the agencies that are doing it. I have some sympathy with those agencies who presented the evidence to us. It is a system that does need streamlining and refining, and that is part of the ongoing work of the committee.

One of the chapters of the annual report—as senators would be well aware because I have spoken on it at great length—covers those intercepts that are not based on a warrant, that have no judicial oversight, that do not necessarily need to target individual people and that do not necessarily have to involve resolution of serious crime or national security threats. That, of course, is the warrantless metadata access.

This is an issue that blew up pretty severely when the National Security Agency contractor Edward Snowden took a cache of these documents to Hong Kong and disclosed them to journalists from The Guardian, The Washington Post, The New York Times and others. That effectively blew the lid off the fact that the US NSA was harvesting vast amounts of metadata on US citizens—in what, it has been argued, is an effective breach of the US Constitution by way of illegal search and seizure—and was stockpiling and warehousing massive amounts of this material for access by analysts from an unknown number of agencies, and not only that. In fact, the NSA was scooping up, under a doctrine that has been spoken of in abbreviated form as ‘collect it all’, content, non-content, everything: financial records, all forms of data and personal material. Everything is just being dumped into these massive data centres in case it happens to be useful later. It is the precise reversal of that balance that has been struck in democracies: discriminate, proportionate and lawful. It is the reverse of that.

In Australia we have a very serious problem, because the T(IA) Act annual report states—and there have been massive increases year on year—that in the last financial year for which there is data there were nearly 320,000 warrantless requests for metadata, not just by ASIO, the AFP, the Crime Commission and those who do such valuable work but by literally dozens of other agencies. When you ask for a list of how many agencies can access this material on a warrantless basis, no-one can tell you, because no-one even knows how many agencies can get it. If we were designing the T(IA) Act now or if these categories of metadata had existed in 1979—categories that allow you to track a mobile phone handset around the landscape, precisely map people's social networks, everyone they have been in contact with and their financial transactions and build these incredibly invasive pictures of social networks and
people's lives—of course they would have been included in the warranted regime. That is the balance that now is before Australia and that we need to try to strike.

This issue has been sharpened, obviously, by the introduction of what I believe is the quite dangerous concept of mandatory data retention: that not only should it all be available on a warrantless basis but we should collect it all—the so-called envelopes that our Attorney-General so famously referred to in a memorable interview of a couple of weeks ago. Nothing could be further from the truth. If you have enough metadata, you have content.

I would like to thank my Senate colleagues from all sides of the chamber. I reiterate that one of the aspects of this work that I enjoy the most is when you leave your politics at the door in a committee inquiry, you bring the best evidence forward from right across the spectrum of views, and you actually think hard about how to solve some of these difficult problems. It has been a privilege for me to chair this committee thus far and also to work with Senate colleagues, including people who I have had plenty of dust-ups with in my time in here thus far but who have applied their intelligence and their expertise to asking the right questions and getting the right evidence on the table.

So I thank the Senate for the indulgence. I will table this interim report, which is very brief. I think, on the basis of how fast moving these events are and the fact that we are told the Australian government intends within weeks or perhaps months to put legislation into this place, that the work of the inquiry has probably never been more important than now. The actions of this government and some of its apparent intentions, I think, have sharpened the importance of this work. So I look forward to continuing it. I look forward to continuing the work that the secretary has been doing and that witnesses have been doing to bring the best collective intelligence to bear on these issues. Hopefully, we can come up with some recommendations that may even be cross-party and start to build consensus about how to strike that balance that I think has gone so severely astray in recent years. I thank the chamber.

Senator IAN MACDONALD (Queensland) (17:34): Ever so briefly, I want to support Senator Ludlam's motion and the committee's request to extend the date for the consideration of this reference until a time later in the year when the committee is better able to assess some of the issues. As Senator Brandis has spoken about publicly, and indeed in question time today, this is a pretty complex sort of issue relating to telecommunications interception and access. As Senator Brandis has said, the government's intention is to legislate in this general area. Therefore, the committee thought that it was probably a good idea not to table its final report until we actually saw where the government was going and what it intended to do. A lot of the evidence given to the committee did indicate that the government needed to consult further and to explain further, and that appears to be what Senator Brandis was talking about in his public comments and again in question time today.

This committee was chaired by Senator Ludlam, who, as Senator Brandis acknowledged in question time today, has an expertise in this area that I would suggest few other senators share and that I certainly do not share personally. I will not speak for the majority of the committee, but certainly I think there is a general understanding that something needs to be done to protect all Australians from the sorts of criminal and terrorism activities that are around us in the world we live in at the present time. The committee had some discussions with both ASIO and the Australian Crime Commission. I understand—and I think most of the committee
understand—that there is an essential need to make sure that our law enforcement agencies are well provisioned to do the task that they are given, which is to protect all Australians. I often make the point that the criminals against whom the Crime Commission and ASIO are fighting do not abide by any rules at all. They have no accountability; they can do what they like. Whereas in our society, perhaps appropriately, the Crime Commission and ASIO are constrained by an enormous number of regulations, laws and accountability provisions that they have to follow to the letter of the law. If they step outside that jurisdiction they get front-page headlines criticising them. They are there to try to protect us and they do it, at times, with one hand tied behind their back. They have constraints that the criminals, the terrorists, never have to bother with. Maybe that is essential in a democracy, but it does mean that we do have to make sure that, within the constraints of accountability, privacy and human rights, we give our agencies the absolute maximum ability to do their job—which is, as I say, to protect all Australians.

The collection of metadata, which was referred to during question time today, and which Senator Ludlam probably referenced in his contribution earlier—I apologise as I did not hear all of it—is something that is a little onerous. Some believe that it does infringe on human rights. Of course, I am not commenting on what the committee might report but simply on this interim report. My understanding is that one of the telecommunication companies that gave evidence—and this is all on the public record—indicated, as Senator Brandis mentioned this morning, that they do collect the metadata and that it is currently available. It really comes down to the question of who pays for the cost of not so much the collection but the storage and the retention of this metadata. As I understand it, in the evidence that was given to us, there are huge warehouses solely to store the enormous amount of metadata that is collected right around the world and even, currently, in Australia. That is a question that the government will have to assess. I think there was a plea by some of the witnesses for the government to consult with them, to take them into their confidence, so that the constraints which those at the coalface may be aware of, which perhaps the public servants who are drafting the legislation may not be, is fully understood by the government as it proceeds with this legislation.

This report, as I understand it, will now be tabled later in the year. If, as has been indicated by Senator Brandis, there is some legislation coming forward, then no doubt that would be referred to the same committee so as to assess the finer details. I would hope that the government and the Attorney-General, in reading the evidence that has been taken so far by this committee, will get a good understanding of some of the issues involved, some of the issues that are of concern, and will take notice of that in drafting the legislation into the future.

I commend to the house Senator Ludlam's motion to adopt this interim report which, in effect, is simply indicating that we will be reporting fully later in the year.

Question agreed to.
Human Rights Committee
Report

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (17:42): I present the 10th report of the 44th Parliament of the Parliamentary Joint Committee on Human Rights.

Ordered that the report be printed.

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (17:43): I seek leave to incorporate the tabling statement in Hansard.

Leave granted.

The tabling statement read as follows—

PARLIAMENTARY JOINT COMMITTEE ON HUMAN RIGHTS
CHAIR'S TABLING STATEMENT

I rise to speak to the tabling of the Parliamentary Joint Committee on Human Rights' Tenth Report of the 44th Parliament.

The committee considered 22 bills. Of these 22 bills, 16 do not require further scrutiny as they are compatible with human rights. The committee has decided to further defer its consideration of two bills.

The committee has identified six bills that it considers require further examination and for which it will seek further information.

Of the bills considered, those which are scheduled for debate during the sitting week commencing 25 August 2014 include:

- the Fair Work Amendment Bill 2014; and
- the Australian Citizenship Amendment (Inter-country Adoption) Bill 2014.

The report outlines the committee's assessment of the compatibility of these bills with human rights, and I encourage my fellow Senators to look to the committee's report to inform your deliberations on the merits of this proposed legislation.

I would like to draw Senators' attention to two bills in this report which are of particular interest and relevance to the committee's task of assessing legislation for compatibility with human rights. Firstly, the Australia Sports-Anti-Doping Authority Amendment Bill 2014 seeks to amend the Australian Sports Anti-Doping Authority Act 2006 to align Australia's anti-doping legislation with the revised World Anti-Doping Code and International Standards that come into force on 1 January 2015. The committee notes the challenge of seeking to realise the goal of drug- and doping-free sport while ensuring that any anti-doping measures are compatible with fundamental human rights.

As noted in the report, the committee has recommended that the bill be amended to include a requirement that the 'prohibited association, anti-doping rule violation' will apply only insofar as it is consistent with the right to freedom of association protected under international human rights law. The committee has also raised concerns about measures which engage fair trial rights and the prohibition on retrospective criminal laws.

The committee has sought the advice of the minister as to whether the measures are compatible with these rights, noting that the statement of compatibility did not adequately identify and assess how potential limitations on rights would be reasonable, necessary and proportionate in each case.

Secondly, the International Tax Agreements Amendment Bill 2014 seeks to give effect to a double taxation treaty between Australia and Switzerland. I note that the report draws attention to the statement of compatibility accompanying the bill, and the exemplary assessment which it provides of the bill's impact on the right to privacy.
While it is fair to say that there is still considerable room for improvement in the quality of statements of compatibility, it is pleasing to be able to point to an example which demonstrates that departments continue to develop the knowledge and expertise to formulate human rights assessments that are consistent with the committee's human rights analytical framework.

I commend the officers of the Treasury responsible for preparation of the statement of compatibility for this bill, and I encourage Senators to consult the full report for discussion of these and other bills currently before the Parliament.

With these comments, I commend the committee's Tenth Report of the 44th Parliament to the Senate.

Economics References Committee

Report

Senator DASTYARI (New South Wales) (17:43): I present the report of the Economics References Committee, *The future of Australia's naval shipbuilding industry: tender process for the navy's new supply ships (part 1)*, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator DASTYARI (New South Wales) (17:44): I move:

That the Senate take note of the report.

I rise to speak on the Economics Reference Committee report, *The future of Australia's naval shipbuilding industry: tender process for the navy's new supply ships (part 1)* and, in doing so, I want to raise a series of issues that have been identified as part of this committee process.

I want to start by saying that this is only the first part of what is going to be a much larger inquiry into the future of Australia's naval shipbuilding industry. This is a small component of what is going to be a much bigger inquiry into not only what has been an improper and wrongly conducted tender process but also what is going to be the future of the Australian shipbuilding industry, which has economic, national security and job ramifications.

This inquiry highlights the government's failure to support Australian jobs and Australian industry in the Australian shipbuilding industry. The report is a damning report on this government. It shows the contempt that that coalition has for Australian workers and the Australian manufacturing industry. We have seen it with Holden, we have seen it with Toyota and now we are seeing it with Australian shipbuilders. The Minister for Defence's announcement to offshore the build of two Navy supply ships to Korea or Spain was a kick in the guts to Australian shipbuilders—shipbuilders who are already facing an uncertain future, while the defence minister fails to address the valley of death; shipbuilders who are watching the defence minister fail to keep his promise to build the Navy's future submarines here in Australia; and shipbuilders who are seeing a defence minister offshore Australia's strategically vital shipbuilding industry.

I would like to remind the Senate that soon after making this announcement the minister said, 'The construction of these vessels is simply beyond the Australian industry.' Let me say that again. The minister himself said, 'The construction of these vessels is simply beyond the Australian industry.' This is plainly not true. As we heard from stakeholders at the hearing in July, Australian companies are willing and able to work right here in Australia. We have also heard Australian shipbuilders have the skills and capacity to build these ships right here in...
Australia. Three companies from across Australia have said in their submissions that the ships can be built here in Australia. Peak bodies, state governments and the workers' representatives say the same thing.

My issue is not simply that an Australian company is not going to be awarded the contract; my issues is that a process has been determined that does not allow them to participate and tender in the process. Frankly, this should be an open, clear, transparent process. Where there is an argument on different sides about whether or not Australian companies have the ability to produce these ships, that is fine. That is why we have tender processes. That is why we allow companies to come and compete, to present their case and put forward their plan and ensure the best plan succeeds. Frankly, the emphasis should be on how we can create opportunities for Australian companies to be able to compete—not on how we can find a way to exclude Australian companies.

I know there are those from DMO and others who hold the view that Australian companies are not capable of this build. That is fine. They are entitled to their view. But that is why we have a tender process in which Australian companies should be allowed to participate. That is why we allow these things to get tested. The decision by this government to exclude Australian companies from even being able to present their case and to compete is, frankly, nothing more than a kick in the guts.

This is a government that is not listening. This is a government that is hell-bent on offshoring the shipbuilding industry. Excluding Australian shipbuilders from tendering to build Australia's supply ships is a disgraceful decision that will directly result in Australian jobs being exported overseas—and all of this despite the minister himself saying last year, before the election, 'I get really fired up when I find us giving away our manufacturing base in the defence space to foreign manufacturers. It is just not on.' Well, rather than getting fired up that Australian jobs are being sent to foreign manufacturers, this minister has put up the white flag.

It is clear that only Labor supports Australia's strategically vital shipbuilding industry. The plan that we took to the last election would have brought forward the build of these two ships and strengthened Australia's shipbuilding industry. It would have supported jobs, training and advanced manufacturing in this industry. There are those opposite who said one thing before the election and are now doing something very different. It is time that Australia had a defence minister and a government that will stand up for our strategically vital shipbuilding industry—not a defence minister and a government that are prepared to see thousands of Australian jobs go overseas.

This inquiry will produce a much larger report. There will be site visits. We are going to go out there and talk to the workers, talk to the manufacturers and talk to the industry. But this first report clearly indicates that the tender that is being investigated as part of this process should have initially been open to Australian firms. Frankly, the government should go back to the drawing board, reopen the tender process, allow Australian firms to compete and allow the different debate. The debate that was had in the committee was: are Australian companies capable of this build? That debate should be conducted through the tender process. The companies should be allowed to present their case. They should be allowed to bid. It makes no sense—there is no logic or reason—to exclude Australian companies and Australian workers from being able to compete for Australia's own shipbuilding industry.
We all know the issues of the valley of death. We all know the issues that are facing the shipbuilding industry. We all know that this, compounded with the submarines and other issues that are heading towards the shipbuilding industry, has the potential of resulting in the loss of thousands of jobs and that these kinds of builds need to happen when they can happen in Australia. This government made a decision to exclude Australian firms and to simply limit it to two providers, a Spanish firm and a Korean firm, and not allow the Australian firms to even participate if for no reason other than to at least create more competitive tension. The more companies that tender, the more companies that bid, the more companies that are prepared to put forward their case, the better it will be in terms of driving down the price and creating a competitive environment. This is not the way this process should have been conducted. There needed to be a greater level of transparency, a greater level of openness and frankly a greater level of emphasis on protecting Australian jobs. In this instance the government has failed. We will continue to proceed with this inquiry.

I want to thank Senator Edwards and those in the coalition for their participation in the preliminary part of the inquiry. I think we are going to have a very frank and open debate. There will be a series of different views. That is a healthy demonstration of how the Standing Committee on Economics has been working and will continue to work, where, while there are differences of opinion, there is a level of respect and congeniality which has been a hallmark of this committee—a committee that I am proud to now be chairing. I also want to thank the secretariat of the economics committee, Kathleen and her team, for their incredible work, the tireless advocacy and the work that they do on behalf of the committee. It has been a real honour and privilege to be working with them. I seek leave to continue my remarks.

Senator EDWARDS (South Australia) (17:53): I also rise to speak on the tabling of The future of Australia's naval shipbuilding industry: tender process for the navy's new supply ships (part 1). I also acknowledge Senator Dastyari's comments about the hardworking secretariat who has prepared this and also the collegiate nature in which it is being prepared. I have provided a dissenting report to this report because the executive summary of the report that has been tabled bears little resemblance to the evidence which was collected during that July hearing. Therefore, I am protesting the evidence which has been tabled. As the deputy chair of this committee, the nature of shipbuilding is, and has been, a very important issue for a very long time. While we are very collegiate, it somewhat smacks of hypocrisy and is somewhat shrill now for those on the Labor side, and indeed the Greens, to be concerning themselves when they have not been concerned for quite some time.

I must remind anybody who is listening to this contribution that Labor were in government from November 2007 to September 2013—not 12 months ago. There is no reference to this period of time when the Labor government was in place. I must give some reminder of the commitment that the Labor Party gave. I refer back to 20 August 2007 when the then opposition leader, Mr Kevin Rudd, indicated that the Labor government would ensure that the submarines are built by the ASC at its Port Adelaide site, and that construction would begin in about 2017—about the time work on the $6 billion Air Warfare Destroyer project in Adelaide would be tapering off. I quote the former member Mr Rudd, who went on to become Prime Minister:

Starting the process this year we will guarantee continuity of work for South Australia's defence industry and those employed in the sector. It will also provide a big boost to South Australia's growing knowledge and skills base and its reputation as the defence state.

CHAMBER
What hollow words they were. You might laugh Senator Cameron with your picket line rhetoric. It really does amaze me that you deny your term in office. As the Minister for Defence quite rightly said during question time, when it came to the box of submarine folders, budgets and money, when he took his ministry and opened the submarine box, there was nothing there, despite all this rhetoric. I quote the words of Martin Hamilton-Smith, the state Minister for Defence Industries of the Labor Weatherill government:

On 21st January 2010, former Prime Minister Kevin Rudd promised without reservation that the next generation of submarines would be built completely in South Australia.

He then went on to say:

Before he was knifed by the faceless men, Rudd said, 'As Prime Minister of Australia I confirm in absolutely clear cut terms that our next generation of subs will be built here in Adelaide.'

What happened? I quote here the state minister:

… but since then Julia Gillard—

the then Prime Minister—you have to be careful because there was such a flip-flop—

… has cut $5.45 billion from defence spending and according to the Australian Strategic Policy Institute’s (ASPI) budget director Mark Thompson has deferred a further $17 billion of defence projects.

This was in March 2013. How prophetic was that? You cut every part of that budget to the point where there was the lowest expenditure and you are sitting here feigning this outrage.

_The ACTING DEPUTY PRESIDENT_ (Senator O'Neill): Senator Edwards, I ask you to refrain from using the word 'you' and direct your comments through the chair.

_Senator EDWARDS_: The senators on the other side are feigning outrage or confected outrage. It is as if they have airbrushed those six years of budget delinquency out of their history. Now, 11 months later we are still trying to fix the mess that you left, and today we have in the media the South Australian Premier Jay Weatherill saying:

He said that this afternoon, but he never mentioned, not once, the powerful voices that were there for six years—a critical time given the valley of death was approaching. He never mentioned Senator Wong, Senator McEwen, Senator Gallacher or the most chivalrous Senator Farrell, who graciously stood aside for Senator Wong, nor did he ever mention their coalition partners, Senator Sarah Hanson-Young or Senator Wright. He did not mention anyone from the other house—Mr Butler, Ms Rishworth, Mr Champion, Mr Zappia or Ms Ellis. Why? Because they do not exist. During the six years they were in government, when they had their hands on the purse, they never once stood up for South Australia over this issue—despite the fact that their then Prime Minister had promised to build submarines in that state and then did not.

It got spirited away under the reign of Prime Minister Gillard. Where did it go? Senator Cameron, I see you shaking your head over there. You did not know where it went either. That is right: you were not in cabinet at the time. It was not your fault either, was it? All you want to do—those of you on the other side contributing to this debate—is blame someone else. But the state Labor government in South Australia has presided over the largest budget deficit in that state's history. Now we are hearing in evidence that it will only take a couple of
hundred million dollars to refit the areas in Adelaide where we can build lots of ships. It is so airy-fairy. Money is just like confetti to those of you on the other side. You spray it all around. There is no fiscal discipline at all. Now the Minister for Defence has to come in and sort all this out.

You over there have compromised South Australia. Each and every one of you Labor-Greens alliance members in that last Rudd-Gillard-Rudd administration were delinquent. You abdicated your responsibility for ensuring the industrial nature of that precinct was protected. I am not going to stand here while you vilify people who do know how to count, who do know how to budget and who do know how to get value for money for taxpayers. The Prime Minister and the Minister for Defence are looking to ensure that value for money. I should include the Minister for Finance, who is here. He has to sit down there and try to work through all the health budgets, education budgets and defence budgets, the whole wickerwork of financial obscurity that you people presided over—and you wonder why we shake our heads when you go on with your confected outrage.

I am sure we will get a contribution from Senator Cameron and I bet it will be his usual picket-line rhetoric. He will say, 'You don't like jobs in South Australia.' I am sorry; that was a bad imitation—I apologise. But we expect to hear the usual union tub-thumping: 'It is all the bosses' fault.' In fact, the bosses were trying to tell the government at the time, but the government had no capacity to understand any of the business drivers, any of the reasons why this whole program has been put in such jeopardy. Labor had a $40 billion budget for this—when you can build the 12 submarines we need for $14 billion. Even the most ardent Labor supporters would have to say the maths is not right. I look forward to the rest of the hearing. I seek leave to continue my remarks.

Leave granted; debate adjourned.

DOCUMENTS

Tabling

The ACTING DEPUTY PRESIDENT (Senator Dastyari) (18:04): On behalf of the President, I present messages of condolence from overseas legislatures relating to the loss of Malaysia Airlines flight MH17.

Chairman of Parliament of Georgia (His Excellency Mr David Usupashvili)
Chairman of the Verkhovna Rada of Ukraine (Olexandr Turchynov)
President of the Parliament of Montenegro (Ranko Krivokapić)
Speaker of the National Council of the Slovak Republic (His Excellency Pavol Paska)
Speaker of the Senate of the Republic of Poland (Bogdan Borusewicz)

Abbot Point

Order for the Production of Documents

Senator CORMANN (Western Australia—Minister for Finance) (18:04): I table documents relating to the order for the production of documents concerning the water quality offset imposed on the Abbot Point dredging and dumping approvals.
The Clerk: Documents are tabled pursuant to statute. Details will be recorded in the Journals of the Senate and on the Dynamic Red.

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

COMMITTEES

Economics References Committee
Foreign Affairs, Defence and Trade References Committee
Legal and Constitutional Affairs Legislation Committee
Joint Select Committee on Northern Australia
Parliamentary Library Committee

Membership

The Acting Deputy President (Senator Dastyari) (18:05): The President has received letters from a party leader and an independent senator requesting changes in the membership of committees.

Senator Cormann (Western Australia—Minister for Finance) (18:05): I seek leave to move a motion to vary the membership of committees.

Leave granted.

Senator Cormann: I move:

That senators be discharged from and appointed to committees in accordance with the document circulated in the chamber.

Economics References Committee—
Appointed—Participating member: Senator Day

Foreign Affairs, Defence and Trade References Committee—
Appointed—
Substitute member: Senator Whish-Wilson to replace Senator Ludlam for the committee’s inquiry into illegal fishing
Participating member: Senator Ludlam

Legal and Constitutional Affairs Legislation Committee—
Appointed—
Substitute member: Senator Di Natale to replace Senator Wright for the committee’s inquiry into the provisions of the Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Bill 2014
Participating member: Senator Wright

Northern Australia—Joint Select Committee—
Appointed—Senator O’Neill

Parliamentary Library—Joint Standing Committee—
Appointed—Senator Moore.

Question agreed to.
BILLS

Qantas Sale Amendment Bill 2014

Returned from the House of Representatives

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

Fair Work Amendment Bill 2014

First Reading

Bill received from the House of Representatives.

Senator CORMANN (Western Australia—Minister for Finance) (18:06): I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator CORMANN (Western Australia—Minister for Finance) (18:07): I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

FAIR WORK AMENDMENT BILL 2014

Only a common sense and practical approach to workplace relations can protect people's jobs and income and, encourage an environment for productive and innovative business. That is the approach this Government promised in our Policy to Improve the Fair Work Laws, released in May last year. Our policy will help make Australian workplaces even better, by improving the Fair Work laws to provide a stable, fair and prosperous future for all. The Coalition's workplace relations reforms will restore the balance back to the sensible centre. This has already begun through the introduction of the Fair Work (Registered Organisations) Amendment Bill 2013 and the Building and Construction Industry (Improving Productivity) Bill 2013.

This Bill will deliver on key aspects of our election policy and does not go any further. Indeed, on Union Workplace Access, Individual Flexibility Arrangements and the removal of the ability to Strike First and Talk Later, we are delivering on specific policy commitments made by the Labor Party prior to the 2007 election but which Labor deliberately broke.

Through our Fair Work Amendment Bill 2014 we are giving effect to a number of commitments in our Policy and further restoring balance to the system. We will do this by:

- improving the process for the negotiation of greenfields agreements, to ensure that unions can no longer frustrate bargaining for these agreements through unsustainable claims and delays, which can threaten investment and delay the commencement of major new projects that are crucial to our prosperity;
- restoring union workplace access rules reflecting those in place prior to Labor's unbalanced amendments and dealing with excessive right of entry visits by union officials;
- improving workplace productivity and flexibility by enhancing the scope for employees to make individual flexibility arrangements that meet their genuine needs, as determined by those employees;
• closing the 'strike first, talk later' loophole in the good faith bargaining rules, which Labor refused to address; and
• maintaining the value of unclaimed wages recovered for workers by the Commonwealth.

This Bill also enacts a number of recommendations from the Fair Work Review Panel in its 2012 report commissioned by the now Leader of the Opposition, Mr Shorten.

Union Workplace Access

The Fair Work Amendment Bill will address the current imbalance in union workplace access rules. Our changes will fairly and sensibly balance the right of employees to be represented in the workplace if they wish to be, with the right of employers to go about their business without unnecessary disruption.

The Government sees right of entry as a specific statutory privilege to which conditions ought to apply. Regrettably, some union bosses do not.

In 2007, the Labor Party promised on multiple occasions that there would be no changes to the union right of entry laws. In a press conference on 28 August 2007, then Deputy Opposition Leader Julia Gillard said, and I quote:

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

These promises were not kept and unions were given much easier access to workplaces under the Fair Work Act provisions which were exploited.

This has meant that many businesses face excessive workplace visits from unions even when their employees are not union members and have not asked for the union's presence. The problem has been exacerbated in some workplaces by unions competing to represent employees at the workplace.

The problem was highlighted by the former government's Fair Work Review Panel, which noted that the Pluto LNG Project received over 200 right of entry visits in only 3 months. BHP Billiton's Worsley Alumina plant faced 676 right of entry visits in a single year. Our changes will reduce the capacity for unions to deliberately harass and disrupt businesses in this way.

A recent case featuring CFMEU National President Joe McDonald has underlined the urgent need for these reforms. In the most recent case, where Mr McDonald and the CFMEU were fined $193,600, he ignored the request of an industrial relations consultant to leave a site owned by Citic Pacific's Simo Iron Ore in Western Australia. When asked by the consultant to leave the site because he didn't have a right-of-entry permit, Mr McDonald replied: "I haven't had one for seven years, and that hasn't f**king stopped me". Mr McDonald's attitude reflects the regrettable dark underbelly of the union movement that should have no place in modern and fair workplaces.

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

Right of entry—Eligibility

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

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

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

**Right of entry—Frequency disputes**

The Bill will also provide an effective mechanism for the Fair Work Commission to deal with disputes about excessive right of entry visits for discussion purposes.

The previous government amendments to the Fair Work Act in this area were drafted in a way that renders them largely ineffective and only able to be used in extreme circumstances: where there has been an 'unreasonable diversion of the occupier's critical resources'.

These amendments will remove this restriction to ensure the Commission has the power to properly deal with excessive right of entry visits, for example by suspending, revoking or imposing conditions on an entry permit. Additionally, the amendments provide that the Fair Work Commission can take into account the combined impact of visits by all unions to the workplace, reflecting that in some circumstances an employer will be subject to visits by multiple unions.

**Right of entry—Repeals**

The Bill will also repeal the previous government's amendments, made in 2013, that expanded union right of entry rights even further by allowing for uninvited 'lunchroom invasions' and requiring employers to pay for the cost of 'union boss joyrides' to remote worksites. Those amendments give unions the right to insist on addressing workers in their lunch room, even when the workers have not requested their presence and are not union members. This is unfair to the 87 per cent of private sector workers who are not union members and for all workers that just want to eat their lunch in peace.

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

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

**Greenfields agreements**

Greenfields agreements can be vital for the commencement of major new projects, as investment funding is often contingent on settled labour arrangements being in place. The Bill will ensure that these agreements are negotiated subject to good faith bargaining requirements and in a reasonable timeframe. These amendments are another step to demonstrate that 'Australia is open for business'. They are essential if Australia is to encourage future investment in new resources projects.

The Bill will remove the effective union veto power over greenfields agreements under the current arrangements, which have enabled them to frustrate the making of these agreements by seeking exorbitant wages and conditions or refusing to agree at all. As the former government's Fair Work Review noted, in somewhat understated language, these practices 'potentially threaten future investment in major projects in Australia'. This is bad for jobs and bad for the economy.
The Bill will extend good faith bargaining rules to the negotiation of greenfields agreements to improve standards of bargaining conduct. This will mean that employers and unions will be required to, for example, attend and participate in meetings with each other and consider and respond to proposals in a timely manner.

To ensure that greenfields agreements can be made in a timely manner, the Bill will establish a new, optional three month negotiation timeframe. The three month timeframe will apply where appropriate notice is provided by an employer to the relevant union or unions. If agreement cannot be reached in this timeframe, the employer will be able to take its proposed agreement to the Fair Work Commission for approval. The agreement will have to satisfy the existing approval requirements under the Fair Work Act, including the better off overall test. The agreement will also have to satisfy a new requirement that it provides for pay and conditions that are consistent with the prevailing standards within the relevant industry for equivalent work. Consistent with the existing framework, the Fair Work Commission must also be satisfied that the union or unions to be covered by the agreement are able to represent the majority of future employees.

The amendments to the greenfields provisions will help to unlock new investment and prevent needless delays to new projects. This will provide confidence and certainty to investors and ensure that Australia and Australians benefit from the prosperity generated by new projects.

These amendments will send a strong message to overseas investors that Australia is open for business and that projects can get underway quickly.

**Fixing the 'strike first, talk later' loophole**

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

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

...‘They (employees) will not be able to strike unless there has been genuine good faith bargaining’.

This is not the case under the Fair Work Act, where employees are allowed to strike before bargaining has even commenced.

The Bill will amend the Fair Work Act to provide that protected industrial action can only be taken if bargaining for a proposed agreement has commenced. This amendment will mean that industrial action cannot be the first step in the bargaining process, restoring a balanced and harmonious approach to enterprise bargaining.

The Coalition will fix this loophole. In doing so, Labor's 2007 promise will actually be legislated.

**Individual Flexibility Arrangements**

The Bill introduces amendments to provide clarity and certainty for employees around the use of Individual Flexibility Arrangements (IFAs).

IFAs are an important tool introduced by Labor with the intent of enabling workers and their employers to mutually agree on conditions that suit their needs, while ensuring that employees are better off overall compared to their underpinning employment instrument.

IFA's ought to be an important option to enable employees to, for instance, manage their childcare or other caring arrangements, to spend time with family or for other commitments. They are specific to the individual and not designed as a management tool for a business.

These amendments about IFAs are all based on the Fair Work Review Panel recommendations. They also include further new safeguards to ensure that employees are better off.
To be clear, the current IFA framework in the Fair Work Act will stay, with additional protections put in place. This means that:

An employer cannot force an employee to sign an IFA or make it a condition of employment;

The employee must be better off overall than what they would have been under the applicable Modern Award or Enterprise Agreement.

A worker must provide a statement to the employer saying that the IFA meets their genuine needs and that they are better off overall.

Under the current system, unions can restrict the scope of flexibility terms under enterprise agreements through the bargaining process to only cover a single matter, for instance the taking of leave. This means that workers may be denied the chance to have IFAs on other matters even if they and their employer want to agree to more suitable arrangements. The amendments will deliver on the promises made by Labor in 2007 and provide that IFAs may be made in relation to all of the matters currently prescribed in the model flexibility term, to the extent that those matters are covered in the agreement. This will ensure that workers have access to fair flexibility without a veto by union bosses.

The Bill also implements the Fair Work Review Panel recommendation that employers should, in limited circumstances, have a legal defence if they enter into an IFA in good faith believing it meets all the requirements of the legislation when it turns out later it doesn't. The defence will only apply where the employer believed on reasonable grounds that all statutory requirements have been met in relation to the IFA. The Bill will also strengthen protections for employees by requiring a statement setting out that the arrangement meets their genuine needs and results in them being better off overall. This will make the position absolutely clear: Employees will only make IFAs that provide for non-monetary benefits when the employees themselves make a clear statement in writing why they are better off overall. Two further amendments recommended by the Fair Work Review Panel will be made to provide clarity and certainty to both employers and employees. First, the unilateral termination period for IFAs made under enterprise agreements will be extended from 28 days to 13 weeks, consistent with the position for awards. In addition, the 13 week unilateral termination period for both modern awards and enterprise agreements will be placed in the legislation.

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

All other rules relating to an IFA will be retained, including that they cannot be made a condition of employment, must leave the employee better off overall and must be genuinely agreed to.

Anyone who opposes these amendments need to explain to Australian workers why they should not have the opportunity be better off overall if the arrangement genuinely meets their own needs, as assessed by themselves.

Other Fair Work Act Review Recommendations

The Bill will also implement a number of other common sense recommendations that were made by the now Leader of the Opposition's Fair Work Review Panel in 2012 but not implemented by the previous Government.

The Bill will clarify the interaction between leave and workers' compensation, by removing an exception that allows employees in a few jurisdictions to accrue or take leave while absent from work receiving workers' compensation. This will remove inconsistency and confusion that currently exists for employees and employers and ensure that employees on workers' compensation across the country are treated consistently.
In line with the Fair Work Review Panel's recommendation, the Bill will clarify the circumstances where annual leave loading is payable when a person leaves their job. The change will restore the long standing position, that employees are only entitled to annual leave loading when their employment ends if it is expressly provided for in their award or workplace agreement. This will address the confusion that currently exists as a result of the legislation and numerous awards adopting different positions. It will still allow for annual leave loading to be paid (including after employment has ended) if it is in the employee's Modern Award or Enterprise Bargaining Agreement.

The Bill will introduce a requirement that an employer must give an employee who has requested to extend their unpaid parental leave a reasonable opportunity to discuss the request unless the employer has already agreed to the request. To be clear, this discussion does not need to be face to face but can occur by other means, for example a teleconference or videoconference.

The Bill will make changes to the transfer of business rules to assist the transfer of employees who wish to move between associated entities voluntarily. Currently, if an employee wants to take on a new position with an associated entity of his or her employer, there needs to be an application to the Fair Work Commission to prevent the employee's industrial instrument transferring with them. Under the changes, the terms and conditions of employment at the new employer will automatically apply to an employee transferring between associated entities on their own initiative. This change will reduce red tape for employers and employees in such circumstances.

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

**Interest on money held for underpaid workers**

The Government is taking action to ensure that employees retain the value of money recovered and held by the Commonwealth on their behalf. When an employee who is owed money, for example unpaid wages, cannot be located then the employer pays the money to the Commonwealth. The Commonwealth holds onto the money until the worker can be found. No interest is payable on these monies, no matter how long it has been held by the Commonwealth.

The Bill will rectify this situation to enable the Fair Work Ombudsman to pay interest on amounts held for more than six months and worth more than $100. Interest payments will be calculated using the Consumer Price Index, similar to the approach used by ASIC for unclaimed money in bank accounts.

**Conclusion**

The Government released its workplace relations policy well before the 2013 election to address a range of key problems with the Fair Work laws. With this Bill we are continuing to implement the commitments we made in that policy.

This Bill will amend the Fair Work Act to provide a more balanced workplace relations system while safeguarding workers conditions and protections.

The measures in the Bill will help encourage investment in new projects that are important to the Australian economy by preventing unions from vetoing greenfields agreements. This will strongly signal to investors that Australia is open for business.

Unnecessary and costly industrial action will be addressed by ensuring that bargaining must have commenced before strike action can be taken.

Improvements to Individual Flexibility Arrangements will enhance productivity and fairness by giving workers greater scope to negotiate arrangements with their employers that meet their genuine...
needs, as assessed by workers themselves. Everything we are doing on the issue of IFAs was recommended by the previous Government's Fair Work Review Panel and clearly articulated in the Coalition's election policy.

The Bill will deliver on what was promised by the previous Government in 2007 on union workplace access. It will implement fairer and more effective right of entry laws that mean businesses can carry on without unnecessary disruption and employees can access union representation if they want.

It will also address the failure of the previous government to implement a number of common sense recommendations made by its own Fair Work Review Panel in 2012.

This Bill implements the Coalition's publicly stated election policy, nothing more and nothing less.

The Government is strongly committed to these measures. They are necessary to help build a more stable, fair and prosperous future for Australia's workers, businesses and the economy. We therefore call on the Labor Party, and all members of this Parliament, to support the sensible and measured reforms included in this Bill.

Debate adjourned.

BILLS

Assent

Messages from His Excellency the Governor-General were reported, informing the Senate that he had assented to the following laws:

17 July 2014—Messages Nos—
34—Infrastructure Australia Amendment Act 2014 (Act No. 77, 2014).
36—


37—

Trade Support Loans Act 2014 (Act No. 81, 2014)
Trade Support Loans (Consequential Amendments) Act 2014 (Act No. 82, 2014).
39—

True-up Shortfall Levy (General) (Carbon Tax Repeal) Act 2014 (Act No. 84, 2014)
40—

Customs Tariff Amendment (Carbon Tax Repeal) Act 2014 (Act No. 86, 2014)
41—

Senator CAMERON (New South Wales) (18:08): I move:

That the Social Security (Reasonable Excuse-Participation Payment Obligations) (Employment) Determination 2014 (No. 1), made under subsection 42U(1) of the Social Security (Administration) Act 1999, be disallowed.

This is a disallowance of the Social Security (Reasonable Excuse—Participation Payment Obligations) (Employment) Determination 2014 (No. 1). The opposition is opposed to the social security reasonable excuse legislation that was tabled in the Senate. We have a number of concerns with this issue relating to the discretion acknowledged to exist in determining whether circumstances directly prevent a job seeker from complying with requirements. This concept of ‘directly prevent’ is a new concept by the government. It is a concept that is really about trying to ensure that an ordinary recipient of Newstart, an ordinary recipient of a payment, is not entitled to have a decent excuse; they are not entitled to actually argue the position before a set of penal provisions are implemented against them.

A number of factors that the secretary of the department was required to take into account have been removed. Previously, the secretary of the department had to take into account a whole range of issues when a person had a reasonable excuse. When the secretary had to deal with this issue, they had to deal with whether the person had access to safe, secure and adequate housing or was using emergency accommodation or a refuge. I would have thought that would have been a reasonable excuse in terms of a person coming into DHS and arguing their position as to why they could not comply with the legislated obligation.

The next one was the literacy and language skills of the person. I know that Senator Edwards made a pretty botched-up attempt to copy a Scottish accent, but there are many, many Australians out there who have literacy and language skills that are not sufficient for them to put their arguments on their own, and from time to time they do need support and help when in that position.

Also, the secretary was required to take into account any illness, impairment or condition of the person that requires treatment, including an illness that is episodic or unpredictable in nature. How many of our poorest Australians or how many of our fellow Australians who are
unemployed who are amongst the lowest socioeconomic group in society have illnesses that are a result of their poor economic circumstances or an impairment or condition that requires treatment? Some of them may have been living on the street. Some of them may have addictions. Some of them may have problems that I do not think the coalition could even contemplate some of our fellow Australians having to deal with in their struggle and battle with daily life.

The secretary was also required to take into account any cognitive or neurological impairment of that person, or any psychiatric or psychological impairment or mental illness of the person. I know from talking to DHS workers that one of the key issues facing many Australians who are on Newstart or who are receiving some payment from government is that they have a psychiatric problem, a psychological impairment or a mental illness. Getting that individual to be able to turn up and actually comply with the obligations on a black-and-white basis of 'If you don't turn up and you don't comply then you are under a penal provision that means you get absolutely no income' is an attack on people who may have a psychological impairment or a mental illness. Similarly, many Australians unfortunately, have a drug or alcohol dependency.

No-one is saying that these are excuses that can go on forever or that you should not take steps to try and ensure that you comply with your obligations. There has been a flexible position in the past, where DHS personnel look at the specific circumstances of an individual and apply some compassion, some common sense and some reason to the failure of that individual to comply. But what this tabled social security determination means is that you cannot run these arguments and, even if you could, there has to be this higher test of 'directly prevent'—a new concept that is designed to mitigate against some of the poorest people in this country getting access to government payments.

Another area when deciding whether a person had a reasonable excuse was unforeseen family or caring responsibilities of the person. Many of the people who receive government support are young women with family responsibilities who may have been victims of a violent relationship, and they cannot comply because their kid might be sick—they have no other support around and they need to deal with that issue. Yet, the black-and-white approach that the government is seeking to put in place would mean that person would end up with no payments for eight weeks. A related issue was that the person was subjected to criminal violence, including domestic violence and sexual assault. I would have thought that, if you were a victim of violence or a victim of sexual assault and you could nominate that as the reason you could not comply, then you would have been dealt with in a compassionate, sensible manner.

But for the coalition you have to have this black-and-white approach—an approach that is simply about victimising some of the poorest people in this country and people who need support. Another factor that would have been taken into account in the past was that the person had been adversely affected by the death of an immediate family member or close relative; and another reason was a person's recent imprisonment or release from imprisonment. There was a range of arguments, but what was accepted in the past was not a black-and-white position and not a position based on an ideological attack on the individual—it was a position that needed some sensitivity. It is a complex position and a position that means you have to look at the individual circumstances that people find themselves in.
Unfortunately, we have a government who do not seem to care about those issues. We have a government who, through their recent budget, attack the lowest paid and poorest people in this community. We have a government which shows no compassion and no understanding of the real struggles that many Australians face.

The government argues that some of the factors which I have outlined could still be considered in determining what constitutes a reasonable excuse. However, job seekers would have to prove that the circumstances directly prevent them from meeting the requirement and they would have to give prior notice where required by the act under section 42U. The secretary will no longer be required to take the above factors into consideration when deciding whether a job seeker has a reasonable excuse. There are many organisations who deal with some of the most unfortunate Australians in this country on a day-to-day basis—non-government organisations and charities. They end up having to deal with many of these unfortunate Australians as a last resort. They take the view that this determination is unfair and should not be implemented. The National Welfare Rights Network said that, if the changes went ahead, they would mean increased financial hardship for people living on $36 a day and more red tape for thousands of employment service providers. Remember that we are talking about people on $36 a day. For most of us, if we were told we had to survive on $36 a day, we would think that $36 a day would be a sufficient penalty anyway. We are talking about penalising people who are living below the poverty line—people who are battling to put clothes on their back.

Under this coalition government, people on $36 a day will now be expected to make 40 job applications a week, go out and get transport to and from jobs and present themselves effectively for jobs. Unfortunately, this government does not have a clue what it is like for some of the poorest people in this country and I suppose their budget is exactly the reasoning that they have on how you deal with people who are poor and unemployed. It really does say that this government has got no concern and no compassion.

The National Welfare Rights Network, who deal with these people, say that this determination should not be made. They say that, if employment providers assume responsibility for decisions to deny income support payments for people missing regular appointments, they fear it will fundamentally alter the nature of the relationship with the job seekers. The National Welfare Rights Network and other organisations have to build some compatibility with the individual person; they have to try and counsel the individual person; they have to try to get them ahead in what is a pretty tough situation on $36 a day. They do not want to determine whether someone is given a payment or not, because they have to build up some credibility and some empathy with the individuals. The National Welfare Rights Network has said:

Under these reforms, employment providers will be required to become instant experts on complex social security rules.

That is why you need experts in the Department of Human Services—professionals, face-to-face providers of expertise and advice. The Department of Human Services are under a massive industrial attack by this government, and the workers in DHS are being used as the test bed for Work Choices mark 2. These are the people who are face to face with some of the poorest and most underprivileged people in our community. The National Welfare Rights Network says that it is highly unlikely that the charities will become experts on these complex
rules, and it is unrealistic to expect them to do so. What the coalition are putting forward, according to the providers that are being asked to deal with some of this, is unlikely and unrealistic. Jobs Australia Chief Executive David Thompson said:

It represents a significant shift of responsibility from government to contracted providers and is a matter of very grave concern to mission and values centred non-profit services from a moral point of view.

He went on to say:

On a practical level it will make it hard to establish effective helping relationships with the unemployed because job agencies will become the enforcer. This is quite unprecedented.

Jobs Australia are saying this is a moral issue. It is an issue of morality. Why would they be surprised about this coalition government having no morals when it comes to the poor and the most challenged people in our community?

Under the Human Rights (Parliamentary Scrutiny) Act 2011, every piece of legislation is scrutinised to ensure compatibility with Australians' human rights. The Parliamentary Joint Committee on Human Rights has taken issue with the government's assessment that the bill is compatible with human rights. This is a real problem for the government, because the cross-party human rights committee says that, based on the information and analysis provided to the committee, it does not consider that the statement of compatibility adequately demonstrates that the proposed amendments are needed for the purpose of meeting a pressing and substantial concern, that there is a rational connection between the measure and the identified objective, and that the measure is reasonable and proportionate for the achievement of that objective. They are basically saying, 'This is not good.' This is not the first time that we have had the Parliamentary Joint Committee on Human Rights—where the Liberals, Nationals, Greens and Independents sit down and analyse these bills for human rights—say there is a problem. That is a problem that should be addressed. You can only address that by getting rid of a bill that tramples over the human rights of ordinary and the most vulnerable Australians.

But what do you expect from the coalition government? There are not too many over the other side who would ever have experienced poverty. They would never understand what it is like not to be able to pay the bills. They would never understand what it is like to be out on the street. They would never understand what it is like for some of the poorest and most vulnerable in this country. The previous legislation that the coalition wanted to trample over was reviewed independently under the Social Security Legislation Amendment (Employment Services Reform) Act, and this is what the review said:

The combination of greater flexibility for providers and a more modulated range of sanctions appears to have led to modest improvements in job seekers’ engagement with providers and to a major reduction in concerns about unduly harsh treatment of vulnerable job seekers. As intended, the system has led to a substantial increase in the number of early, lower-level sanctions and a substantial decrease in the number of higher-level sanctions.

This was the independent review of the Labor legislation. It said, 'Look, it is early, but these are the things that are happening.' It was clear that you cannot have a black-and-white position on dealing with vulnerable Australians. There must be some flexibility. There must be some capacity to look at the circumstances for individuals. This is another set of penal provisions against some of the weakest and most vulnerable Australians, and we are opposing this because we need to stand up for vulnerable Australians. We need to stand up for the weak. It should not be some ideological obsession about dole bludgers that drives legislation, which
seems to be the position here. Vulnerable Australians deserve a fair go in this country. (Time expired)

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:28): The Greens will be supporting the motion to disallow this reasonable excuse determination. We do not support this regulation. It is more of the government's attack on the most vulnerable in our country, attempting to blame those that cannot find work, to demonise them, to imply that they do not want to seek work—which seems to be the government's approach from the comments they have made about people without a job sitting at home on the couch collecting their unemployment payments. That simply does not reflect the truth. I have spent a lot of time talking to people who are, unfortunately, unemployed, and I have not met anybody that does not want a job. I am aware of the very large number of Australians who are desperately seeking work—but there are just not enough jobs on the market for everybody. There is a little bit of context here, which is that the previous Liberal government, under Mr Howard, brought in Welfare to Work, and they significantly tightened up the regulations relating to people who are unemployed who are on Newstart—bearing in mind that Newstart forces people to live below the poverty line. They were harsh requirements. Later, the Rudd government did change some of those rules: for the better, we thought; in fact, the Greens thought that they did not go far enough in some instances.

This is an attempt to wind back a more humane approach to how we support and work with the unemployed. The approach of, 'punish, punish, punish', does not incentivise people to find work. People want to find work; in fact, they get significantly depressed about continuing to be blamed for not being able to find work. I mentioned earlier today some of the evidence that was presented to an inquiry into the Social Security Legislation Amendment (Stronger Penalties for Serious Failures) Bill—which is another piece of the government's puzzle, in terms of wanting to put more and more pressure on to those that are looking for work—as well as evidence to the inquiry into the government's other proposed changes to social security legislation—these are the bills that contain about 20 measures, including a measure dumping young people off income support for six months and expecting them to live on thin air. In that particular inquiry, held just last week, we heard evidence about the high number of people who are on the Disability Support Pension, Newstart or youth allowance and who are looking for work. At the moment, there is just no way that there is work for all of those people.

As Senator Cameron was just outlining, this particular regulation winds up the pressure on those people who are looking for work. The explanatory statement to the regulation says that 'the department will implement a policy to clarify that a person should not typically be found to have a reasonable excuse if the circumstances in subsections 6(3) or 6(4) are not present, or if they are present but did not directly prevent the person from meeting the requirement that was the subject of the failure'. That is the bit I think is particularly important: it is 'not directly to prevent the person'—who is going to make that decision? As Jobs Australia has pointed out, that question is causing a great deal of concern for providers, because they are being put in the position of making that call, and putting that information through to the department. I think this is bad policy. Again, the motivation is to seek to demonise job seekers and to imply that they are not genuinely looking for work.
When we consider this regulation, we have to consider it in the context of all the other changes the government is making to social security. I cannot get past this issue: the huge mistake the government is making, or wants to make—hopefully this Senate will not pass this measure—that is, dumping anybody under the age of 30, subject to some exclusions which I will get to in a minute, onto 'nil payment'. It is a really cute term: 'Newstart nil payment'. It means people will still be subject to the rules of Newstart, but they will not get any payment for six months, and then they will go on to Work for the Dole, and then they will go back on to 'nil payment' again. I ask anybody how they could survive for six months on nil payment.

Job seekers will still have to apply for 40 jobs. I know that there has been speculation again in the media today—and Senator Abetz might want to clarify this in his contribution to this debate—that the coalition are rethinking that requirement to apply for 40 jobs. They have actually realised that it is totally unrealistic to require people to find 40 jobs to apply for, and they have realised just what that meant for the community. They misread that. It showed a clear lack of understanding about the sorts of jobs that are out there, about how people apply for jobs, and about what that requirement would actually mean. I keep saying this: they either get it, and they are just being indescribably, outrageously mean and cruel to people under 30, by subjecting them to no income support; or else they are bad policymakers.

Even if they were just looking at this particular measure, that measure in itself is terrible enough. But then we look at this measure—the regulation that we are talking about—in the context of forcing people off Newstart. We know that the evidence shows that when you are subjected to living in poverty—and in this instance they will have no visible means of support—it becomes yet another barrier to employment. Living in poverty means they may not be able to remain in accommodation; they are likely to get sick because they cannot eat—their diet will be inadequate, to say the least; they will be in quite vulnerable circumstances; and it will definitely affect their mental health. They may then, for example, miss applying for 40 jobs, or make some other mistake in their participation—living on nothing is, very clearly, going to affect their ability to participate. And then how will they be able to demonstrate that it does 'not directly prevent the person from meeting the requirement'—to participate—that was the subject of the failure? In this instance, that means that they will be put on a no-income support period for even longer. That is just one interaction that I think will have some significant problems. There are also issues around caring, and around single parents being able to find work, now that more of them have been dumped off parenting payment onto Newstart. This also affects parenting payment obligations. We are subjecting job seekers to even greater problems and barriers to finding work.

This is clearly about penalising people. It is not about helping them into work. Again, the cute explanation in the statement of compatibility with human rights for this particular measure talks about article 6 of the International Covenant on Economic, Social and Cultural Rights and recognises the right to work. This includes the right to the opportunity to gain a living by work which a person fully chooses or accepts and is considered an inherent part of human dignity. Then it seeks to justify this by the determination:

… encourages participation payment recipients to engage with their right to work by incentivising those people to actively participate in statutory requirements and mechanisms designed to encourage them to obtain work.
What a lot of nonsense! If I was not in this place I would probably be using more creative language, because this is a pack of nonsense. What an absurd attempt to justify being cruel to job seekers by saying it is 'incentivising those people to actively participate in statutory requirements'. It is a load of codswallop. This is nothing short of the government's continued campaign of harsh, cruel, blaming and demonising treatment of job seekers who want to find work. They face many barriers to work, but they want to find work. We should not be demonising people. We should be helping and truly incentivising people. This is not incentivising. This is cruel and harsh treatment as part of the government's extended campaign to demonise people who are genuinely trying to find work. We will be supporting the disallowance and not supporting this regulatory change.

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (18:39): Australia, overall, has a very good welfare system. Australians are relatively pleased with it, and we as a government are seeking to maintain it. But it is vital that our welfare system be retained as a fair and sustainable system. And for it to remain fair and sustainable it has to be robust and it has to be as rort-free as possible.

Before going into what the legislative instrument, or regulation, actually does, allow me to debunk the myths we have just heard from Senators Cameron and Siewert. Senator Cameron's speech reminded me of the Empire State Building: for every story there was a major flaw. Whilst he generated a lot of heat in his contribution, there was not much light. It appears he actually pulled out the wrong speech. Let us just go through a few comments made by Senator Cameron. He talked about the parliament's Human Rights Committee's observations on this regulation. There was no such report. The report to which he referred refers to legislation that is still to come before the parliament, not this regulation. Wrong, wrong, wrong. But isn't it great to be wrong and to then make false accusations about the government and pretend that somehow, by peddling these falsehoods, you have heart, you have compassion, you have a social conscience? He was so concerned about the issues that he actually got the wrong speech and was talking about matters completely and utterly unrelated to this regulation.

He went on to say that job service providers will now have to make these decisions under this regulation—again, false; again, wrong. No: the Department of Human Services officials, under this regulation, will continue to make the decisions. But he said, 'But these professionals in the Department of Human services will be swept aside, and job service providers will have to make decisions they don't want to make.' Guess what? They will not have to. The Department of Human Services continues to make these decisions. Again, Senator Cameron was either clothing himself with complete ignorance when coming into this debate to make his contribution or deliberately seeking to scare the Australian community. Either way, Senator Cameron has done himself and the Australian Labor Party a great disservice.

Some of the comments he made also related to the draft request for tender—nothing to do with this regulation whatsoever. The Department of Human Services will continue to make the decisions. Then the good senator asked, 'What if the person has psychological issues, or he or she has drug and alcohol issues?' It is pretty simple. Have a look at the regulation—if you got that far. I think he was reading other documentation, and that is why we got the confused speech. All this regulation seeks to do is to explain matters to be taken into account in
determining whether a person had a reasonable excuse: in clause (4)(i), 'If the person's failure was a result of the person being incapacitated due to illness, injury or disability'. The test further up says, with reference to the reasonable person, that if you suffer from injury or from mental illness then that is covered by the regulation. Every single example, every single story, was completely flawed in Senator Cameron's contribution.

He then asked, 'What about if you have family responsibilities?' It is a pity he did not read clause (4)(iv): 'If the person's failure was a result of the person having unforeseeable and unavoidable caring responsibilities'. It is there, black on white, for anybody who actually does the hard yards of reading the regulation. Anyone wanting to know what is actually in it will be satisfied that everything Senator Cameron said was spoken either in ignorance or with a complete wilfulness to mislead the Australian people. It is there, black on white. Then he asked, 'What about if somebody was the victim of criminal violence or the victim of assault?' I have already gone through if a person's failure is due to being incapacitated by injury. I would have thought that would be a pretty good answer to Senator Cameron's question.

Indeed, the regulation we have before us is designed to ensure that there is some robustness in the system, and every fair-minded Australian would say that that is reasonable. But because Senator Cameron does not want people to think it is reasonable or fair he came out with these extreme examples—each and every one of which is covered in the regulation before us. Indeed, he went as extreme as to ask, 'What if there was a death in the family?' If Senator Cameron had done his homework he would have seen that clause (3)(b) says the matters include:

(b) whether there were exceptional and unforeseeable circumstances beyond the person’s control such that no reasonable person would expect the person to comply with the requirement that resulted in the failure …

I think every Australian listening in to this debate this evening would accept that the professional people in the Department of Human Services would come to the conclusion that a death would be just such a circumstance covered by clause (3)(b). So it really does beg the question: what is it that motivates the harsh, ugly and misleading language used by the Australian Labor Party?

With what the senator said, trying to champion the workers of the Department of Human Services, he is in fact saying that the officials in the Department of Human Services, confronted with a job seeker not reporting because of a death in the family, would say that was not an exceptional or unforeseeable circumstance. Basically what he is saying is that the professional staff would be completely and utterly unreasonable. It is a sad reflection on Senator Cameron that he has such a view of the hardworking people in the Department of Human Services. It is a sad reflection on Senator Cameron and the Australian Labor Party that they do not understand that which is before them, black on white, in relation to this particular regulation. In all of this, Senator Cameron pretends that he is compassionate. There was a lot of passion in what he said, but it was not compassionate, because the passion with which he spoke was conceived in ignorance and born in ignorance. There was simply no truth to that which he was asserting.

Australians are willing to assist their fellow Australians in tough times. In exchange, those Australians who provide that assistance—namely, the taxpayers—do not unreasonably expect
that those who are the beneficiaries of their largesse through their taxes will do their very best to do the right thing in all circumstances.

I return to Senator Siewert's comments. Regrettably, I think she may have listened in to the comments of Senator Cameron and then just echoed them. Senator Siewert asked, 'What if you have caring responsibilities?' I have already pointed out that caring is specifically referred to in the regulations. But then she had the audacity to say, 'This is a government that is harsh, cruel and seeking to demonise.' No. It was Senator Siewert's contribution that falsely accused the government of seeking to demonise and acting cruel and harshly in certain circumstances, but her assertions can be absolutely and utterly rebutted by the words of the regulation that is currently before us.

Having debunked the nonsense of Senator Cameron, in particular, and Senator Siewert, I will turn to the positive elements of this regulation.

Debate interrupted.

**COMMITTEES**

**Report**

_Senator FAWCETT_ (South Australia—Deputy Government Whip in the Senate) (18:51): Pursuant to order and at the request of the chairs of the respective committees, I present reports on legislation from committees as listed at item 17 on today's Order of Business together with the _Hansard_ record of proceedings and documents presented to the committees.

Ordered that the reports be printed.

**Report**

_Senator FAWCETT_ (South Australia—Deputy Government Whip in the Senate) (18:51): Pursuant to order and at the request of the chairs of the respective committees, I present reports from committees in respect of the examination of annual reports tabled by 30 April 2014.

Ordered that the reports be printed.

**DOCUMENTS**

**Consideration**

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

**ADJOURNMENT**

_The ACTING DEPUTY PRESIDENT (Senator Bernardi)_ (18:52): Order! I propose the question:

That the Senate do now adjourn.

**Tasmania**

_Senator ABETZ_ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (18:52): In recent times, the people of Tasmania elected the Will Hodgman government. Tomorrow it will be delivering a state budget which seeks to repair the damage occasioned to that state and her people over the previous 16 years of Labor government, maladministration and destruction of
its economy. What the Labor-Green government, in particular, left as a legacy to the people of Tasmania was an economy that on all the CommSec economic indicators was at the very, very bottom, except for one—that was the unemployment rate, where Tasmania, regrettably, topped the scales.

It was a shameful outcome. After 16 years, over 1½ decades, of Labor rule and, part of it, Labor-Greens rule, we saw what Labor governments do to an economy and, more importantly, to the people. Part of the disastrous Labor-Greens government, especially in more recent years, was what it did to the forestry sector in my home state of Tasmania. Through a so-called intergovernmental agreement, a so-called peace deal, which the people rejected overwhelmingly at the election in March, the Labor-Greens legacy was the destruction of livelihoods and communities from Triabunna to Zeehan and townships in between and people suffering in a manner that was completely and utterly unconscionable. The good news is that things are turning around in my home state of Tasmania and, what is more good news, I now see Senator McKenzie in the chamber. I will defer to her.

Animal Cruelty

Senator McKENZIE (Victoria) (18:54): I thank the Leader of the Government in the Senate. I indeed have something to say, briefly, in the adjournment debate while Senator Lines makes her way into the chamber. Who in this chamber has or knows somebody who has experienced a break-in? Unfortunately, it has become an occurrence for our farmers, whose properties are being trespassed upon and whose operations are being secretly filmed, sometimes over days, even weeks and months. The perpetrators are not animal rights activists; they are vigilantes intent on shutting down our profitable livestock industries.

The founder of the Aussie Farms websites, Chris Delforce, admits that he believes various livestock industries 'don't have a right to exist anymore' and that meat consumption is unnecessary. Abattoirs and pig, egg, and chicken farming are on his hit list. He releases video footage obtained through covert surveillance on a website he has created. He does not know what the alternative would be for farming families and others reliant on these industries for survival. He has also pledged that his website will expose footage from 100 piggeries throughout Australia by the year's end, having already targeted 24 in New South Wales, Victoria, Queensland, South Australia and Western Australia. It includes listing the names of different piggery directors, their phone numbers, addresses and Google Maps locations.

Then there is PETA, People for the Ethical Treatment of Animals, whose latest video footage targets the wool industry. PETA reportedly sent three undercover investigators to shearing sheds between late 2012 and March 2014 and shot the video between October 2013 and February 2014. If PETA really cared about the sheep concerned, why did they not immediately hand the footage over to authorities to investigate instead of two years after filming began and months after it finished?

In many cases, these are sophisticated operations. Last year, for example, elaborate video equipment was found in a false ceiling built in a furrowing house at a piggery in south-west New South Wales. Experiencing this level of intrusion on a private property is very unsettling. In fact, many of them feel similar to how homeowners would feel if they had been burgled. They would feel traumatised, that they had been invaded and that their staff had been put at risk.
What I find disturbing, as I am sure others would, is that this unlawful behaviour by so-called 'undercover investigators' has been condoned by Greens Senator Lee Rhiannon. Yesterday in the Senate, Senator Rhiannon again refused to condemn these actions and opposed the notice of motion I presented. Senator Rhiannon must respect the role of the relevant authorities, not of vigilantes, in addressing any cases of animal cruelty. Her stance is also at odds with her own party's Keep Farmers on the Land policy, which focuses on protecting farm jobs, apparently, and acknowledges the challenges farmers endure to make a living from the land.

The coalition government does not tolerate animal cruelty in any form but does not believe it is widespread. In the case of the PETA shearing video, Wool Producers Australia president, Geoff Fisken, said it showed isolated incidents and does not portray the 99.9 per cent of wool shearers, who would be appalled by the footage. These are industries which adhere to strong welfare policies. Nor does this government tolerate the activities of vigilantes, which was the purpose of the notice of motion that I presented to the Senate yesterday and that was passed, thanks to the support of Labor and the crossbench. My colleague Senator Chris Back is proposing a private senator's bill with similar intentions while also ensuring any cruelty to animals is promptly reported.

As well, this government shares concerns by livestock industries that the illegal activities of these vigilantes pose significant threats to on-farm biosecurity measures and the subsequent health risk to the animals, through the potential spread of pests and disease. Such contamination would also have serious economic ramifications for these farm operations. An egg farmer at Werribee in my home state of Victoria was very concerned for the health of his hens after a break-in by animal vigilantes at around 2 am one morning in June. His hens are kept in conditions designed to minimise the risk of them catching disease, and these were compromised after the break-in. Advice also suggests that such activities have potential implications for our trade and export arrangements. Australia's favourable pest and disease status is integral to the domestic and international standing of our agricultural and food sector.

The right to privacy and the lack of it with the increasing use of drones is another concern for our farmers. Animal Liberation, for example, has reportedly used drones to step up its campaign against intensive livestock industries. The NFF raised legitimate concerns about how this footage is used and edited. Deborah Kerr from Australian Pork Limited rightly told a recent parliamentary roundtable on drones and privacy, held by the House of Representatives Social Policy and Legal Affairs Committee, that it should be up to the appropriate regulators, not activist organisations, to use this technology to investigate agricultural facilities, where necessary. The point is that just as people are not permitted to trespass on private property in urban areas they should not be able to do so on rural land, many of which are farmers' family homes. These are farmers with strong husbandry skills and a commitment to the welfare of their animals.

According to Meat and Livestock Australia, Australia has become an international leader in the development of welfare standards and guidelines for the red meat industry. Factoring in the flow-on effects, the industry contributes $16.2 billion in gross domestic product, or 1.3 per cent of total GDP. It also underpins more than 148,000 full-time equivalent jobs.

Australia is the one of the few countries in the world where the welfare of pigs is protected by a model code of practice, developed along with vets, regulators and welfare groups. In
recognition of growing community concerns about the welfare of sows, the industry has committed to phasing out gestation stalls, by 2017. When flow-on effects are taken into account, the pork industry contributes almost $2.8 billion to the gross domestic product and underpins more than 20,000 full-time equivalent jobs.

The Australian chicken meat industry uses national model codes of practice that were developed in consultation with governments, industry and animal welfare groups. The industry's gross value of production was $2.21 billion in 2012-13, and it directly employs an estimated 40,000 people.

The egg industry, again, adheres to a model code of practice for the welfare of animals, also developed in consultation with industry and animal welfare groups. The gross value of egg production in Australia was $653 million in the 2012-13 financial year, and the egg industry directly employs around 4,000 people.

Overall, the animal industries, the animal welfare bodies, the veterinary profession and the research community are all engaged in the development of animal welfare policy and legislation here in Australia that is world class. Further, Australian farms and their closely related sectors generate $155 billion a year in production, underpinning 12.1 percent of gross domestic product. Australia's farm exports earned the country $32.5 billion in 2010-11, up from $32.1 billion in 2008-09. The agricultural sector, plus related farm services, employs 1.6 million people, or 17.2 percent of our nation's labour force. No sane person would want to shut these industries down.

I will conclude with a reader's comment in The Land in response to this particular issue: 'You don't destroy the car industry because a few drivers are doing the wrong thing. … If you have evidence of cruelty … let the courts take action.' In the motion the Senate passed yesterday, that is precisely what the Senate agreed should occur.

**Health Care**

**Senator LINES** (Western Australia) (19:04): I rise tonight to speak about the GP tax the Abbott government wants to impose—one of the harsh, cruel measures in its recent budget. I particularly want to focus on the effect that imposing a GP tax will have on Aboriginal community controlled health services, and I will focus on those services in Western Australia.

The AMA recently spoke at the National Press Club, where it, too, condemned the government's intention to introduce a GP tax, and it was certainly not for selfish reasons. When fairly conservative bodies like the AMA come out and criticise government, then government surely must realise that its proposals are well and truly on the nose. The AMA said that whilst our universal health system was not without its faults, the president of the AMA said it is 'one of the most efficient and highly performing health systems in the world.' That is an amazing approval rating from GPs and specialists.

The AMA president said:

It is a system that is worthwhile protecting, improving, and investing in for the future.

The AMA say there are key foundation aspects of our health care system, and those go to three key areas, which the AMA say that we as a country must value and guard. The first key function of our health system is that it is a universal system. The second key function is that everyone has access to care. The third key function is that it is affordable, even for those on low incomes.
A GPs ability to bulk bill patients who cannot afford out-of-pocket expenses is an important part of encouraging access to health care. That, again, was one of the planks that the AMA thought was critical—that is, the doctor's ability to choose whether or not to bulk bill the whole practice or some patients in particular.

As the AMA says, the independence of the doctor-patient relationship is sacrosanct. In order for doctors to provide the best care, they must be free to order tests or prescribe a course of treatment, without worrying that patients will not be able to afford the treatment because of the imposition of an additional cost by government. I further quote the AMA president:

The lack of protection for vulnerable patients, and the multiplier effects of pathology and diagnostic imaging co-payments, threaten the universality and affordability for health care for the neediest and the sickest in the community.

This GP tax proposed by the Abbott government goes against the grain of conventional health policy: encouraging people to see their family doctor for measures such as vaccination—although, if you believe what you read in the media, the government seems to be backing away from that—and the monitoring of problems such as the silent killer of hypertension. This GP tax especially jeopardises policies that support the efforts to improve Aboriginal health and to close the gap. It penalises those with chronic disease.

The government's response to questions from Labor about its GP tax would be laughable if only the consequences of the tax were not so dire. The Assistant Minister for Health, Fiona Nash, has repeatedly said in this place, 'It's up to doctors what they charge.' Whilst the assistant minister might fiddle with the truth, there is no doubt that the Abbott government wants to impose a GP tax on patients. If doctors choose not to impose this tax, they lose out on their rebate. The government's ideology to slash and burn Australia's universal health system is a lose-lose deal. If doctors choose not to impose the tax, they lose; if they do impose the tax, patients lose.

It is a difficult decision for health providers to make and one that the Aboriginal Health Council of Western Australia has considered and made a decision about. The Aboriginal Health Council of Western Australia is the peak body for Aboriginal community-controlled health services and it supports 20 services in Western Australia. The council has undertaken an impact and risk assessment on the Commonwealth budget. More recently, the council announced that WA Aboriginal community-controlled health services will not charge their patients the $7 GP tax if it is implemented.

This is a bold and brave move by Aboriginal community-controlled health services, as it represents a $2 million loss in revenue. But they made that brave and bold decision out of concern for their patients and the outcomes for patients. That is what has motivated this tough decision. These WA health services have more than 60,000 registered clients, of which 50,000 are Aboriginal clients. In a year, they undertake over 200,000 clinical appointments and 400,000 occasions of service. That is in just one year, across those 20 WA Aboriginal community-controlled health services. These health services believe that the GP tax will affect their patients. Despite that massive $2 million loss in income that they will suffer by not charging the GP tax, they are going to go ahead and implement that measure in any event.

Aboriginal community-controlled health services are also concerned by the introduction of a new form of checking by the government, which is a new Medicare item number called a MIN. That will be used by the government to track the number of individual visits to doctors.
Doctor visits will be tracked, under the Abbott government's GP tax, by the Department of Human Services. Whilst the government may argue that the collection of the number of doctor visits is necessary in order to trigger its 10 doctor visits before the threshold to enable the Medicare rebate to kick in, it is nevertheless an invasion of privacy. Currently, there are no individual doctor visits counted in our health system. This will be the first time that any government will be able to track the number of GP visits individuals make.

I can imagine the Abbott government in a year or two saying, 'Well, there is an overuse of doctors here, because we deem that perhaps 10 visits a year is enough and the minute you get to 15 or 20 somehow the overuse comes in.' Who knows if, into the future, that charge of $7 will creep to $8 and then up to $10? And up and up it goes. In making the decision to not collect the GP tax, these Aboriginal community-controlled health services will lose around $2 million per year based on their current client load. No organisation or association working in health in Australia supports the government's proposed GP tax. What's more, the government—in its usual fashion—has failed to provide any data or research to support its GP tax. Of course, it was either another broken promise or an outright lie by the Abbott government that there would be no cuts to health and no new taxes.

The key theme of the Abbott government's harsh budget has been its attack on those who can least afford it and those who are least able to defend themselves. We know that Aboriginal Australians have poor health outcomes. I would plead with the government that it is time to drop the GP tax. It is a tax on the sick, it is a tax on the poor and it is an attack on our universal health system, which the Australian Medical Association says is one of the most efficient and the best in the world. Let's give our Aboriginal community-controlled health services back their $2 million and not make Aboriginal health outcomes worse in our community.

Health Services Union

Afghanistan

Senator EDWARDS (South Australia) (19:14): Tonight I rise to speak on a number of foreign and domestic matters, particularly on how they overlap. Before I get into those substantive issues, it has struck me as noteworthy—and you would be interested, Mr Acting Deputy President Bernardi—that yesterday, 26 August, the Royal Commission into Trade Union Governance and Corruption heard an intercepted conversation between Gerard Hayes of the Health Services Union and his former boss, Michael Williamson, previously of Sussex Street and now of Silverwater. This conversation took place on 4 April 2012. During this discussion Mr Hayes informed Mr Williamson that he was informed the previous day, 3 April, by Sam Dastyari that the government, through then Minister Bill Shorten, intended to apply to the Federal Court to appoint an administrator to the HSU East branch.

If true, this tip-off to the now Senator Dastyari occurred some 27 days before then Minister Shorten actually filed the application in the Federal Court on 30 April. Three days after the application, on 3 May 2012, the New South Wales minister responsible for industrial relations, Greg Pearce, wrote to Bill Shorten expressing his strong concern about the process. He wrote: 'Proposed actions relating to the New South Wales union significantly intrude into the New South Wales industrial relations jurisdiction.' He went on to say: 'Further, these proposed actions have only come to light after the application was filed. I am disappointed that you made no effort to communicate with me about these matters.'
So I ask: did the former government give Sam in Sussex Street a tip-off one month in advance so that he could forewarn his factional colleagues in the HSU? I call on Senator Dastyari to provide a personal explanation as to who it was in the former government that gave him any tip-off on 3 April 2012. I call on Mr Shorten to say if he gave Mr Dastyari the tip-off whilst engaging in no consultation with the relevant state minister on a matter that clearly concerned the state. I feel sure that you, Mr Acting Deputy President, like me, will be very interested to hear these responses.

A fortnight ago I found myself visiting a war zone. In military terms they call this 'in country'—and that country was the most inhospitable place I have ever seen. I was in Afghanistan. I was there with some of the finest and most courageous people I have ever met: the men and women of the Australian Defence Force. We were literally rocketed while I was there. Fortunately they missed. That is the danger that these people in the ADF face every moment of every day. But to see their well-drilled response to that rocketing was to see professionalism personified.

Two days before I arrived, US Major General Harold Greene became the highest ranking American officer to be killed in combat in 44 years when he was shot in a green-on-blue incident in Kabul in which 14 others were injured, some maimed for life. The assassin—an Afghan National Army soldier trained by General Greene's own troops—was killed, meaning we will never know with certainty what motivated this act. In any case it reinforced that there is no place that is completely safe in Afghanistan. His death at the hands of a coward lurking within also demonstrates the complexity of pursuing peace in that land.

Afghanistan is a scene of abject poverty. Its adobe homes and compounds are located in a plethora of deep valleys which, through some miracle, manage to support life along their narrow flood plains, which depend on waters generated from the snow melts on the many barren mountain-tops which dwarf all before them. In Afghanistan the agricultural season coincides with the fighting season. But there are really just two seasons in this place: ridiculously hot and freezing cold. There are three major industries: marble quarries, poppy growing—both controlled by brutish forces—and of course war. For many Afghans it is war that feeds them, and when you are not getting fed, war takes on a life-or-death appeal.

As an Australian, when you visit a place with this kind of poverty and with a prominent ideology of valuing the afterlife substantially more than life itself, what you have is two worlds colliding. This is a place where a seven-year-old boy is strapped with explosives laden with ball bearings and sent into a crowded market while his handlers remotely detonate this human smart-bomb, making a martyr of him and killing all others in range. This is a place where women are often marginalised, commoditised and sold like farm animals. The extent to which this contrasts with our values and our aspirations as Australians is quite beyond description. Yet most want to live in peaceful observance of their religion but are betrayed by those who seek to wreak terror in the name of their religion.

There are many things I could say about this region, but it is very complex. It is like Western Australia funding a war, via an army of Northern Territorians, on Queensland, taking control of the Wivenhoe Dam and marching nonbelievers up the highest mountain and terrorising them, only to have the Victorians come to their aid. But they cannot fly over New South Wales because that has an alliance with the people in Western Australia. Therefore South Australia comes to the rescue, providing airfields and air cover so that the Victorians
can provide support for Queensland. That is the complexity, and about the same range of area of land, in which this war plays out and in which this clash of cultures and hatreds, built up for hundreds of years, preside.

Complicated? Absolutely. Is my metaphor absurd? Absolutely. But that is the nature of the conflict in the Middle East today—vast social complexity, profound religious animosity and great economic disparity, all confined to one geographic neighbourhood. Those three things are a formula that goes some way to explaining something the former head of counter-terrorism at Scotland Yard, Nick O’Brien, called 'the greatest security threat to Australia this century'.

Mr O’Brien was referring to those who travel to partake in jihad and return to Australia trained and perhaps inclined to conduct terrorist actions in our home and upon our people. About 60 such terrorism tourists—a number amongst the highest per capita in the world—have left Australia for places like Iraq and Syria.

The scale of the threat can be assessed thus: between 1990 and 2010, 30 Australians travelled to Pakistan or Afghanistan to fight with extremist organisations. Of that number, 25 returned, 19 went on to undertake activities of concern while eight were ultimately convicted of terrorism-related offences. I reiterate that today double that number of Australians are fighting with jihadist groups, and I note this number increases to 150 when we account for those who actively support them from home. So if you believe that you are safe from those who would murder you and your children on ideological grounds, you are wrong.

It is difficult to comprehend that Australian forces have been present in this region now for 31 years. For that period of time we have stood side by side with our most important allies but it must be said that in the Middle East we have had a short-term plan. What is evident, however, is that the United States is not leaving the Middle East region anytime in the next 100 years. We now have to turn our minds to the part we play in that effort and to how we foster strong security and trade relations with the region—because, make no mistake, the two are intrinsically linked.

I put on the record my appreciation and admiration for Major General Craig Orme, his commanders and his soldiers for the work they do. They are all very effective ambassadors for Australia.

**Senate adjourned at 19:24**

**DOCUMENTS**

**Tabling**

The following documents were tabled by the Clerk:

*Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.*

**Australian Prudential Regulation Authority Act 1998**—Australian Prudential Regulation Authority (confidentiality) determination—No. 13 of 2014 [F2014L01127].


Infrastructure Australia Amendment Act 2014—Infrastructure Australia Amendment Commencement Proclamation 2014 [F2014L01120].


National Health Act 1953—National Health (Highly specialised drugs program for hospitals) Special Arrangement Amendment Instrument 2014 (No. 8)—PB 63 of 2014 [F2014L01126].


Telecommunications Act 1997—Telecommunications Integrated Public Number Database Scheme Amendment 2014 (No. 1) [F2014L01128].

Tabling

The following government documents were tabled:

Migration Act 1958—Section 486O—Assessment of detention arrangements—Personal identifiers

The following document was tabled pursuant to standing order 139(2):

Unproclaimed legislation—Document providing details of all provisions of Acts which come into effect on proclamation and which have not been proclaimed, including statements of reasons for their non-proclamation and information relating to the timetable for their operation, as at 1 August 2014, dated August 2014.

The Minister for Finance (Senator Cormann) tabled the following documents:

Environment—Queensland—Abbot Point—Letter to the President of the Senate from the Minister for Finance (Senator Cormann) responding to the order of the Senate of 17 July 2014 and raising a public

The following document was tabled pursuant to the order of the Senate of 20 June 2001, as amended:

Departmental and agency contracts for 2013-14—Letter of advice—Industry portfolio.